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Document No. 4388

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards

**Synopsis:**

1. The Department has amended R.61-62, Air Pollution Control Regulations and Standards, to codify and update “General” language.

2. The Department also amended R.61-62.1, Definitions and General Requirements, and the SIP:

a) (Section I, Definitions) to modify the definition for “Commissioner” to include the term “Director;” to add definitions for the terms “Code of Federal Regulations (CFR),” “NAICS Code,” and “SIC Code;” and to strike the majority of the definition for “Volatile Organic Compound” (VOC) which included an exemptions list. The exemptions list for VOC is amended on an almost annual basis and requires a SIP amendment. Therefore, the Department proposed to reference 40 CFR 51.100(s) as the federal definition is often amended before the Department is able to complete the regulatory process outlined in the Administrative Procedure Act.

b) (Section II, Permit Requirements) to update the activities list which an owner or operator may undertake prior to obtaining a construction permit; to update and streamline exemption thresholds for construction permits; to outline construction permit requirements for sources of VOCs; to update and clarify construction permit application requirements; to streamline and update general construction permit requirements; to clarify and update operating permit renewal request requirements; to strike the Department’s requirement to public notice registration permits; to update and streamline registration permit text; to update and streamline transfer of ownership/operation requirements; and to amend the Department’s public participation procedures to allow for posting on the Department’s website.

c) (Section III, Emissions Inventory) to incorporate into South Carolina regulatory text and the SIP the Clean Air Act requirement for sources in ozone nonattainment areas to submit an annual emissions statement; and to update and clarify annual and three-year emissions inventory reporting requirements as current regulatory text and format was found by owners and operators to be confusing. No new reporting requirements are included in these changes.

d) (Section IV, Source Tests) to incorporate provisions from two Final Rules published by the Environmental Protection Agency (Restructuring of the Stationary Source Audit Program (SSA) (75 FR 55636) and Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (PGVP Rule) (76 FR 17288)). This amendment reflects a change in EPA’s SSA program. EPA no longer provides the Department with audit samples for sources. Source owners, operators, and representatives must purchase samples from an Audit Sample Provider when a sample is commercially available. The Department also clarified air emissions testing and reporting requirements and added language to reflect federal testing competency requirements as found in the PGVP Rule which does not affect state testing.

3. The Department also amended R.61-62.5, Standard 1, Emissions from Fuel Burning Operations; R.61-62.5, Standard 4, Emissions from Process Industries; and the SIP to incorporate comments from a previous regulatory action which did not require General Assembly review. The Department evaluated the comments received and determined to streamline sulfur dioxide emission standards in Standard 1; change reporting requirements from quarterly to semi-annual periods to reflect federal requirements; update state regulations that have been made obsolete by a National Emission Standard for Hazardous Air Pollutants and/or New Source Performance Standard; and strike total reduced sulfur periodic testing requirements from Standard 4.

4. The Department also amended R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability more consistent with the federal definition found in 40 CFR Section 63.40(b) and to move the “Note” regarding state authority to the beginning of R. 61-62.63 for clarity and usability.

5. The Department also amended R.61-62 to reflect minor revisions aimed at enhancing the clarity and usability of these regulations per the 5-year audit.

A Notice of Drafting was published in the South Carolina State Register (Volume 37, Issue 8) and on the Bureau of Air Quality Regulatory Development website on March 22, 2013. Notice of the Department’s intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. The Department met with external stakeholders on April 16, 2013. Two comments were received which are not germane to this package. The public comment period ended on April 22, 2013. No comments were received.

A Notice or Proposed Regulation was published in the State Register on August 23, 2013. Comments were received from both the South Carolina Chamber of Commerce’s Environmental/Technical Committee and Region 4 of the Environmental Protection Agency. Comments were taken into consideration during the drafting of this Notice of Final Regulation.

**Discussion of Revisions:**

SECTION CITATION/EXPLANATION OF CHANGE:

**Regulation 61-62, Air Pollution Control Regulations and Standards**

Regulation 61-62, Air Pollution Control Regulations and Standards:

Is amended to add a reference to the S.C. Code of Laws outlining statutory authority, to add codification to and update “General” language, and to add codification and make minor edits to the “Table of Contents.”

**Regulation 61-62.1, Definitions and General Requirements**

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition “18. Code of Federal Regulations (CFR) – Means the general and permanent rules codified and published in the Federal Register by the departments and agencies of the federal government.” is added in alpha numeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for “Commissioner” is amended to make the words “Commissioner” and “Director” synonymous in Regulation 61-62 for clarity.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for “Hospital” is amended to hyphenate the number “twenty four” for consistency.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for “Industrial Furnace,” paragraph l, is amended to add hyphens to the phrase “case by case” for consistency with the rest of Regulation 61-62.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition “54. NAICS Code - Means North American Industry Classification System (NAICS) Code, a six digit coding system, which attempts to classify all business establishments by the types of products or services they provide.” is added in alphanumeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition “81. SIC Code – Means Standard Industrial Classification Codes which are four digit numerical codes designed by the U.S. Department of Labor in order to create uniform descriptions of business establishments.” is added in alphanumeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for “Volatile Organic Compound (VOC)” is amended to cite 40 CFR 51.100(s)(1).

Note: State Register Document 4387, an amendment of R.61-62, is expected to be published as final at <http://www.scstatehouse.gov/regs/4387.docx> on December 27, 2013, as Doc. No. 4387 does not require Legislative Review. Document 4387 is being promulgated to comply with federal law and contains a proposal to amend the definition of Volatile Organic Compounds. Proposed amendments contained in Document 4387 are anticipated to take effect as law by publication in the South Carolina State Register prior to the proposed amendments contained herein (Document 4388) which also amend the definition of Volatile Organic Compounds. After final publication of Document 4387 in the State Register, the Department intends to strike the majority of the text contained in the definition for Volatile Organic Compounds (to include the text which is being added as part of Document 4387) and to cite 40 CFR 51.100(s)(1) (the federal definition). Document 4388 will be submitted to the General Assembly for review and, if approved, is expected to take effect six to twelve months after Document 4387 is state effective.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definitions are renumbered in alpha-numeric order from definition “18.” to the end to account for newly added definitions and to ensure clarity and consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.a is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.c.ix through Paragraph A.1.c.xvii are being amended or added to expand the list of activities that may take place on a site before obtaining a construction permit.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.d is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B is amended to make the word “From” lowercase for title capitalization consistency throughout Regulation 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.1 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.1.b is amended to define the abbreviation for Btu/hr and the use the proper abbreviation hereafter for clarity and consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.1.c is amended to utilize the previously established unit abbreviation “Btu/hr.”

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.2 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.2.a is amended to strike the unit “British thermal unit per hour” in order to utilize the previously established unit abbreviation.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.2.h is amended to mirror the exemption thresholds for construction permits with the Title V Insignificant Activity List and to allow for flexibility at higher levels without exempting federally applicable limits that are not otherwise exempt.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.3 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual. Paragraph B.3 is also amended to make an allowance for the Department to develop emission thresholds for exemptions which will not interfere with the attainment or maintenance of any state or federal standard.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.5 is added to outline construction permit exemption requirements for sources of VOCs.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.5 is renumbered as Paragraph B.6 and amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.5.d is renumbered as Paragraph B.6.d and is amended to properly cite Regulation 61-62.5, Standard No. 7.1.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.6 is renumbered as Paragraph B.7 and is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph C.3 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph C.3.a is amended to clarify construction permit application requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph D.1 is divided into two items (Paragraph D.1 and Paragraph D.2) for usability.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph D.2 is renumbered as Paragraph D.3 to account for the newly codified Paragraph D.2. The newly codified paragraph is also amended for grammatical correctness and divided into Paragraph D.3 and Paragraph D.4 for usability.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph D.3 is renumbered as Paragraph D.5.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph D.4 is renumbered as Paragraph D.6 and is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph D.5 is renumbered as Paragraph D.7.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.1.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.1.c is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.1.e is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.2.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.2.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.4.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual. Paragraph E.4.a is also divided into Paragraphs E.4.b, E.4.c, and E.4.d. Paragraphs E.4.b and E.4.c are subsequently recodified as Paragraphs E.4.e and E.4.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.5.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.5.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph F.2 is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph F.3.b is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.1 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.2.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.2.c is amended to strike the requirement for a conditional major operating permit renewal to be public noticed, to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual, and to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification. Paragraph G.2.c is also divided into Paragraph G.2.d for usability and Paragraphs G.2.d and G.2.e are subsequently recodified as Paragraphs G.2.e and G.2.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.4.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.4.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.5.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.6.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.6.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.7.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual. Paragraph G.7.a is also divided into Paragraphs G.7.b, G.7.c, and G.7.d. Paragraphs G.7.b and G.7.c are subsequently recodified as Paragraphs G.7.e and G.7.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.2 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.3 is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4 is amended to change the word “effect” to “affect” to correct a typographical error.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4.a is amended to clarify operating permit renewal request requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4.h is amended to indicate that “A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination” “must be provided” as part of an operating permit renewal request.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.1.a is amended to strike the requirement for the Department to public notice a registration permit.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.2.a is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual, update language, and to divide the Paragraph into Paragraph I.2.b.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.2.b is recodified as Paragraph I.2.c and the reference to registration permit public notice is struck.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.4 is added to provide for the allowance for the Department to reopen a registration permit for cause.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph J is amended to strike the period at the end of the item title for consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph J.1.g is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification. Paragraph J.1.g is also amended to correct a grammatical error and to explain record keeping requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.2 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.a is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.c is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.d is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification, and to properly cite items in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.4 is amended to strike the word “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph M is amended to strike the word “agent,” to replace it with the word “operator” for consistency and clarification, and to clarify the requirements for a transfer of ownership.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.1 is amended to allow the Department to notice permitting activities on the Department’s website.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.2 is amended and divided into Paragraphs N.2.a, N.2.b, N.2.c, N.2.d, N.2.e, N.2.f, and N.2.g to clarify the components of a public notice.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.3 is amended and divided into Paragraphs N.3.a and N.3.b to clarify the public comment process.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.6 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph O is amended to strike the phrase “permittee” and to replace it with the phrase “owner or operator” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Title is amended to include “AND EMISSIONS STATEMENTS.”

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph A, Introductory Paragraph, is newly codified as “Paragraph A.1” and amended for grammatical correctness. Paragraph A.2 is added to define an “emissions statement.”

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph B through Paragraph C, Table 1, is struck. All emissions inventory information contained therein is reworded, reformatted, and clarified as Paragraph B through Paragraph B.1.c, Table 2. There are no new requirements associated with these changes. Paragraph C.1.a requirements for TAP and HAP data to be collected every third year will be omitted from reformatted text (this data will be requested annually as part of annual emissions inventories as is current practice).

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.a (newly recodified as Paragraph B.2.a) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.b (newly recodified as Paragraph B.2.b, B.2.b.i, B.2.b.ii, and B.2.b.iii) is amended to clarify emissions inventory reporting requirements for newly permitted and constructed Title V Sources which have obtained or are in the process of obtaining a Title V permit and newly permitted and constructed nonattainment area sources.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.c (newly recodified as Paragraph B.2.c) is amended for clarity, grammatical correctness, and to reflect codification and formatting changes to Section III.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.d (newly recodified as Paragraph B.2.d) is amended for grammatical correctness and to reflect codification and formatting changes to Section III.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e (newly recodified as Paragraph B.2.e) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e.ix (newly recodified as Paragraph B.2.e.ix) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e.xi (newly recodified as Paragraph B.2.e.xi) is amended to strike the requirement from regulatory text for TAP and HAP data to be collected every third year (this data will be requested annually as part of annual emissions inventories as is current practice).

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.g (newly recodified as Paragraph B.2.g) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.h (newly recodified as Paragraph B.2.h) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C through Paragraph C.4 are added to outline the requirements for emissions statements in ozone nonattainment areas and to include emissions statements in the SIP.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph A.1 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1.a is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual, to strike the phrase “owner or operator,” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1.b is amended to include the phrase “or amended test plan” for clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.3.a is amended to strike the phrase “owner or operator,” to replace it with the phrase “owner, operator, or representative” for consistency and clarification, and to strike a comma for punctuational correctness.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.3.b is amended to strike the phrase “owner or operator,” to replace it with the phrase “owner, operator, or representative” for consistency and clarification, and to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.5.a is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.5.b is amended to clarify and to properly cite items in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual. Paragraph B.5.b is also amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.6 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.7 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.8 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.9 is amended to strike the phrase “owner or operator,” to replace it with the phrase “owner, operator, or representative” for consistency and clarification, and to strike an extraneous semicolon.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C, Introductory Text, is amended to properly cite items in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.1 is amended to replace the word “Facility” with the word “General” for clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.3.a is amended to strike an unnecessary comma for clarity.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.d is amended to add a period after the abbreviation “etc.”

