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Document No. 4481

**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:**

Pursuant to the Clean Air Act, 42 U.S.C. Section 7401 *et seq*., and the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 *et seq*., the South Carolina Department of Health and Environmental Control (“Department”) amended South Carolina (SC) Regulation 61-62*, Air Pollution Control Regulations and Standards*, and the State Implementation Plan (“SIP”), as follows:

 1. The Department amended Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations*, to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

 2. The Department also amended Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards*, to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and, therefore, is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2.

 3. The Department repealed Regulation 61-62.5, Standard No. 5.1, *Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*. Because other regulations such as Regulation 61-62.5, Standard No. 5, *Volatile Organic Compounds;* Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; and Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review* are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.

 4. The Department also amended Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, *Prevention of Significant Deterioration of Air Quality*.

 5. The Department also amended Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR),* to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the “2013 General Assembly Package” but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).

 6. The Department also amended Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants,* to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See item 2 for justification).

 7. The Department also amended Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards,* to correct an error in punctuation.

 8. The Department also amended Regulation 61-62.70, *Title V Operating Permit Program,* to make a change to Section 62.70.5(c) to correct a unit of measurement error for consistency with language in Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants*.

 9. The Department has also made other changes to Regulation 61-62 that include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

A Notice of Drafting was published in the *State Register* in Volume 38, Issue 4 on April 25, 2014.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

**Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations**

Regulation 61-62.5, Standard No. 1, Section I, Visible Emissions:

Paragraph C is amended to add the text “and propane” to specify the exemption for owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

Regulation 61-62.5, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1 is amended to replace the word “semiannual” with the hyphenated word “semi-annual for consistency within the regulation.

Regulation 61-62.5, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.3 is amended to replace the word “quarterly” with the hyphenated word “semi-annual” for consistency within the regulation.

**Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards**

Regulation 61-62.5, Standard No. 2, Table:

Table is amended to strike the pollutant “Gaseous Fluorides (as HF)” and all associated parameters.

**Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds**

Regulation 61-62.5, Standard No. 5.1 is stricken in its entirety.

**Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

Regulation 61-62.5, Standard No. 7, Section (a)(2), Applicability procedures:

Paragraph (a)(2)(iv)(f) is amended to add the text “for each type of emissions unit” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(4)(i)(a) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(4)(ii)(a) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(5)(ii)(b) is amended to add the text “52.21 or under regulations approved pursuant to 40 CFR 51.166” for consistency with language in federal regulation 40 CFR 52.21; and to strike the text “and would be constructed in the same state as the state proposing the redesignation” for clarity.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(8) is amended to strike the text “regulated NSR” and add the text “subject to regulation under the Clean Air Act” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(15) is amended to strike the word “actual” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(30)(v) is added for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(32)(i)(a) is amended to strike the underline from the phrase “North American Industrial Classification System” to correct a typographical error.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(iii)(c) is amended to strike the text “the date that the increase from” and the word “occurs”; and add the text “construction on” and the word “commences” to make the contemporaneous period and the creditability for an increase or decrease in actual emissions the same in order to be consistent with federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(iii)(d) is added for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(b) is amended to strike the word “and” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(c) is amended to strike the period at the end of the sentence and replace it with a semicolon; and add the word “and” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(41)(ii)(b) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(3) is amended to add a comma after the text “(m)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(4) is amended to add a comma after the text “(m)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(8)(ii) is amended to add a comma after the text “(m)(1)(ii);” strike the first instance of the word “and;” and add a comma after the text “(m)(1)(iv)” for punctuational and grammatical correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(10) is amended to add a colon at the end of the sentence for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(10)(i) is amended to strike the comma after the word “applies” and replace it with a semicolon for punctuation consistency.

Regulation 61-62.5, Standard No. 7, Section (m), Air quality analysis:

Paragraph (m)(1)(i)(a) is amended to strike the word “omit” and replace it with the word “emit” for grammatical correctness.

Regulation 61-62.5, Standard No. 7, Section (n), Source information:

Paragraph (n)(1)(i) is amended to add a comma after the text “(n)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (u)(4):

Paragraph (u)(4) is amended to add the words “Clean Air” before the word “Act” for clarity.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(3)(ii) is amended to strike the letter “s” from the word “malfunctions” for consistency with federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(6)(ii) is amended to strike the text “Emissions from,” the word “operation,” the phrase “less than,” the letter “s” from the phrase “24-months,” and the phrase “prior to the date of the PAL permit application.” The paragraph is also amended to add the text “For newly constructed,” the phrase “actual construction,” the text “after the,” the text “period,” and the phrase “the emissions” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(8)(ii)(b)(2) is amended to strike the text “qtate” and replace with the word “state” to correct typographical error.

**Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR)**

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(2)(A)(i) is amended to strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(2)(B)(i) is amended to add a comma after the word “startups,” strike the second instance of the word “and;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(11)(B)(ii) is amended to strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (d), Permitting Requirements:

Paragraph (d)(1)(C)(v)(b)(2) is added to provide flexibility to NSR applicants that have been open for more than one year and less than two years. However, this provision does not allow the use of potential emissions in emission offsets calculations.

Regulation 61-62.5, Standard No. 7.1, Section (i), Actuals PALs:

Paragraph (i)(6)(ii) is amended to strike the word “operation,” the phrase “less than,” the letter “s” from the phrase “24-months,” and the phrase “prior to the date of the PAL permit application.” The paragraph is also amended to add the phrase “actual construction,” the text “after the,” and the word “period” for consistency with language in federal regulation 40 CFR 52.21.

**Regulation 61-62.5, Standard No. 8, Toxic Air Pollutant**

Regulation 61-62.5, Standard No. 8, Section II, Toxic Air Emissions:

Section II.E.Table is amended to add maximum allowable concentration time frame of “24-Hour Average” to table.

Regulation 61-62.5, Standard No. 8, Section II, Toxic Air Emissions:

Section II.E.Table is amended to add the pollutant “Hydrogen Fluoride (HF)” to include its Chemical Abstract Service (CAS) Number, Category, and Maximum Allowable Concentration. HF is a federal Hazardous Air Pollutant, has no primary or secondary national ambient air quality standard, and therefore is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2 as is currently.

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

Regulation 61-62.60, Subpart LLL, “Standards of Performance for Onshore Natural Gas Processing; SO2 Emissions:”

Subpart LLL, Title is amended to strike the semicolon and replace with a colon for punctuational correctness.

**Regulation 61-62.70, Title V Operating Permit Program**

Regulation 61-62.70, Section 70.5, Permit applications:

Section 70.5(c) is amended to strike the word “year” and replace with the word “month” to correct a unit of measurement error for consistency with language in Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants*.

Regulation 61-62.70, Section 70.6, Permit content:

Section 70.6(c)(4) is amended to add a hyphen to the word “semiannually” for consistency with the regulation.

**Instructions:**

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

**Text:**

**Regulation, 62.5, Standard No. 1, Emissions from Fuel Burning Operations**

**Regulation 61-62.5, Standard No. 1, Section I.C shall be revised as follows:**

C.Special Provisions

 The opacity standards set forth above do not apply during startup or shutdown. Owners and operators shall, to the extent practicable, maintain and operate any source including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. In addition, the owner or operator of fuel burning sources except natural gas and propane fired units, shall maintain a log of the time, magnitude, duration, and any other pertinent information to determine periods of startup and shutdown and make available to the Department upon request.

**Regulation 61-62.5, Standard No. 1, Section IV.B.1 shall be revised as follows:**

B. Continuous Opacity Monitor Reporting Requirements

 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 semi-annual report if no incidences occurred during the reporting period

**Regulation 61-62.5, Standard No. 1, Section IV.B.3 shall be revised as follows:**

 3. The owner or operator shall maintain a file of all information contained in the semi-annual reports, calibration data for the opacity monitoring system(s), relevant records of adjustments and maintenance performed on such system(s), and all other data generated by the continuous opacity monitoring system(s), for a minimum of two (2) years from the date of submission of such reports or collection of such data. The information contained on file must be made available for review by Department personnel upon request.

**Regulation 61-62.5, Standard No. 2, Table shall be revised as follows:**

| **Pollutant** | **Reference** | **Measuring Interval** | **Standard Level** |
| --- | --- | --- | --- |
|  |  |  | **mg/m3** | **μg/m3**  | **ppm** | **ppb** |
| Sulfur Dioxide | 40 CFR 50.440 CFR 50.540 CFR 50.17 | 3 hour(secondary) | - | 1300 | 0.5 | - |
| 1 hour(primary) | - | - | - | 75 |
| PM10 | 40 CFR 50.6 | 24 hour | - | 150 | - | - |
| PM2.5  | 40 CFR 50.1340 CFR 50.18 | 24 hour(primary) | - | 35 | - | - |
| Annual(primary) | - | 12 | - | - |
| 24 hour(secondary) | - | 35 | - | - |
| Annual(secondary) | - | 15 | - | - |
| Carbon Monoxide | 40 CFR 50.8 | 1 hour(no secondary) | 40  | - | 35 | - |
| 8 hour(no secondary) | 10 | - | 9 | - |
| Ozone | 40 CFR 50.10 | 8 hour (1997) | - | - | 0.08 | - |
| 40 CFR 50.15 | 8 hour (2008) | - | - | 0.075 | - |
| Nitrogen Dioxide | 40 CFR 50.11 | Annual | - | 100 | 0.053 | 53 |
| 1 hour | - | - | - | 100 |
| Lead | 40 CFR 50.16 | Rolling 3-month Average | - | 0.15 | - | - |

**Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds**

**Regulation 61-62.5, Standard No. 5.1 is stricken in its entirety.**

**Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

**Regulation 61-62.5, Standard No. 7, Section (a)(2)(iv)(f) shall be revised as follows:**

 (f) **Hybrid test for projects that involve multiple types of emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) and (d) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds, the significant amount for that pollutant (as defined in paragraph (b)(49)).

**Regulation 61-62.5, Standard No. 7, Section (b)(4)(i)(a) shall be revised as follows:**

 (a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

**Regulation 61-62.5, Standard No. 7, Section (b)(4)(ii)(a) shall be revised as follows:**

 (a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

**Regulation 61-62.5, Standard No. 7, Section (b)(5)(ii)(b) shall be revised as follows:**

 (b) Is subject to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166.

**Regulation 61-62.5, Standard No. 7, Section (b)(8) shall be revised as follows:**

 (8) **“Best available control technology (BACT)”** means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

**Regulation 61-62.5, Standard No. 7, Section (b)(15) shall be revised as follows:**

 (15) **“Construction”** means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

**Regulation 61-62.5, Standard No. 7, Section (b)(30)(v) shall be added as follows:**

 (v) Fugitive emissions shall not be included in determining, for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in paragraph b(32)(iii) of this section.

**Regulation 61-62.5, Standard No. 7, Section (b)(32)(i)(a) shall be revised as follows:**

 (a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tpy or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industrial Classification System (NAICS) codes 325193 or 312140), fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(iii)(c) shall be revised as follows:**

 (c) It occurs within five years before construction on the particular change commences.

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(iii)(d) shall be added as follows:**

 (d) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in paragraph (b)(32)(iii) of this section or it occurs at an emission unit that is located at a major stationary source that belongs to one of the listed source categories.

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(vi)(b) shall be revised as follows:**

 (b) It is federally enforceable at and after the time that actual construction on the particular change begins;

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(vi)(c) shall be revised as follows:**

 (c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

**Regulation 61-62.5, Standard No. 7, Section (b)(41)(ii)(b) shall be revised as follows:**

 (b) Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

**Regulation 61-62.5, Standard No. 7, Section (i)(3) shall be revised as follows:**

 (3) The requirements of paragraphs (k), (m), and (o) shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

**Regulation 61-62.5, Standard No. 7, Section (i)(4) shall be revised as follows:**

 (4) The requirements of paragraphs (k), (m), and (o) as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than fifty (50) tpy.

**Regulation 61-62.5, Standard No. 7, Section (i)(8)(ii) shall be revised as follows:**

 (ii) The requirements for air quality monitoring of PM10 in paragraphs (m)(1), (m)(1)(ii), (m)(1)(iv), and (m)(3) shall apply to a particular source or modification if the owner or operator of the source or modification submits an application for a permit under this section after June 1, 1988 and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988 to the date the application becomes otherwise complete in accordance with the provisions set forth under paragraph (m)(1)(viii), except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

**Regulation 61-62.5, Standard No. 7, Section (i)(10) shall be revised as follows:**

 (10) The requirements in paragraph (k)(2) shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM10 if:

**Regulation 61-62.5, Standard No. 7, Section (i)(10)(i) shall be revised as follows:**

 (i) The owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM10 took effect in an implementation plan to which this section applies; and

**Regulation 61-62.5, Standard No. 7, Section (m)(1)(i)(a) shall be revised as follows:**

 (a) For the source, each pollutant that it would have the potential to emit in a significant amount;

**Regulation 61-62.5, Standard No. 7, Section (n)(1) shall be revised as follows:**

 (1) With respect to a source or modification to which paragraphs (j), (l), (n), and (p) apply, such information shall include:

**Regulation 61-62.5, Standard No. 7, Section (u)(4) shall be revised as follows:**

(u)(4