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.l is amended to strike the unnecessary word “and” at the end of the item.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.m is amended to strike the period at the end of the item and replace it with “; and” for list consistency.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.n is added to include source test method performance audit samples and their results to “Internal Quality Assurance/Quality Control (QA/QC) Measures.”

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.1 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification. Paragraph D.1 is also amended to include the requirements for a complete source test notification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.2 is amended to strike each instance of the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.4 is amended to clarify the requirements that must be met for an individual to be “qualified” to conduct a source test as outlined in the Final Rule: Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (76 FR 17228).

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.5 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.6 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph E is amended in its entirety to reflect federal changes to the Stationary Source Audit Program as outlined in the Final Rule: Restructuring of the Stationary Source Audit Program (75 FR 55636). This “restructuring” requires source owners to obtain commercially available audit samples from Accredited Audit Sample Providers (AASP) rather than obtaining audit samples from the Department/EPA as was the practice in the past. The Rule and CFR also contain a list of test methods for which EPA does not require audit samples. This exemption list will be incorporated into 62.1 at Section IV.E.3.a.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.1 is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.b is amended to add a period after the abbreviation “etc.”

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.c is amended to add a period after the abbreviation “etc.”

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.o is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual and to reflect federal changes to the Stationary Source Audit Program as outlined in the Final Rule: Restructuring of the Stationary Source Audit Program (75 FR 55636). The final test report must indicate that no sample was commercially available if EPA did not have one listed on their website 60 days prior to the beginning of the compliance test.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.r is amended to strike the unnecessary word “and” at the end of the item.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.s is amended to strike the period at the end of the item and replace it with “; and” for list consistency.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.t is added to include applicable or required certifications to final test report requirements.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph G, Introductory Text, is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph H is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph I is amended to strike the phrase “owner or operator” and to replace it with the phrase “owner, operator, or representative” for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section V, Credible Evidence:

Paragraph C.1 is amended to strike the reference “(Supp. 2000)” per the outline for citations found in the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section V, Credible Evidence:

Paragraph C.2 is amended to strike the reference “(Supp. 2000)” per the outline for citations found in the 2011 South Carolina Legislative Council’s Standards Manual.

**Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Emissions from Fuel Burning Operations**

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions:

Paragraph A is amended for grammatical consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions:

Paragraph B is amended for grammatical consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions:

Paragraph D is amended to define the abbreviation “EPA” to be used hereafter for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section II, Particulate Matter Emissions:

Paragraph B is amended to properly abbreviate the unit “pounds.”

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section III, Sulfur Dioxide Emissions:

Paragraph A is amended to streamline sulfur dioxide emission standards and all succeeding text (Paragraphs B-D) is struck in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) for simplicity in light of Regulation 61-62.5, Standard 2, Ambient Air Quality Standards.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.1 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.1.b is amended to remove parenthesis from Section numbers for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2 is amended to change the word “this” to the word “the” in the phrase “this Department” for consistency. Paragraph A.2 is also amended to codify previously uncodified text.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2.a is amended to strike the period after the unit citation Btu/hr for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2.b is amended to strike the hyphen in the term “non-compliance” for consistency and to strike uncodified text which is added to Paragraph A.2 as part of this action.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1 is amended for consistency with the 2011 South Carolina Legislative Council’s Standards Manual. Paragraph B.1 is also amended in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) in order to “align reporting requirements with CFR 60.51Da(j), 40 CFR 60.49Db(w) and 40 CFR 60.48Dc(j).” Paragraph B.1 is also being amended to add codification to previously uncodified text.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1.a is amended to properly cite Section I per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1.c is amended to properly cite Section I per the 2011 South Carolina Legislative Council’s Standards Manual, and to strike uncodified text which is being added to Paragraph B.1 as part of this action.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph C is amended to properly cite Section IV per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.1 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual and to make other nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.2 is amended to make nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.3 is amended to replace the phrase “this agency” with the phrase “the Department” for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph E is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual and to make other nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph F is amended to replace the word “plant” with the word “source” and to hyphenate the phrase “case by case” for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph F.3 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section VI, Periodic Testing:

Introductory Paragraph is amended to strike the chemical name “sulfur dioxide” and replace it with the previously established chemical formula “SO2” to avoid confusion.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section VI, Periodic Testing:

Paragraph C is amended to strike the unnecessary comma after the word “Woodwaste.”

**Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries**

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section II, Sulfuric Acid Manufacturing:

Paragraph A is amended to reflect and utilize the chemical formula for sulfur dioxide.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section III, Kraft Pulp and Paper Manufacturing:

Section III introductory text is amended to strike the phrase “rate of emissions” and replace it with the phrase “opacity.” The Table in Section III is amended to strike the third column “Maximum Allowable Emissions of Particulate Matter in Pounds/Equivalent Ton of Air Dried, Unbleached Pulp Produced” in response to a comment made by the South Carolina Chamber of Commerce’s Environmental/Technical Committee (Chamber ETC) on the 2011 End of the Year Revision (State Register Doc. No. 4330) which stated that the “limits have been replaced by equal or lower limits in...40 CFR 63, Subpart MM.” The Department partly agrees, but sees the need to retain opacity.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section V, Cotton Gins:

Paragraph A.8 is amended to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section V, Cotton Gins:

Paragraph D is amended to add codification to previously uncodified text which requires the codification of Paragraphs D.1 through D.4 to change to Paragraphs D.1.a through D.1.d.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section X, Non-Enclosed Operations:

Paragraph B is amended to strike an unnecessary comma.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph C is amended to properly cite an item in Section XI per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph C.1 is amended to properly cite an item in Section XI per the 2011 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.1.c(ii) is amended to codify previously uncodified text as Paragraphs D.1.d(i) and D.1d.(ii).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.3 is amended in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) in order to “align reporting requirements with CFR 60.284(d).”

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.3.a is amended to add a serial comma for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing:

Title is amended to include “Particulate Matter Emissions and/or Sulfur Dioxide (SO2).”

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing:

Paragraph A, Title, is struck for clarification.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing:

Paragraphs A.1 through A.7 are recodified as Paragraphs A through G.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing:

Paragraph B is struck in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) as “this section adds requirements to older sources that are monitored exactly the same way, and by a preferential method, as newer sources.” The Department’s justification deviates from Chamber ETC’s comment but agrees with the proposed revision.

**Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Appendix A is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Appendix B is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Appendix C is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Appendix D is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Appendix E is struck as it was found to be unnecessary per the five-year regulatory audit.

**Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories**

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

“Note” is added prior to Subpart A, General Provisions, in response to a comment made by the Environmental Protection Agency to State Register Doc. No. 2506, “For the sake of clarity we suggest that you add a note to the beginning of the regulation stating its purpose...” This “Note” was originally incorporated “prior to Subpart C” in May 2000 and after several revisions is now found prior to 63.50 in Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j). The “Note” is removed from Subpart B as part of this action and is amended to reflect standardization from the five-year regulatory audit.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.40, Applicability, paragraph (a) is amended to make the definition of “Applicability” more consistent with 40 CFR 63.40(b).

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.43, Paragraph (l)(2) is amended to strike the word “of” in the phrase “owner of operator,” and to replace it with the word “or” for consistency and clarification.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.44, Requirements for Constructed or Reconstructed Major Sources Subject to a Subsequently Promulgated MACT Standard or MACT Requirement, “Note” is struck for clarity and to properly place the “Note” “to the beginning of the regulation” as suggested by EPA in a comment in response to State Register Doc. No. 2506.

**Instructions:**

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, pursuant to each instruction provided below with the text of the amendments.

**Text:**

**61-62. Air Pollution Control Regulations and Standards.**

**Regulation 61-62 shall be revised as follows:**

(Statutory Authority: Section 48-1-10 et seq., S.C. Code of Laws, 1976, as amended.)

A. General. The standards and procedures herein prescribed are necessary to maintain reasonable standards of purity of the air resources of the State consistent with the public health, safety, and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources.

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Trading Program

**Regulation 62.1, Definitions and General Requirements**

**Regulation 61-62.1.I.18 through I.99 shall be revised as follows to include new definitions at 18, 54, and 81; changes to definitions 19, 37, 42, 44, and 96; and to renumber the definition section from 18 to end as necessary:**

18. Code of Federal Regulations (CFR) – Means the general and permanent rules codified and published in the Federal Register by the departments and agencies of the federal government.

19. Commercial Incinerator – Means an incinerator that burns non-hazardous waste from commercial activities with a design capacity of no more than 1250 pounds per hour (lb/hr) and which burns no more than six (6) tons per day (tons/day). Incinerators of this type not meeting these limits are considered municipal waste combustors. This definition does not include retail and industrial incinerators nor does it include waste from maintenance activities at commercial establishments.

20. Commissioner – Means the Commissioner (also known as the Director) of the Department of Health and Environmental Control.

21. Conditional Major Source – Means a stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source’s potential to emit to avoid being defined as a major source as defined by applicable federal and state regulations.

22. Continuous Emission Monitoring System or CEMS – Means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

23. Continuous Program of Physical On-site Construction – Means significant and continuous site preparation work such as major clearing or excavation followed by placement of footings, pilings, and other materials of construction, assembly, or installation of unique facilities or equipment at the site of the source. With respect to a change in the method of operating, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

24. Crematory Incinerator – Means any incinerator designed and used solely for the burning of human remains or animal remains.

25. Department – Means the South Carolina Department of Health and Environmental Control.

26. Dioxins/Furans – Means the combined emissions of tetra- through octa-chlorinated dibenzo-paradioxins and dibenzofurans, as measured by EPA Reference Method 23 (40 Code of Federal Regulations (CFR) 60, Appendix A).

27. Emission Data – Means the definition contained in 40 CFR 2.301(a)(2), July 1, 1986, is incorporated by reference.

28. Emission Limitation (and Emission Standard) – Means a requirement established by the state or by the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

29. Federally Enforceable – Means all limitations and conditions which are enforceable by the Administrator and citizens under the Act, including those requirements developed pursuant to 40 CFR 60, 61, 63, and 70; requirements within the South Carolina State Implementation Plan (SIP); and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51 Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

30. Fuel Burning Operation – Means use of a furnace, boiler, device, or mechanism used principally, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

31. Fugitive Dust – Means a type of particulate emission that becomes air­borne by forces of wind, man’s activity, or both, including, but not limited to, construction sites, tilled land, materials storage piles, and materials handling.

32. Fugitive Emissions – Means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

33. Garbage – Means animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

34. Hazardous Air Pollutant (HAP) – Means a pollutant which is the subject of National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by the EPA by publication in the Federal Register.

35. Hazardous Waste – Means any waste identified as such by Regulation 61-79.

36. Hazardous Waste Fuel – Means hazardous waste that has a heat value greater than 5000 British thermal unit per pound (Btu/lb) and is burned in an industrial or utility boiler or industrial furnace for energy recovery, except for hazardous wastes exempted by Section 266.30(b) of Regulation 61-79.

37. Hazardous Waste Incinerator – Means an incinerator whose primary function is to combust hazardous waste, except for devices which have qualified for exemption as provided in Sections 264.340(b) or 265.340(b) of Regulation 61-79.

38. Hospital – Means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

39. Hospital/Medical/Infectious Waste Incinerator or HMIWI or HMIWI Unit – Means any device that combusts any amount of hospital waste and/or medical/infectious waste.

40. Hospital Waste – Means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

41. Incinerator – Means any engineered device used in the process of controlled combustion of waste for the purpose of reducing the volume; removing the contamination and/or reducing or removing the hazardous potential of the waste charged by destroying combustible matter leaving the noncombustible ashes, material, and/or residue; and which does not meet the criteria nor classification as a boiler nor is listed as an industrial furnace.

42. Industrial Boiler – Means a boiler that produces steam, heated air, or other heated fluids for use in a manufacturing process.

43. Industrial Furnace – Means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

a. Cement kilns

b. Lime kilns

c. Aggregate kilns

d. Phosphate kilns

e. Coke ovens

f. Blast furnaces

g. Smelting, melting, and refining furnaces (including pyrometallurgical devices such as tray furnaces, cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)

h. Titanium dioxide chloride process oxidation reactors

i. Methane reforming furnaces

j. Pulping liquor recovery furnaces

k. Combustion devices used in the recovery of sulfur values from spent sulfuric acid

l. Such other devices as the Department may determine on a case-by-case basis using one (1) or more of the following factors:

i. The design and use of the device primarily to accomplish recovery of material products;

ii. The use of the device to burn or reduce raw materials to make a material product;

iii. The use of the device to burn or reduce secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

iv. The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

v. The use of the device in common industrial practice to produce a material product; and

vi. Other factors as appropriate.

44. Industrial Incinerator – Means any incinerator utilized in an industrial plant that does not meet the definition for any other type of incinerator or an incinerator used to combust Type 5 or 6 waste at any site.

45. In Existence – Means that the owner or operator has obtained all necessary construction permits required by this Department and either has: a. Begun, or caused to begin, a continuous program of physical on-site construction of the source; or

b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time, or that the owner or operator possesses a valid operating permit for the source prior to the effective date of a regulation or standard.

46. Kraft Pulp Mill – Means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at a high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

47. Major Source – Means, except as otherwise provided, any source which directly emits, or has the potential to emit, greater than or equal to the major source threshold as defined by applicable federal and state regulations.

48. Malfunction – Means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

49. Mass Emission Rate – Means the weight discharged per unit of time.

50. Medical/Infectious Waste – Means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals listed below; and any waste defined as infectious waste in Regulation 61-105, Infectious Waste Management. The definition of medical/infectious waste does not include hazardous waste identified or listed in Regulation 61-79.261; household waste, as defined in Regulation 61-79.261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in Regulation 61-79.261.4(a)(1).

a. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

b. Human pathological waste – tissues, organs, body parts, and body fluids that are removed during surgery or autopsy or other medical procedures, and specimens of body fluids and their containers.

c. Human blood and blood products including:

i. Liquid waste human blood;

ii. Products of blood;

iii. Items saturated and/or dripping with human blood; or

iv. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing, and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

d. Sharps – instruments used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

e. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals.

f. Isolation wastes – biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from highly communicable diseases or isolated animals known to be infected with highly communicable diseases.

g. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

51. Multiple-Chamber Incinerator – Means an incinerator consisting of at least two (2) refractory lined combustion chambers (primary and secondary) in series, physically separated by refractory walls, interconnected by gas passage ports or ducts.

52. Municipal Solid Waste, MSW, or Municipal-type Solid Waste – a. Means household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional wastes include:

i. Yard waste;

ii. Refuse‑derived fuel; and

iii. Motor vehicle maintenance materials limited to vehicle batteries and tires.

b. Household, commercial/retail, and institutional waste (MSW) does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes, but is not limited to, railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes (including Type 5 or 6 waste); medical waste; radioactive contaminated waste; hazardous waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

53. Municipal Waste Combustor, MWC, or Municipal Waste Combustor Unit – Means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field‑erected incinerators (with or without heat recovery), modular incinerators (starved‑air or excess‑air), boilers (for example, steam generating units) and furnaces (whether suspension‑fired, grate‑fired, mass‑fired, or fluidized bed‑fired, etc.), air curtain incinerators, and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at plastics/rubber recycling units. Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems. For the purpose of determining reconstruction or modification, as defined in 40 CFR 60 Subpart A, or Regulation 62.5, Standard No. 3, to a municipal waste combustor, the following applies:

a. The boundaries of a municipal solid waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste pit or hopper and extends through:

i. The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;

ii. The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfers the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and

iii. The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

b. The municipal waste combustor unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine‑generator set.

54. NAICS Code - Means North American Industry Classification System (NAICS) Code, a six digit coding system, which attempts to classify all business establishments by the types of products or services they provide.

55. Non-Industrial Boiler – Means any boiler not classified as an industrial boiler.

56. Non-Industrial Furnace – Means any furnace not classified as an industrial furnace.

57. Non-Spec. Oil (Off-Spec. Oil) – See definition of used oil.

58. Opacity – Means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

59. Open Burning – Means any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high temperature processing unit, incinerator or flare, or in any other such equipment primarily designed for the combustion of fuel or waste material.

60. Part 70 Permit – Means any permit or group of permits covering a source subject to the permitting requirements of Regulation 61-62.70. The use of the term “Title V Permit” shall be construed to mean “Part 70 Permit.”

61. Particulate Matter – Means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

62. Particulate Matter Emissions – Means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method described in 40 CFR 60, July 1, 1987, or an equivalent or alternative method approved by the Department, with the concurrence of the EPA.

63. Pathological Waste – Means waste material consisting of only human or animal remains, anatomical parts, and/or tissue; the bags/containers used to collect and transport the waste material; and animal bedding (if applicable).

64. Plant – Means, except as otherwise provided, any stationary source or combination of stationary sources, which is located on one (1) or more contiguous or adjacent properties and owned or operated by the same person(s) under common control.

65. Plastics/Rubber Recycling Unit – Means an integrated processing unit where plastics, rubber, and/or rubber tires are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than seventy (70) percent of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, and/or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or industrial solid waste; and may include manufacturing scraps, trimmings, and off‑specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (for example, paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

66. PM2.5 – Means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method based on Appendix L of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method designated in accordance with 40 CFR 53.

67. PM2.5 Emissions – Means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method approved by the Department with concurrence of the EPA.

68. PM10 – Means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method designated in accordance with 40 CFR 53.

69. PM10 Emissions – Means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by a reference method approved by the Department with concurrence of the EPA.

70. Potential to Emit – Means the maximum capacity of a source to emit a regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

71. Process Industry – Means any source engaged in the manufacture, processing, handling, treatment, forming, storing, or any other action upon materials except fuel-burning operations.

72. Process Weight – Means the total weight of all materials introduced into a source operation, including air and water where these materials become an integral part of the product and solids used as fuels, but excluding liquids and gases used solely as fuels.

73. Process Weight Rate – a. Means a rate established as follows:

i. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

ii. For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

b. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this de­finition, the interpretation that results in the minimum value for allowable emission shall apply.

74. Pyrolysis/Combustion Unit – Means a unit that produces gases, liquids, or solids through the heating of waste; and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

75. Refuse – Means garbage, rubbish, and/or trade waste.

76. Refuse‑derived Fuel – Means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse‑derived fuel including low‑density fluff refuse‑derived fuel through densified refuse‑derived fuel and pelletized refuse‑derived fuel.

77. Retail Business Type Incinerator – Means an incinerator that combusts waste typical of a retail business rather than domestic, commercial, or industrial activities.

78. Rubbish – Means solid wastes from residences and dwellings, commercial establishments, and institutions.

79. Salvage Operations – Means any operation of a business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers, drums, or automobiles.

80. Secondary Emissions – Means emissions which would occur as a result of the construction or operation of a major source or major modification but do not come from the major source or major modification itself. Secondary emissions shall be specific, well defined, quantifiable, and shall impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

a. Emissions from ships or trains moving to or from the new or modified source.

b. Emissions from any offsite support operation which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification.

81. SIC Code – Means Standard Industrial Classification Codes which are four digit numerical codes designed by the U.S. Department of Labor in order to create uniform descriptions of business establishments.

82. Sludge Incinerator – Means an incinerator that combusts wastes containing more than ten (10) percent (dry weight basis) sludge produced by municipal or industrial waste water treatment plants or each incinerator that charges more than 2205 pounds per day (lb/day) (dry weight basis) of sludge produced by municipal or industrial wastewater treatment plants.

83. Smoke – Means small gasborne and airborne particles arising from a pro­cess of combustion in sufficient number to be observable by a person of normal vision under normal conditions.

84. Solid Fuel – Means a fuel which is fired as a solid such as coal, lignite, and wood.

85. Spec. Oil – See definition of used oil.

86. Stack – Means any flue, conduit, chimney, or opening arranged to conduct an effluent into the open air.

87. Stack Height – Means the vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

88. Standard Conditions – Means 760 millimeters of mercury (mmHg) at twenty-five (25) degrees Centigrade (C).

89. Stationary Source – Means any building, structure, installation, or process which emits or may emit an air pollutant subject to regulation by any national or state standard. Use of the term “source” is to be construed to mean “stationary source.”

90. Substantial Loss – Means, generally, a loss which would equal or exceed ten (10) percent of the total initial project cost.

91. Synthetic Minor Source – Means a stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source’s potential to emit to avoid being defined as a major source or major modification, as defined by applicable federal and state regulations.

92. Total Reduced Sulfur (TRS) – Means the sum of the sulfur com­pounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide that are released during the kraft pulping operation.

93. Total Suspended Particulate (TSP) – Means particulate matter as measured by the method described in Appendix B, 40 CFR 50, July 1, 1987.

94. Trade Waste – Means all solid, liquid, or gaseous material or rubbish resulting from construction, building operations, or the prosecution of any business, trade, or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, and cinders.

95. Untreated Lumber – Means wood or wood products that have been cut or shaped and include wet, air‑dried, and kiln‑dried wood products. Untreated lumber does not include wood products that have been painted, pigment‑stained, or “pressure‑treated.” Pressure‑treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

96. Used Oil – Means any oil that has been refined from crude or synthetic oil and as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable. This also includes absorbent material contaminated with used oil such as oily rags or absorbent blankets. Two (2) types of used oil are defined as follows:

a. Spec. Oil (Specification Oil) – Used oil that meets the following specifications: \*

i. Arsenic – 5 parts per million (ppm) maximum;

ii. Cadmium – 2 ppm maximum;

iii. Chromium – 10 ppm maximum;

iv. Lead – 100 ppm maximum;

v. Nickel – 120 ppm maximum;

vi. Total halogens – 4000 ppm maximum; and\*\*

vii. Flash Point – 100 degrees Fahrenheit (F) (37.8degrees C) minimum.

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\* This specification does not apply to used oil fuel mixed with a hazardous waste.

\*\* Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste. The burden of proof that this is not true rests with the user.

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b. Non-Spec. Oil (Off-Spec. Oil) – Used oil that does not meet the specification above.

97. Utility Boiler – Means a boiler that produces steam, heated air, or other heated fluids for sale or for use in producing electric power for sale.

98. Virgin Fuel – Means unused solid, liquid, or gaseous commercial fuel. Also, clean wood or bark that has not been processed other than for size reduction excluding clean wood or bark burned in an air curtain incinerator.

99. Volatile Organic Compound (VOC) – a. Means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This definition does not include compounds that have negligible photochemical reactivity according to the methods employed by the EPA to determine compounds listed in 40 CFR 51.100(s).

b. For purposes of determining compliance with emission limits, VOCs will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

c. The following compound(s) are VOCs for purposes of all recordkeeping, emissions reporting, photo-chemical dispersion modeling, and inventory requirements which apply to VOCs and shall be uniquely identified in emission reports, but are not VOCs for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAc).

100. Waste – Means any discarded material including, but not limited to, used oil, hazardous waste fuel, hazardous waste, medical waste, municipal solid waste (MSW), sludge, waste fuel, and waste classification Types 0 through 6 or any material which as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

a. Type 0 – Trash, a mixture of highly combustible waste such as paper, cardboard, wood boxes, and combustible floor sweepings from commercial and industrial activities. The mixture contains up to ten (10) percent by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags, and plastic or rubber scraps.

Typical composition: ten (10) percent moisture, five (5) percent incombustible solids, and has a heating value of approximately 8500 Btu/lb as fired.

b. Type 1 – Rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage, and combustible floor sweepings from domestic, commercial, and industrial activities. The mixture contains up to twenty (20) percent by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic, or rubber wastes.

Typical composition: twenty-five (25) percent moisture, ten (10) percent incombustible solids, and has a heating value of approximately 6500 Btu/lb as fired.

c. Type 2 – Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy.

Typical composition: up to fifty (50) percent moisture, seven (7) percent incombustible solids, and has a heating value of approximately 4300 Btu/lb as fired.

d. Type 3 – Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets, and like installations.

Typical composition: up to seventy (70) percent moisture, up to five (5) percent incombustible solids, and has a heating value of approximately 2500 Btu/lb as fired.

e. Type 4 – Human and animal remains, consisting of carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources.

Typical composition: up to eighty-five (85) percent moisture, five (5) percent incombustible solids, and having a heating value of approximately 1000 Btu/lb as fired.

f. Type 5 – By-product waste, gaseous, liquid, or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations. Btu values shall be determined by the individual materials to be destroyed.

g. Type 6 – Solid by-product waste, such as rubber, plastics, wood waste, etc., from industrial operations. Btu values shall be determined by the individual materials to be destroyed.

101. Waste Fuel – Means waste that does not meet hazardous waste criteria but has a heat value greater than 5000 Btu /lb.

102. Yard Waste – Means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and/or industrial sources as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of MSW in this section. Yard waste does not include clean wood, which is also exempt from the definition of MSW in this section.

**Regulation 61-62.1.II.A.1.a, shall be revised as follows:**

a. Except as allowed under Section II.A.1.b and A.1.c below, any person who plans to construct, alter, or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement of construction.

**Regulation 61-62.1.II.A.1.c, shall be revised as follows:**

c. The owners or operators of sources not requesting to use federally enforceable construction permit conditions to limit potential to emit, sources not subject to regulations with more stringent start of construction limitations, or sources not otherwise exempt from permit requirements, may undertake the following on-site activities prior to obtaining a construction permit:

i. Planning;

ii. Engineering and design;

iii. Geotechnical investigation;

iv. Site land clearing and grading;

v. Setting up temporary trailers to house construction staff and contractor personnel;

vi. Ordering of equipment and materials;

vii. Receipt and storing of equipment;

viii. Pouring of the foundation up to and including the mounting pads and slab on grade;

ix. Relocation of utilities;

x. For existing sources, relocation/installation of piping, electrical service, and instrumentation;

xi. Temporary power for the site (such as power lines);

xii. Site drainage including ditches and culverts;

xiii. Temporary dewatering activities associated with the excavations;

xiv. Temporary gravel (Right Out of Crusher (ROC)) road beds for the site;

xv. Soil only excavations;

xvi. Temporary telecommunications for the site (such as telephone and internet); and

xvii. Security fencing related to the storage of equipment and materials.

**Regulation 61-62.1.II.A.1.d, shall be revised as follows:**

d. In the event that the source does not qualify for issuance of a construction permit, the owners or operators accept the financial risk of commencing the activities listed in Section II.A.1.c.i through A.1.c.xvii above.

**Regulation 61-62.1.II.B, shall be revised as follows:**

B. Exemptions from the Requirement to Obtain a Construction Permit

1. No construction permits shall be required for the sources listed in Section II.B.1.a through B.1.c below, which burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

a. Natural gas boilers.

b. Oil-fired boilers of 50 x 106 British thermal unit per hour (Btu/hr) rated input capacity or smaller.

c. Coal-fired boilers of 20 x 106 Btu/hr rated input capacity or smaller.

2. No construction permits shall be required for the sources listed in Section II.B.2.a through B.2.h below, unless otherwise specified by Regulation 61-62.70 or any other state or federal requirement. A source’s exemption status may change upon the promulgation of new regulatory requirements applicable to any of the sources listed in Section II.B.2.a through B.2.g, or to any other sources that have been determined to have total uncontrolled emissions less than the thresholds in Section II.B.2.h, or to any similar sources that have been granted an exemption by the Department.

a. Boilers and space heaters of less than 1.5 x 106 Btu/hr rated input capacity which burn only virgin liquid fuels or virgin solid fuels.

b. Boilers and space heaters of less than 10 x 106 Btu/hr rated input capacity which burn only virgin gas fuels.

c. Comfort air-conditioning or ventilation systems.

d. Motor vehicles.

e. Laboratory hoods.

f. Emergency power generators as described below:

i. Generators of less than or equal to 150 kilowatt (kW) rated capacity.

ii. Generators of greater than 150 kW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

g. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

h. Sources with a total uncontrolled potential to emit (PTE) of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled PTE of less than 1000 pounds per month (lbs/month) of VOCs will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request.

3. The Department will place the exempt sources listed in Section II.B.2.a through B.2.g above, and other sources that have been determined will not interfere with the attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. The Department may develop emission thresholds for exemption that have been determined will not interfere with the attainment or maintenance of any state or federal standard, to be maintained with the list of sources to be exempted without further review. This list of sources and source emission thresholds that are exempt without further review from the requirement to obtain a construction permit will be maintained by the Department and periodically published in the South Carolina State Register for use by the public and the regulated community. Requests to the Department may be made to add sources to the list.

4. Sources with only fugitive emissions must submit source information, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

5. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit.

6. Requests for exemption from the requirement to obtain a construction permit, for new sources similar to sources already on the Department maintained list established in Section II.B.3 above, or for modifications to existing equipment, including the reconstruction, relocation, and replacement of existing equipment, which may qualify for exemption as per Section II.B.2.h and Section II.B.4 above, shall include the following information:

a. A complete description of the existing equipment and proposed modification;

b. The pollutant(s) being emitted and any deviation from the parameters provided in earlier permit applications, permit exemptions, and issued permits;

c. Any ambient air quality demonstrations needed for Regulation 61-62.5, Standards No. 2, No. 7, and No. 8; and

d. A regulatory review to demonstrate the project is not a CAA Title I modification nor subject to Regulation 61-62.5, Standards No. 7 and No. 7.1.

7. The construction permitting exemptions in Section II.B do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The Department reserves the right to require a construction permit, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

**Regulation 61-62.1.II.C.3, shall be revised as follows:**

3. Construction permit applications shall provide the information described in Section II.C.3.a through C.3.p. This information should be submitted on Department forms, but project specific information may need to be provided in addition to that requested in applicable forms.

**Regulation 61-62.1.II.C.3.a, shall be revised as follows:**

a. The facility name; and the name, mailing address, and telephone number of the owner or operator for the facility;

**Regulation 61-62.1.II.D, shall be revised as follows:**

D. General Construction Permits

1. The Department may develop and issue general construction permits applicable to similar sources for new construction projects or minor modifications to existing sources.

2. General construction permits shall incorporate all requirements applicable to the construction of similar sources and shall identify criteria by which sources may qualify for coverage under a general construction permit.

3. Sources may submit a construction permit application to the Department with a request for coverage under the conditions and terms of a general construction permit for similar sources. The Department shall grant a general construction permit to sources certifying qualification for and agreeing to the conditions and terms of a general construction permit for similar sources.

4. Sources shall be subject to enforcement action for operation without a valid permit if a source is later determined not to qualify for coverage under a general construction permit.

5. The Department may grant a source’s request for authorization to operate under a general construction permit, but such a grant shall be a final permit action for purposes of judicial review.

6. The permit application for general construction permits may deviate from the requirements of Section II.C above, provided that such application includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

7. A source that qualifies for coverage under a Department issued general construction permit may submit a construction permit application to the Department and request an individual construction permit in lieu of coverage under a general construction permit.

**Regulation 61-62.1.II.E.1.b, shall be revised as follows:**

b. Stationary sources requesting a synthetic minor construction permit shall submit a complete permit application package to the Department as prescribed by Section II.E.5 below.

**Regulation 61-62.1.II.E.1.c, shall be revised as follows:**

c. Stationary sources requesting a synthetic minor construction permit shall undergo the public participation procedures of Section II.N below.

**Regulation 61-62.1.II.E.1.e, shall be revised as follows:**

e. In the event of a denial of a synthetic minor construction permit application, the Department shall notify the applicant in writing of the reasons for the denial. The Department shall not accept a subsequent synthetic minor construction permit application until the applicant has addressed the concerns specified by the Department which caused the denial. The source shall correct all deficiencies noted by the Department within sixty (60) calendar days of receiving notice of the denial, or submit a complete major source construction permit application, as prescribed by Section II.C above, if the source desires to proceed with the project.

**Regulation 61-62.1.II.E.2.a, shall be revised as follows:**

a. A stationary source desiring to restrict its potential to emit shall submit a written request to the Department for a federally enforceable construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package as prescribed by Section II.E.5 below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct.

**Regulation 61-62.1.II.E.2.b, shall be revised as follows:**

b. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked no later than thirty (30) days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within fifteen (15) days after such date. A written request to obtain an operating permit shall be submitted to the Department no later than fifteen (15) days after the actual date of initial startup of each new or altered source in accordance with Section II.F below. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

**Regulation 61-62.1.II.E.3.a, shall be revised as follows:**

a. Synthetic minor construction permits shall contain the standard permit conditions listed in Section II.J.1 below and any special permit conditions required to verify a source’s compliance with the emissions limitations and operational requirements.

**Regulation 61-62.1.II.E.4, shall be revised as follows:**

4. General Synthetic Minor Construction Permits

a. The Department may, after notice and opportunity for public participation provided under Section II.N below, issue a general synthetic minor construction permit applicable to similar sources.

b. Any general synthetic minor construction permit shall incorporate all requirements applicable to the construction of similar synthetic minor sources and shall identify criteria by which sources may qualify for the general permit.

c. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general synthetic minor construction permit for similar sources. The Department shall grant the general synthetic minor construction permit to sources certifying qualification for and agreeing to the conditions and terms of the general synthetic minor construction permit for similar sources.

d. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the general synthetic minor construction permit.

e. The Department may grant a source’s request for authorization to operate under a general permit without further public notice, but such a grant shall be a final permit action for purposes of judicial review.

f. The Department shall provide timely notice to the public of any authorization given to a facility to operate under the terms of a general permit. Such notice may be made on a periodic, summarized basis covering all facilities receiving authorization since the last notice.

**Regulation 61-62.1.II.E.5.a, shall be revised as follows:**

a. In addition to the minimum information required by Section II.C.3 above, any facility applying for a synthetic minor construction permit must also provide the following:

**Regulation 61-62.1.II.E.5.b, shall be revised as follows:**

b. The permit application for general synthetic minor construction permits may deviate from the requirements of Section II.E.5.a provided that such application includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

**Regulation 61-62.1.II.F.2, shall be revised as follows:**

2. The owner/operator or professional engineer in charge of the project shall certify that, to the best of his/her knowledge and belief and as a result of periodic observation during construction, the construction under application has been completed in accordance with the specifications agreed upon in the construction permit issued by the Department. If construction is certified as provided above, the owner or operator may operate the source in compliance with the terms and conditions of the construction permit until the operating permit is issued by the Department. If construction is not built as specified in the permit application and associated construction permit(s), the owner/operator must submit to the Department a complete description of modifications that are at variance with the documentation of the construction permitting determination prior to commencing operation. Construction variances that would trigger additional requirements that have not been addressed prior to start of operation shall be considered construction without a permit.

**Regulation 61-62.1.II.F.3.b, shall be revised as follows:**

b. For sources not subject to Regulation 61-62.70, or not yet covered by an effective Title V operating permit, the owner or operator shall submit a written request for a new or revised operating permit to cover any new, or altered source, postmarked no later than fifteen (15) days after the actual date of initial startup of each new or altered source.

**Regulation 61-62.1.II.G.1, shall be revised as follows:**

1. The requirements of Section II.G shall apply to those sources that request a federally enforceable permit to limit their potential to emit to less than major source thresholds.

**Regulation 61-62.1.II.G.2, shall be revised as follows:**

2. General Provisions

a. Any stationary source that satisfies the definition of a major source may request a federally enforceable conditional major operating permit to limit the source’s potential to emit and become a conditional major source. Any stationary source that has received a synthetic minor construction permit to limit the source’s potential to emit below major source threshold levels, that is not required to obtain a Title V operating permit, shall be issued a conditional major operating permit to consolidate the source’s limitations on potential to emit and shall be considered a conditional major source.

b. Stationary sources requesting a conditional major operating permit shall submit a complete request for a new or revised operating permit to the Department as required by Section II.G.6 below.

c. Stationary sources requesting an original conditional major operating permit shall undergo the public participation procedures of Section II.N below.

d. Submission of a request for renewal meeting the requirements in Section II.H below, shall allow the owner or operator to continue operating pursuant to the most recent conditional major operating permit until such time as the Department has taken final action on the request for renewal.

e. The Department shall act on a request for a conditional major operating permit and shall notify the source in writing of its approval, conditional approval, or denial.

f. In the event of a denial of a conditional major operating permit request, the Department shall notify the source in writing of the reasons for the denial. The Department shall not accept a subsequent conditional major operating permit request until the source has addressed the concerns specified by the Department which caused the original denial. The source shall correct all deficiencies noted by the Department or submit a complete permit application in accordance with Regulation 61-62.70 in order to receive a Title V operating permit.

**Regulation 61-62.1.II.G.3.a, shall be revised as follows:**

a. Any owner or operator desiring to be permitted as a conditional major source shall submit an operating permit request containing the information identified in Section II.G.6 below. A federally enforceable conditional major operating permit shall constrain the operations of the source such that potential emissions fall below applicable regulatory levels and therefore exclude the source from the requirements to have a Title V operating permit.

**Regulation 61-62.1.II.G.4.a, shall be revised as follows:**

a. Any owner or operator who plans to construct, alter, or add to a source of air contaminants, including the installation of any device for the control of air contaminant discharges, and desires a conditional major operating permit shall provide a written request to the Department for a federally enforceable synthetic minor construction permit conditioned to constrain the operation of the source, along with a complete construction permit application package containing the information identified in Section II.G.6 below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct from the Department.

**Regulation 61-62.1.II.G.4.b, shall be revised as follows:**

b. A written request to obtain a conditional major operating permit shall be submitted to the Department, postmarked no later than fifteen (15) days after the actual date of initial startup of each new or altered source. This request shall include any additional information required in Section II.G.6 below. These facilities will be issued conditional major operating permits without further public notice if no substantive changes to limitations are required. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

**Regulation 61-62.1.II.G.5.a, shall be revised as follows:**

a. Conditional major operating permits shall contain the standard permit conditions listed in Section II.J.1 below, and any special permit conditions required to verify a source’s compliance with the emissions limitations and operational requirements.

**Regulation 61-62.1.II.G.6.a, shall be revised as follows:**

a. In addition to the minimum information required by Section II.C.3 above, any facility requesting a conditional major operating permit must also provide the following:

**Regulation 61-62.1.II.G.6.b, shall be revised as follows:**

b. The request for general conditional major operating permits may deviate from the requirements of Section II.G.6 provided that such request includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

**Regulation 61-62.1.II.G.7, shall be revised as follows:**

7. General Conditional Major Operating Permits

a. The Department may, after notice and opportunity for public participation provided under Section II.N below, issue a general conditional major operating permit applicable to similar sources.

b. Any general conditional major operating permit shall incorporate all requirements applicable to the operation of similar conditional major sources and shall identify criteria by which sources may qualify for a general permit.

c. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general conditional major operating permit for similar sources. The Department shall grant a general conditional major operating permit to sources certifying qualification for and agreeing to the conditions and terms of a general conditional major operating permit for similar sources.

d. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of a general conditional major operating permit.

e. The Department may grant a source’s request for authorization to operate under a general permit without further public notice, but such a grant shall be a final permit action for purposes of judicial review.

f. The Department shall provide timely notice to the public of any authorization given to a facility to operate under the terms of a general permit. Such notice may be made on a periodic, summarized basis covering all facilities receiving authorization since the last notice.

**Regulation 61-62.1.II.H, shall be revised as follows:**

H. Operating Permit Renewal Requests

1. Any source that wishes to have its operating permit renewed must submit a written request to the Department.

2. The provisions of Section II.H shall apply only to those sources not subject to Regulation 61-62.70. For sources covered by an effective Title V operating permit, the operating permit renewal request required by Regulation 61-62.70 shall serve as the request to operate for the purposes of this regulation.

3. For sources not subject to Regulation 61-62.70, the owner or operator shall submit an operating permit renewal request to the Department no later than ninety (90) days prior to the operating permit expiration date. The source may be inspected by the Department in order to decide whether to renew the permit. Past records of compliance and future probability of compliance will be considered in making the decision regarding renewal.

4. Operating permit renewal requests shall include a description of any changes at the facility that have occurred since issuance of the last operating permit that may affect the operating permit or operating permit review. In general, the description shall include any addition, alteration, or removal of sources, including sources exempt from construction permit requirements; addition, alteration, or removal of emission limitations; any changes to monitoring, recordkeeping, or reporting requirements; and any changes or additions to special permit conditions. The following items should be addressed as part of the operating permit renewal request:

a. The facility name; and the name, mailing address, and telephone number of the owner or operator for the facility;

b. The location of the facility including its street address and the name, mailing address, and telephone number of the facility’s contact person;

c. The facility’s Federal Employer Identification Number or Federal Tax ID Number;

d. Any change to the SIC Code or NAICS Codes of the products or product lines;

e. Any construction permits to be incorporated into the operating permit, either whole or in part, any listed information descriptions that have been removed or decommissioned, and any changes to exempted sources listed in the current operating permit;

f. Any change to the facility’s planned operating schedules or description of the facility’s current and/or proposed processes, including the physical and chemical properties and feed rate of the materials used and produced (in lb/hr) from which the facility determined actual and potential emissions;

g. Any changes to current process flow diagram or production process layout shall be addressed, showing the flow of materials and intermediate and final products. Updated process flow diagram or production process layout must identify major equipment, machines, and process steps or product lines within the production process; all product streams; all exhaust streams (emission points) including fugitive within the production process; all waste streams; and all control devices including inherent process control devices used within the production process;

h. A description, including the CAS number (if applicable), of all emissions from each source. Mass emission data and emission calculations, including the potential uncontrolled and controlled mass emission rate of each criteria pollutant and other air contaminants such as VOCs, TAPs, and HAPs emitted from each source. Emission calculations must be based on proper documentation that supports the basis of the emission rates such as stack test data, AP-42 emission factors, material balance, and/or engineering estimates. All assumptions used in the emission calculations must be provided. Fugitive emissions (for example, emissions from filling operations, pumps, valves, flanges, etc.) must be included in the emission calculations. A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination must be provided. If existing data supplied to the Department remains correct, identify documents referenced to comply with this requirement;

i. If no longer accurate, a revised air dispersion modeling analysis or other information demonstrating that emissions from the facility will not interfere with the attainment or maintenance of any ambient air quality standard. As needed, include a description of each stack or vent related to the proposed and/or existing source(s), minimum anticipated height(s) above ground, maximum anticipated internal dimensions, discharge orientation(s), exhaust volume flow rate(s), exhaust gas temperature(s), and rain protection device(s), if any. If existing data supplied to the Department remains correct, identify document(s) referenced to comply with this requirement; and

j. Other information as may be necessary for proper evaluation of the operating permit request.

**Regulation 61-62.1.II.I.1.a, shall be revised as follows:**

a. The Department may develop registration permits applicable to similar sources. Any registration permit developed shall specify compliance with all requirements applicable to the construction and operation of that specific category of stationary sources and shall identify criteria by which sources may qualify for the registration permit.

**Regulation 61-62.1.II.I.2, shall be revised as follows:**

2. Application for Coverage Under a Registration Permit

a. A source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Section II.A and F above. The Department shall grant a registration permit to sources certifying qualification for and agreeing to the conditions and terms of the registration permit applicable to similar sources.

b. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of a registration permit. The Department reserves the right to require a construction and/or operating permit; the requirement for a permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but may not be limited to, the nature and amount of the pollutants, location, and proximity to residences and commercial establishments.

c. The Department may grant a source’s request for authorization to operate under a registration permit, but such a grant shall be a final permit action for purposes of judicial review.

**Regulation 61-62.1.II.I.3.a, shall be revised as follows:**

a. Registration permits shall contain any applicable permit conditions listed in Section II.J below as the Department finds appropriate.

**Regulation 61-62.1.II.I.4, shall be added as follows:**

4. Any registration permit may be reopened by the Department for cause or to include any new standard or regulation which becomes applicable to a source during the life of the permit.

**Regulation 61-62.1.II.J, Title, shall be revised as follows:**

J. Permit Conditions

**Regulation 61-62.1.II.J.1.g, shall be revised as follows:**

g. A copy of the Department issued construction and/or operating permit must be kept readily available at the facility at all times. The owner or operator shall maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require. All records required to demonstrate compliance with the limits established under a permit shall be maintained on site for a period of at least five (5) years from the date the record was generated.

**Regulation 61-62.1.II.L.2, shall be revised as follows:**

2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions in Section II.L.3 below are met.

**Regulation 61-62.1.II.L.3.a, shall be revised as follows:**

a. An emergency occurred and the owner or operator can identify the cause(s) of the emergency;

**Regulation 61-62.1.II.L.3.c, shall be revised as follows:**

c. During the period of the emergency, the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and

**Regulation 61-62.1.II.L.3.d, shall be revised as follows:**

d. The owner or operator gave a verbal notification of the emergency to the Department within twenty-four (24) hours of the time when emission limitations were exceeded, followed by a written report within thirty (30) days. The written report shall include, at a minimum, the information required by Section II.J.1.c.i through J.1.c.viii above. The written report shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

**Regulation 61-62.1.II.L.4, shall be revised as follows:**

4. In any enforcement action, the owner or operator seeking to establish the occurrence of an emergency has the burden of proof.

**Regulation 61-62.1.II.M, shall be revised as follows:**

M. Transfer of Ownership/Operation

Within thirty (30) days of the transfer of ownership/operation of a facility, the current permit holder and prospective new owner/operator shall submit to the Department a written request for transfer of the source operating or construction permit(s). The written request for transfer of the source operating or construction permit(s) shall include any changes pertaining to the facility name; the name, mailing address, and telephone number of the owner or operator for the facility; and any proposed changes to the permitted activities of the source. Transfer of the operating or construction permit(s) will be effective upon written approval by the Department.

**Regulation 61-62.1.II.N, shall be revised as follows:**

N. Public Participation Procedures

1. When determined to be appropriate by the Department (or specified by regulation), notice of permitting activity shall be provided to the public and other entities for their review and comment. Public notice shall be given by publication in a newspaper of general circulation in the area where the source is located, or by posting on the Department’s website, or by publication in the South Carolina State Register, and to persons on a mailing list developed by the Department, including those who request in writing to be on the list. The Department may use other means of public notice.

2. The notice shall include the following:

a. The name and physical address of the facility;

b. The name and address of the Department;

c. Applicable activities involved in the permit action;

d. Applicable emission change involved in any permit modification;

e. The name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all other materials available to the Department that are relevant to the permit decision, except for information entitled to confidential treatment (the contents of any proposed or draft permit shall not be treated as confidential information);

f. A brief description of the comment procedures; and

g. The time and place of any public hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled).

3. The Department shall provide at least thirty (30) days for public and EPA comment and shall give notice of any public hearing at least thirty (30) days in advance of the hearing.

a. The Department shall keep a record of the commenters and the comments made during the public comment period.

b. The Department shall consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application.

4. A newly constructed or modified source issued a federally enforceable final construction permit will not require an additional public comment period and/or hearing to obtain an operating permit, unless the source proposes a change in the original construction and/or operational plan, prior to commencing construction, which the Department determines would require an additional public comment period and/or hearing.

5. Any proposed new or modified stationary source required to undergo a public comment period shall not commence any construction until all public participation procedures of this section are completed, and the source has received an effective construction permit from the Department.

6. Maintenance activities, repairs, and replacements which the Department determines to be routine for that source category shall not, by themselves, be required to undergo the public participation procedures of Section II.N.

**Regulation 61-62.1.II.O, Introductory Text, shall be revised as follows:**

Upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the Department or an authorized representative to perform the following:

**Regulation 61-62.1.III, shall be revised as follows:**

**SECTION III – EMISSIONS INVENTORY AND EMISSIONS STATEMENTS**

A. General

1. An emissions inventory is a study or compilation of pollutant emissions. The purposes of emissions inventories are to locate air pollution sources, to define the type and size of sources, to define the type and amount of emissions from each source, to determine pollutant frequency and duration, to determine the relative contributions to air pollution from classes of sources and of individual sources, to provide a basis for air permit fees, and to determine the adequacy of regulations and standards. The requirements of this section notwithstanding, an emissions inventory may be required from any source at any time.

2. An emissions statement is a less detailed statement which focuses on emissions estimates for pollutants associated with a nonattainment designation.

B. Emissions Inventory Reporting Requirements

1. Beginning with the effective date of this regulation, sources must submit an emissions inventory for the previous calendar year by March 31 at a frequency as outlined below:

a. Type A Sources are Title V Sources with potential annual emissions greater than or equal to any of the emission thresholds listed for Type A Sources in Table 1 below. Type A Sources must submit an emissions inventory every year.

|  |  |
| --- | --- |
| **Table 1 - Minimum Point Source Reporting**  **Thresholds by Pollutant (tpy potential to emit1)** | |
| **Pollutants** | **Type A Sources:**  **Annual Cycle** |
| SOX | ≥2500 |
| VOC | ≥250 |
|
|
|
| NOX | ≥2500 |
| CO | ≥2500 |
|
| Pb | --- |
| PM10 | ≥250 |
|
| PM2.5 | ≥250 |
| NH3 | ≥250 |

1 Tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, will be treated as part of its design if the limitation is enforceable by the Administrator and included in the source’s permit prior to the end of the reporting year.

b. All other Title V Sources with potential annual emissions less than the emission thresholds listed for Type A Sources in Table 1 above must submit emissions inventories every three (3) years beginning with calendar year 2014 data.

c. Nonattainment area (NAA) Sources are sources located in a NAA with potential annual emissions during any year of the three (3) year cycle greater than or equal to any of the emission thresholds listed for NAA Sources in Table 2 below. These sources that are not also Type A Sources must submit emissions inventories every three (3) years beginning with calendar year 2014 data.

|  |  |
| --- | --- |
| **Table 2 - Minimum Point Source Reporting**  **Thresholds by Pollutant (tpy potential to emit1)** | |
| **Pollutant** | **NAA2 Sources:**  **Three-year Cycle** |
| SOX | ≥100 |
| VOC | ≥100 (moderate O3 NAA) |
| ≥50 (serious O3 NAA) |
| ≥25 (severe O3 NAA) |
| ≥10 (extreme O3 NAA) |
| NOX | ≥100 (all O3 NAA) |
| CO | ≥100 (all O3 NAA) |
| ≥100 (all CO NAA) |
| Pb | ≥5 |
| PM10 | ≥100 (moderate PM10 NAA) |
| ≥70 (serious PM10 NAA) |
| PM2.5 | ≥100 |
| NH3 | ≥100 |

1 Tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, will be treated as part of its design if the limitation is enforceable by the Administrator and included in the source’s permit prior to the end of the reporting year.

2 Special point source reporting thresholds apply for certain pollutants by type of NAA. The pollutants by nonattainment area are:

Ozone: VOC, NOX, and CO;

Carbon Monoxide: CO; and

Particulate matter less than 10 microns: PM10.

2. Other Requirements

a. Unless otherwise indicated, all emissions inventories must be submitted to the Department by March 31 following the year of inventory. All applicable information must be recorded in the current format for reporting emissions data provided by the Department.

b. All newly permitted and constructed Title V Sources which have obtained or are in the process of obtaining a Title V permit and all newly permitted and constructed NAA Sources must complete and submit to the Department an initial emissions inventory for the source’s first partial calendar year of operation and an emissions inventory for the source’s first full calendar year of operation.

i. The partial year emissions inventory must be submitted to the Department no later than March 31 of the year following the source’s partial year of operation and must include an emissions inventory from the source’s operation start date through December 31 of the same year.

ii. The first full calendar year emissions inventory must be submitted to the Department by March 31 of the year following the source’s first calendar year of operation.

iii. Sources must submit future emissions inventories on the schedule as described in paragraph B.1.a, paragraph B.1.b, and paragraph B.1.c of this section.

c. Any existing sources that are determined by the Department to be subject to Regulation 61-62.70, Title V Operating Permit Program, and/or NAA Sources must complete and submit to the Department an emissions inventory for the previous calendar year within ninety (90) days. These sources must then submit future emissions inventories on the schedule as described in paragraph B.1.a, paragraph B.1.b, and paragraph B.1.c of this section.

d. Submittal of emissions inventories outside of the schedules in this section will be accepted and reviewed only if a modification has occurred that required issuance of an air quality permit since the last emissions inventory submittal by the source. This modification must alter the quantity or character of the source’s emissions. These sources may submit a new emissions inventory following the first full calendar year of operation after the modification. These sources must then submit future emissions inventories on the schedule described in paragraph B.1.a, paragraph B.1.b, and paragraph B.1.c of this section.

e. Information required in an emissions inventory submittal to the Department must include the following:

i. Information on fuel burning equipment;

ii. Types and quantities of fuel used;

iii. Fuel analysis;

iv. Exhaust parameters;

v. Control equipment information;

vi. Raw process materials and quantities used;

vii. Design, normal, and actual process rates;

viii. Hours of operation;

ix. Significant emission generating points or processes as discussed in the current format for reporting emissions data provided by the Department;

x. Any desired information listed in 40 CFR 51 Subpart A (December 17, 2008), that is requested by the Department;

xi. Emissions data from all regulated pollutants; and

xii. Any additional information reasonably related to determining if emissions from an air source are causing standards of air quality to be exceeded.

f. A source may submit a written request to the Department for approval of an alternate method for estimating emissions outside of those methods prescribed by the Department. Such requests will be reviewed by the Department’s emissions inventory staff on a case-by-case basis to determine if the alternate method better characterizes actual emissions for the reporting period than the Department’s prescribed methods.

g. Emission estimates from insignificant activities listed on a source’s permit are required only in the initial emissions inventory submitted by the source. If emissions from these insignificant activities have not been included in a past emissions inventory submitted to the Department, the source must include these emissions in their next required emissions inventory submittal.

h. Copies of all records and reports relating to emissions inventories as required in this section must be retained by the owner/operator at the source for a minimum of five (5) years.

C. Emissions Statement Requirements

1. Sources in areas designated nonattainment for an ozone National Ambient Air Quality Standard (NAAQS) must submit to the Department by March 31 for the previous calendar year an emissions statement which includes emissions estimates for both VOCs and nitrogen oxides (NOX) beginning with the effective date of this regulation.

2. The statement must contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.

3. All applicable information must be recorded in the current format for reporting emissions data provided by the Department.

4. Copies of all records and reports relating to emissions statements as required in this section must be retained by the owner or operator at the source for a minimum of five (5) years.

**Regulation 61-62.1.IV.A.1, shall be revised as follows:**

1. This section shall apply to the owner, operator, or representative of any source which conducts:

**Regulation 61-62.1.IV.B.1, shall be revised as follows:**

1. Prior to conducting a source test subject to this section, the owner, operator, or representative shall ensure that:

a. A written site-specific test plan, including all of the information required in Section IV.C below, has been developed and submitted to the Department. If the Department has previously approved a site-specific test plan, the owner, operator, or representative may submit a letter which references the approved plan and which includes a thorough description of amendments to the plan; and

b. Written Department approval of the site-specific test plan or amended test plan, methods, and procedures has been received.

**Regulation 61-62.1.IV.B.3, shall be revised as follows:**

3.a. The owner, operator, or representative of a source proposing to use alternative source test methods shall ensure that the alternative source test method is either validated according to EPA Reference Method 301 (40 CFR 63, Appendix A, December 29, 1992) and any subsequent amendments or editions, or approved by the Department.

b. The owner, operator, or representative shall ensure that requests for approval of alternative source test methods are submitted to the Department along with the site-specific test plan, and that the submission contains all of the information required by Section IV.C below.

**Regulation 61-62.1.IV.B.5, shall be revised as follows:**

5.a. The owner, operator, or representative shall submit site-specific test plans or a letter which amends a previously approved test plan at least forty-five (45) days prior to the proposed test date. Sources conducting tests for substances listed in Regulation 61-62.5, Standard No. 8, shall submit site-specific test plans or a letter which amends a previously approved test plan at least sixty (60) days prior to the proposed test date.

b. If the only amendments to a previously approved test plan are to facility information included in Section IV.C.1.a and C.1.b below, the requirement in Section IV.B.5.a above will not apply. The owner, operator, or representative, however, shall submit the amendments at least two (2) weeks prior to the proposed test date.

**Regulation 61-62.1.IV.B.6, shall be revised as follows:**

6. Within thirty (30) days of site-specific test plan receipt, the Department will notify the owner, operator, or representative of site-specific test plan approval or denial or will request additional information.

**Regulation 61-62.1.IV.B.7, shall be revised as follows:**

7. The owner, operator, or representative shall submit any additional information requested by the Department necessary to facilitate the review of the site-specific test plan.

**Regulation 61-62.1.IV.B.8, shall be revised as follows:**

8. Approval of a site-specific test plan for which an owner, operator, or representative fails to submit any additional requested information will be denied.

**Regulation 61-62.1.IV.B.9, shall be revised as follows:**

9. Neither the submission of a site‑specific test plan, nor the Department’s approval or disapproval of a plan, nor the Department’s failure to approve or disapprove a plan in a timely manner shall relieve an owner, operator, or representative of legal responsibility to comply with any applicable provisions of this section or with any other applicable federal, state, or local requirement or prevent the Department from enforcing this section.

**Regulation 61-62.1.IV.C, Introductory Text, shall be revised as follows:**

A site-specific test plan shall include, at a minimum, the following ( Section IV.C.1 through C.8):

**Regulation 61-62.1.IV.C.1, shall be revised as follows:**

1. General Information:

**Regulation 61-62.1.IV.C.3.a, shall be revised as follows:**

a. Description of the process including a description of each phase of batch or cyclic processes and the time required to complete each phase;

**Regulation 61-62.1.IV.C.7.d, shall be revised as follows:**

d. Procedure for conducting leak checks on vacuum lines, pitot tubes, flexible bags, orsats, etc.;

**Regulation 61-62.1.IV.C.7.l, shall be revised as follows:**

l. Methods for recovery checks, field blanks, lab blanks, reagent blanks, proof rinse blanks, and analytical blanks;

**Regulation 61-62.1.IV.C.7.m, shall be revised as follows:**

m. Proposed range of recoveries for data acceptability and method of data interpretation if sample recovery is not within the proposed range; and

**Regulation 61-62.1.IV.C.7.n, shall be added as follows:**

n. Procedure for obtaining, analyzing, and reporting source test method performance audit samples and results.

**Regulation 61-62.1.IV.D, shall be revised as follows:**

D. Notification and Conduct of Source Tests

1. Prior to conducting a source test subject to this section, the owner, operator, or representative shall ensure that a complete written notification is submitted to the Department at least two (2) weeks prior to the test date. Submission of a site-specific test plan or amendments to a previously approved test plan does not constitute notification. Requirements for a complete notification include the following:

a. Facility name, permit number, mailing address, physical address, and contact name and phone number;

b. Source(s) being tested, source identification number(s), and pollutant(s) being tested;

c. Proposed test date and start time for each source being tested; and

d. Approved test plan being used to conduct the test identified by Department approval date.

2. In the event the owner, operator, or representative is unable to conduct the source test on the date specified in the notification, the owner, operator, or representative shall notify the Department as soon as practical by telephone and follow up in writing within thirty (30) days. Telephone notification shall include a description of the circumstance(s) causing the cancellation of the test, and a projected retest date. The written follow-up report shall include a description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, or what equipment repairs were required.

3. Rescheduling of canceled source tests must meet the two-week notice requirement. However, shorter notification periods may be allowed subject to Department approval.

4. All tests shall be conducted by or under the direction of a person qualified by training and/or experience in the field of air pollution testing or, where required by federal regulation, meeting the minimum competency requirements for air emissions testing as specified in ASTM D7036-04, Standard Practice for Competence of Air Emission Testing Bodies.

5. Unless approved otherwise by the Department, the owner, operator, or representative shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested. Examples of the operating parameters that may affect emission rates are: type and composition of raw materials and fuels, isolation of control equipment modules, product types and dimensions, thermal oxidizer combustion temperature, atypical control equipment settings, etc. Some sources may have to spike fuels or raw materials to avoid being permitted at a more restrictive feed or process rate. Any source test performed at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.

6. When conducting a source test subject to this section, the owner, operator, or representative of a source shall provide the following:

a. Department access to the facility to observe source tests;

b. Sampling ports adequate for test methods;

c. Safe sampling site(s);

d. Safe access to sampling site(s);

e. Utilities for sampling and testing equipment; and

f. Equipment and supplies necessary for safe testing of a source.

**Regulation 61-62.1.IV.C.E, shall be revised as follows:**

E. Source Test Method Performance Audit Program

1. The Department may request that samples collected during any source tests be split with the Department for analysis by an independent or Department laboratory. Any request for split samples will be made in advance of the source test.

2. Performance testing shall include a test method performance audit (PA) during the performance test if a PA sample is commercially available.

a. PAs consist of blind audit samples supplied by an accredited audit sample provider (AASP) and analyzed during the performance test in order to provide a measure of test data bias.

b. An “accredited audit sample provider (AASP)” is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

3. The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes.

a. No audit samples are required for the following test methods: Methods 3A and 3C of Appendix A-2 of 40 CFR 60; Methods 6C, 7E, 9, and 10 of Appendix A-4 of 40 CFR 60; Method 18 of Appendix A-6 of 40 CFR 60; Methods 20, 22, and 25A of Appendix A-7 of 40 CFR 60; and Methods 303, 318, 320, and 321 of Appendix A of 40 CFR Part 63.

b. If multiple sources at a single facility are tested during a compliance test event, only one audit sample is required for each method used during a compliance test.

c. Upon request, the Department may waive the requirement to include an audit sample if the Department determines that an audit sample is not necessary. A waiver of the performance audit requirements to conduct a PA for a particular source does not constitute a waiver of performance audit requirements for future source tests.

d. “Commercially available” means that two or more independent AASPs have blind audit samples available for purchase. If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL, http://www.epa.gov/ttn/emc, to confirm whether there is an AASP that can supply an audit sample for that method.

e. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test.

f. When ordering an audit sample, the source, operator, or representative shall give the AASP an estimate for the concentration of each pollutant that is emitted by the source or the estimated concentration of each pollutant based on the permitted level and the name, address, and phone number of the Department.

g. The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the Department and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the Department first and then report to the AASP.

h. If the method being audited is a method that allows the samples to be analyzed in the field and the tester plans to analyze the samples in the field, the tester may analyze the audit samples prior to collecting the emission samples provided a representative of the Department is present at the testing site. The source owner, operator, or representative may request in the test protocol a waiver to the requirement that a representative of the Department must be present at the testing site during the field analysis of an audit sample.

i. The final test report shall document any attempt to obtain an audit sample and, if an audit sample was ordered and utilized, the pass/fail results as applicable.

4. The Department shall have discretion to require any subsequent remedial actions of the owner, operator, or representative based on the split samples and/or performance audit results.

**Regulation 61-62.1.IV.F.1, shall be revised as follows:**

1. The owner, operator, or representative of a source subject to this section shall submit a written report of the final source test results to the Department by the close of business on the 30th day following the completion of the test, unless an alternative date has been requested in and approved with the site-specific test plan prior to testing or is otherwise specified in a relevant federal or state standard.

**Regulation 61-62.1.IV.F.2.b, shall be revised as follows:**

b. Emission calculations and emission rates in units of the applicable standard, permit limit, etc.;

**Regulation 61-62.1.IV.F.2.c, shall be revised as follows:**

c. Allowable emission rates in units of the applicable standard, permit limit, etc.;

**Regulation 61-62.1.IV.F.2.o, shall be revised as follows:**

o. Results of performance audits pursuant to Section IV.E above or documentation that no audit sample was commercially available 60 days prior to the beginning of the compliance test;

**Regulation 61-62.1.IV.F.2.r, shall be revised as follows:**

r. Description of any deviations from approved analytical procedures;

**Regulation 61-62.1.IV.F.2.s, shall be revised as follows:**

s. Description of any problems encountered during sampling and analysis, and explanation of how each was resolved; and

**Regulation 61-62.1.IV.F.2.t, shall be added as follows:**

t. Legible copies of any applicable or required certifications (for example, Visible Emission Observer, Qualified Source Testing Individual (QSTI), etc.).

**Regulation 61-62.1.IV.G, Introductory Text, shall be revised as follows:**

Within fifteen (15) days of submission of a test report indicating noncompliance, the owner, operator, or representative shall submit to the Department a written plan which includes at a minimum:

**Regulation 61-62.1.IV.H, shall be revised as follows:**

H. Analytical Observation

Upon request by the Department, the owner, operator, representative, or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples.

**Regulation 61-62.1.IV.I, shall be revised as follows:**

I. Site Inspection

Upon request by the Department and prior to approval of the site-specific test plan, the owner, operator, or representative shall ensure Department representatives are provided access to the site for inspection of the source(s) to be tested.

**Regulation 61-62.1.V.C, shall be revised as follows:**

C. The following are applicable in the determination of noncompliance by the Department or for compliance certification by the owners or operators of stationary sources:

1. Enforcement - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 et seq., and notwithstanding any other provision in the South Carolina Air Quality Implementation Plan, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not a person has violated or is in violation of any standard in the plan; and

2. Compliance Certifications - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 et seq., and notwithstanding any other provision in the South Carolina Air Quality Implementation Plan, the owner or operator may use any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed for the purpose of submitting compliance certifications.

**Regulation, 62.5, Standard Number 1, Emissions from Fuel Burning Operations**

**Regulation 61-62.5, Standard 1, Section I.A shall be revised as follows:**

A.Existing Sources

No one shall discharge to the ambient air from any existing source constructed prior to February 11, 1971, smoke which exceeds opacity of forty (40) percent. The forty (40) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

**Regulation 61-62.5, Standard 1, Section I.B shall be revised as follows:**

B.New Sources

No one shall discharge to the ambient air from any source constructed on or after February 11, 1971, smoke which exceeds opacity of twenty (20) percent. The twenty (20) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

**Regulation 61-62.5, Standard 1, Section I.D shall be revised as follows:**

D.Test Method

The method which is approved by the Department for determining compliance with opacity limitations under this Section is EPA Reference Method 9 (40 Code of Federal Regulations (CFR) 60, Appendix A, as revised July 1, 1986). Alternate methods may be utilized only if approved in advance by the Department and by the Environmental Protection Agency (EPA).

**Regulation 61-62.5, Standard 1, Section II.B, Introductory Text, shall be revised as follows:**

All fuel burning operations of 10 million Btu/hr heat input and smaller constructed prior to February 11, 1971, shall be allowed 0.8 pounds (lbs) per million Btu input.

**Regulation 61-62.5, Standard 1, Section III shall be revised as follows:**

**SECTION III - SULFUR DIOXIDE EMISSIONS**

The maximum allowable discharge of sulfur dioxide (SO2) from fuel burning operations shall be 2.3 lbs SO2 per million Btu input.

**Regulation 61-62.5, Standard 1, Section IV.A.1 shall be revised as follows:**

1.Fossil Fuel Fired Boilers

The owner or operator of any fossil fuel-fired steam generator of more than 250 million Btu/hr heat input capacity shall install, calibrate, operate, and maintain no later than June 14, 1978, continuous monitoring system(s) for the measurement of opacity which meets the performance specifications of Section IV.D except where:

**Regulation 61-62.5, Standard 1, Section IV.A.1.b shall be revised as follows:**

b.Oil or a mixture of gas and oil are the only fuels burned and the steam generator is able to comply with the provisions of Sections I and II of this standard without utilization of particulate matter collection equipment, and where the steam generator has never been found, through any administrative or judicial proceedings, to be in violation of Section I of this standard.

**Regulation 61-62.5, Standard 1, Section IV.A.2 shall be revised as follows:**

2.Woodwaste Boilers

The owner or operator of any woodwaste boiler, not equipped with a wet scrubber, will be required to install, calibrate, operate, and maintain continuous monitoring system(s) approved by the Department for the measurement of opacity, if it meets one or more of the criteria listed in items A.2.a and A.2.b. If a boiler is fired on more than one fuel, the total capacity will determine the applicability.

a. Any woodwaste boiler of at least 100 x 106 Btu/hr rated heat input.

b. Any woodwaste boiler, regardless of size, that has been operating in noncompliance with any applicable state air pollution control regulations and standards.

**Regulation 61-62.5, Standard 1, Section IV.B.1 shall be revised as follows:**

1. The owner or operator of any fossil fuel-fired steam generator subject to the provisions of Section IV.A shall submit a written Continuous Opacity Monitor report to the Department semi-annually or more often if requested. All semi-annual reports must be postmarked by the 30th day following the end of each semi-annual period. The report shall include, at a minimum, the information in items B.1.a through B.1.c below. A letter shall be sent in lieu of a semiannual report if no incidences occurred during the reporting period.

a. All integrated six (6) minute opacity measurements for periods during which the applicable provisions of Section I have been exceeded, together with their nature and cause.

b. For periods of monitoring system malfunction:

(i) The date and time identifying each period during which the monitoring system was inoperative, except for zero and span checks.

(ii) The nature of monitoring system repairs or adjustments.

(iii) Proof of opacity monitoring system performance may be required by the Department whenever repairs or adjustments have been made.

c. Boiler system repairs or adjustments made to correct violations of the provisions of Section I.

**Regulation 61-62.5, Standard 1, Section IV.C shall be revised as follows:**

C. Exemption from Reporting Requirements

A temporary exemption from the opacity monitoring and reporting requirements of Section IV may be granted during any period of monitoring system(s) malfunction, provided the owner or operator shows, to the satisfaction of the Department, that the malfunction was unavoidable and is being repaired as expeditiously as possible.

**Regulation 61-62.5, Standard 1, Section IV.D shall be revised as follows:**

D. Equipment Performance Specifications

1. The continuous opacity monitoring system(s) required by Section IV.A.1 (for fossil fuel fired steam generators) shall conform with the performance specifications set forth in 40 CFR 60, Appendix B, Performance Specification 1, as revised July 1, 1986, which is incorporated by reference as a part of this standard except that where the term “Administrator” is used the term “Department” shall be substituted. In addition, the opacity monitoring system(s) shall complete a minimum of one (1) cycle of operation for each successive 10‑second period, be installed such that representative measurements of opacity from the affected steam generator are obtained, and have an instrument span of approximately eighty (80) percent opacity.

2. The owner or operator shall record the zero and span drift in accordance with the method prescribed by the manufacturer of such opacity monitoring system(s); subject the system(s) to the manufacturer’s recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; adjust the zero and span whenever the 24‑hour zero drift or 24‑hour calibration drift limits of 40 CFR 60, Appendix B, Performance Specification 1, as revised July 1, 1986, are exceeded; adjust the opacity monitoring system(s) purchased prior to September 11, 1974, whenever the 24‑hour zero drift or 24‑hour calibration drift exceeds four (4) percent opacity for those generators constructed prior to February 11, 1971, and two (2) percent opacity for those generators constructed after February 11, 1971.

3. The monitoring systems must be approved by the Department prior to installation.

**Regulation 61-62.5, Standard 1, Section IV.E shall be revised as follows:**

E. Monitor Location

When the effluents from two (2) or more affected steam generators of similar design and operating characteristics are combined before released to the atmosphere, the opacity monitoring system(s) shall be installed on the combined effluent. When the affected steam generators are not of similar design and operating characteristics, or when the effluent from one (1) affected steam generator is released to the atmosphere through more than one (1) point, the owner or operator shall apply for an alternate procedure to comply with the requirements of Section IV.

**Regulation 61-62.5, Standard 1, Section IV.F shall be revised as follows:**

F. Exemptions from Monitoring Requirements

Whenever the requirements for continuous opacity monitoring cannot be implemented by the owner or operator due to physical source limitations, extreme economic burden, or infrequent steam generator operation of less than thirty (30) days per year, or when the specified monitoring procedure would not provide accurate opacity determinations, alternate monitoring and reporting requirements may be approved on a case-by-case basis provided the owner or operator submits a written request to the Department which includes, but is not limited to:

1. The basis or reason(s) that alternate requirements are necessary;

2. A proposal of the alternate monitoring and reporting requirements; and

3. Any other information needed by the Department to make a determination that the alternate requirements are adequate to meet the intent of Section IV.

**Regulation 61-62.5, Standard 1, Section VI, Introductory Text, shall be revised as follows:**

An owner or operator of any source listed below shall ensure that scheduled periodic tests forparticulate matter emissions are conducted every two (2) years or as required by permit conditions and are performedin accordance with the provisions of Regulation 61-62.1, Section IV, Source Tests.An owner or operator shall demonstrate compliance with SO2 emissions by source testing, continuous monitoring, or fuel analysis as required by permit conditions.

**Regulation 61-62.5, Standard 1, Section VI.C shall be revised as follows:**

C.Woodwaste or combination woodwaste boilers greater than 20 x106 Btu/hr rated input.

**Regulation, 62.5, Standard Number 4, Emissions from Process Industries**

**Regulation 61-62.5, Standard 4, Section II.A shall be revised as follows:**

A. The rate of emission of sulfur dioxide (SO2) from sulfuric acid manufacturing shall be limited to no more than four (4) pounds of SO2 per ton of 100 percent sulfuric acid produced and emissions of acid mist to 0.5 pounds of sulfuric acid per ton of 100 percent acid produced.

**Regulation 61-62.5, Standard 4, Section III shall be revised as follows:**

**SECTION III - KRAFT PULP AND PAPER MANUFACTURING**

The opacity from kraft pulp and paper manufacturing shall be limited to the following:

|  |  |
| --- | --- |
|  | Maximum Allowable Stack Opacity |
| Recovery Furnace | 40 percent |
| Dissolving Tank | 20 percent |
| Lime Kiln | 20 percent |

**Regulation 61-62.5, Standard 4, Section V.A.8 shall be revised as follows:**

8. Low pressure exhausts – The exhaust air systems at a cotton gin following the gin stand (including lint cotton cleaning and battery formation process) in which material is conveyed by low pressure air and is typically controlled by condensers.

**Regulation 61-62.5, Standard 4, Section V.D, shall be revised as follows:**

D. Alternative Control Measures

1. The owner or operator of a cotton ginning operation may petition the Department to use alternative control measures to those specified in this rule. The petition shall include:

a. The name and address of the petitioner;

b. The location and description of the cotton ginning operation;

c. A description of the alternative control measure; and

d. A demonstration that the alternative control measure is at least as effective as the control device or method specified in this rule.

2. Once approved, repairs and maintenance of such devices will not require notification to the Department.

**Regulation 61-62.5, Standard 4, Section X.B shall be revised as follows:**

B. The owner or operator of all such operations shall maintain dust control of the premises and any roadway owned or controlled by the owner or operator by paving or other suitable measures. Oil treatment is prohibited.

**Regulation 61-62.5, Standard 4, Section XI.C shall be revised as follows:**

C. Case-by-Case Exceptions to Provisions of Section XI.B Above

**Regulation 61-62.5, Standard 4, Section XI.C.1 shall be revised as follows:**

1. If the owner or operator of a source of TRS compounds regulated by this standard can demonstrate that compliance with applicable portions of Section XI.B would not be economically feasible, the Department may, on a case-by-case basis, allow emission limitations less stringent than those required by applicable parts of Section XI.B. All data pertinent to the showing of economic infeasibility must accompany a petition for this relief, and shall include a present value analysis showing economic infeasibility.

**Regulation 61-62.5, Standard 4, Section XI.D.1.c(ii) shall be revised as follows:**

(ii) For the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus fifteen (15) percent of design scrubbing liquid supply pressure. The pressure sensor or tap is to be located close to the scrubber liquid discharge point. The Department may be consulted for approval of alternative locations.

d.(i) Continuously monitored operating and/or stack parameters may be used as substitutes for TRS monitors provided that it is demonstrated to the satisfaction of the Department that a correlation exists between the monitored parameter and TRS concentration and the other requirements in paragraph D.1 above are fulfilled.

(ii) Alternative equivalent methods of monitoring must be approved by the Department and EPA.

**Regulation 61-62.5, Standard 4, Section XI.D.3 shall be revised as follows:**

3. Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions (as defined in applicable subparts) to the Department for every semi-annual period unless specified on a more frequent cycle by the Department. All semi-annual reports shall be postmarked by the 30th day following the end of each semi-annual period and shall include the following information:

**Regulation 61-62.5, Standard 4, Section XI.D.3.a shall be revised as follows:**

a. For emissions from any recovery furnace, periods of excess emissions are all 12-hour average TRS concentrations above twenty (20) parts per million by volume (ppmv) for old design recovery furnaces, five (5) ppmv for new design recovery furnaces, and above twenty-five (25) ppmv for cross recovery furnaces;

**Regulation 61-62.5, Standard 4, Section XII shall be revised as follows:**

**SECTION XII - PERIODIC TESTING – PARTICULATE MATTER EMISSIONS AND/OR SULFUR DIOXIDE (SO2)**

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or SO2 every two (2) years except as noted, or on a schedule as stipulated by special permit conditions, and shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests.

A. Recovery furnaces and lime kilns of pulp and paper mills. Smelt tank vents will be required to be tested every four (4) years.

B. Rotary kilns, clinker coolers, and rotary dryers of Portland Cement plants.

C. Sulfuric acid plants.

D. Metallurgical furnaces greater than ten (10) tons per hour normal output.

E. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce “surface mix” during compliance source testing. “Surface mix” is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department’s “Standard Specifications for Highway Construction” manual. The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than twenty-five (25) percent of the plant’s total annual production is surface mix.

F. Fertilizer plants.

G. Any other sources which are deemed necessary.

**Regulation, 62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

**Regulation 61-62.61, Appendix A, shall be deleted.**

**Regulation 61-62.61, Appendix B, shall be deleted.**

**Regulation 61-62.61, Appendix C, shall be deleted.**

**Regulation 61-62.61, Appendix D, shall be deleted.**

**Regulation 61-62.61, Appendix E, shall be deleted.**

**Regulation, 62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories**

**Regulation 61-62.63, Note, shall be added as follows:**

Note: Section 112 of the Clean Air Act as amended in 1990 requires the United States Environmental Protection Agency (EPA) to issue emission standards for all major sources of the listed hazardous air pollutants (HAPs). These rules are generally known as “maximum achievable control technology” (MACT) standards. On June 26, 1995 [60 FR 32913], the EPA granted full approval to the State of South Carolina under Section 112(l)(5) and 40 CFR 63.91 of the State’s program for receiving delegation of Section 112 standards that are unchanged from federal rules as promulgated. These rules are incorporated by reference by the Department and the tables are periodically revised as MACT standards are amended or promulgated. The word “Administrator” as used in these MACT standards shall mean the Department of Health and Environmental Control with the exception of the sections within these subparts that may not be delegated by the EPA.

**Regulation 61-62.63.40(a) shall be revised as follows:**

(a) Applicability. The requirements of Sections 63.40 through 63.44 of this subpart apply to any owner or operator who constructs or reconstructs a major source of HAPs after the effective date of this subpart unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to Section 112(d), Section 112(h), or Section 112(j) of the Act and incorporated in another subpart of Part 63, or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before the effective date of Section 112(g)(2)(B) in the State.

**Regulation 61-62.63.43(l)(2) shall be revised as follows:**

(2) An owner or operator of a constructed or reconstructed major source which has obtained a MACT determination shall be deemed to be in compliance with Section 112(g)(2)(B) of the Act only to the extent that the constructed or reconstructed major source is in compliance with all requirements set forth in the final Notice of MACT Approval. Any violation of such requirements by the owner or operator shall be deemed by the Department and by EPA to be a violation of the prohibition on construction or reconstruction in Section 112(g)(2)(B) for whatever period the owner or operator is determined to be in violation of such requirements, and shall subject the owner or operator to appropriate enforcement action under the Act.

**Regulation 61-62.63.44(c), Note, shall be deleted as follows:**

**Fiscal Impact Statement:**

The Department estimates that there will be no increased costs to the State or its political subdivisions as a result of the proposed changes as any potential costs have already been incurred based on federal programs implemented in 2010 at the federal level. Other proposed changes are being made to streamline State requirements and therefore reduce economic burden.

**Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code of Laws, Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The amendments to R.61-62, Air Pollution Control Regulations and Standards, will support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting and testing requirements; and provide internal consistency and clarification of references, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62.

Legal Authority: The legal authority for R.61-62, Air Pollution Control Regulations and Standards, is S.C. Code of Laws, Sections 48-1-10 et seq.

Plan for Implementation: These amendments will take effect upon approval by the S.C. General Assembly, and publication in the State Register. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department amended R.61-62, Air Pollution Control Regulations and Standards, to codify and update “General” language.

The Department also amended R.61-62.1, Definitions and General Requirements, and the SIP:

a. (Section I, Definitions) to modify the definition for “Commissioner” to include the term “Director;” to add definitions for the terms “Code of Federal Regulations (CFR),” “NAICS Code,” and “SIC Code;” and to strike the majority of the definition for “Volatile Organic Compound” (VOC) which includes an exemptions list. The exemptions list for VOC is amended on an almost annual basis and requires a SIP amendment. Therefore, the Department is referencing 40 CFR 51.100(s) as the federal definition is often amended before the Department is able to complete the process outlined in the Administrative Procedure Act.

b. (Section II, Permit Requirements) to update the activities list which an owner or operator may undertake prior to obtaining a construction permit; to update and streamline exemption thresholds for construction permits; to outline construction permit requirements for sources of VOCs; to update and clarify construction permit application requirements; to streamline and update general construction permit requirements; to clarify and update operating permit renewal request requirements; to strike the Department’s requirement to public notice registration permits; to update and streamline registration permit text; to update and streamline transfer of ownership/operation requirements; and to amend the Department’s public participation procedures to allow for posting on the Department’s website.

c. (Section III, Emissions Inventory) to incorporate into South Carolina regulatory text and the SIP the Clean Air Act requirement for sources in ozone nonattainment areas to submit an annual emissions statement; and to update and clarify annual and three-year emissions inventory reporting requirements as regulatory text and format was found by owners and operators to be confusing. No new reporting requirements are included in these changes.

d. (Section IV, Source Tests) to incorporate provisions from two Final Rules published by the Environmental Protection Agency (Restructuring of the Stationary Source Audit Program (SSA) (75 FR 55636) and Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (PGVP Rule) (76 FR 17288)). These amendments reflect a change in EPA’s SSA program. EPA no longer provides the Department with audit samples for sources. Source owners, operators, and representatives must purchase samples from an Audit Sample Provider when a sample is commercially available. The Department also clarified air emissions testing and reporting requirements and added language to reflect federal testing competency requirements as found in the PGVP Rule which does not affect state testing.

The Department also amended R.61-62.5; Standard 1, Emissions from Fuel Burning Operations, and Standard 4, Emissions from Process Industries, and the SIP to incorporate comments from a previous regulatory action which did not require General Assembly review. The Department evaluated the comments received and determined to streamline sulfur dioxide emission standards in Standard 1; change reporting requirements from quarterly to semi-annual periods to reflect federal requirements; update state regulations that have been made obsolete by a National Emission Standard for Hazardous Air Pollutants and/or New Source Performance Standard; and strike total reduced sulfur periodic testing requirements from Standard 4.

The Department also amended R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability more consistent with the federal definition found in 40 CFR Section 63.40(b) and to move the “Note” regarding state authority to the beginning of R.61-62.63 for clarity and usability.

The Department also amended R.61-62 to reflect minor revisions aimed at enhancing the clarity and usability of these regulations per the 5-year audit.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There will be no detrimental effect on the environment and public health from the amendments to R.61-62, Air Pollution Control Regulations and Standards, and the SIP.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this revision. Amendments to 62.1, Definitions and General Requirements, will have various positive economic effects. Striking the text of the definition for Volatile Organic Compounds will save the Department man-hours in that most End of the Year Revision processes will no longer require a SIP amendment due to a change in the VOC exemption list. Expanding the list of activities which may take place prior to obtaining a construction permit and updating exemption thresholds for construction permits in an effort to mirror exemption thresholds with the Title V Insignificant Activity List will reduce some of the economic burden of source owners and operators. Allowing the Department to develop emission thresholds to exempt sources without further review will save the Department and sources man-hours. Streamlining permit requirement and renewal language will reduce the economic burden to source owners by enabling them to submit complete and correct permit applications and transfer of ownership documentation in a timely fashion. Striking the requirement for the State to public notice registration permits and allowing the State to public notice other permits on the Department’s website will save the State public notification funds. The cost of the amendments to the Stationary Source Audit Program have previously been incurred by the regulatory community as program changes are already effective and applicable to the regulated community as a matter of federal law.

Amendments to R.61-62.5, Standard 1, Emissions from Fuel Burning Operations, and Standard 4, Emissions from Process Industries, will reduce the economic burden on source owners as efforts are being made to streamline state requirements with current New Source Performance Standards and National Emission Standards from Hazardous Air Pollutants from Source Categories. This effort will also reduce reporting frequencies and testing requirements.

The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use which will reduce economic burden.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-62, Air Pollution Control Regulations and Standards, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There will be no detrimental effect on the environment and/or public health associated with these revisions. Rather, State’s authority to implement programs for which the State has been delegated authority, which are beneficial to public health and the environment, would be compromised if these amendments were not adopted in South Carolina. Permit streamlining and regulatory text clarification will have a positive effect on both the environment and public health.

**Statement of Rationale:**

The Department began this process by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary per the 5-year review and in response to comments received from a pervious regulatory action which did not require General Assembly review. The Department met with the commenting group during the initial drafting process and proposed changes based on internal and external consensus. The Department also held an external stakeholder meeting to take recommendations and comments on those regulatory amendments identified by the workgroup. No germane comments were received during the external stakeholder meeting, but comments were received during the Notice of Proposed Rulemaking comment period and taken into consideration when drafting the Notice of Final Regulation for R.61-62 and the SIP. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.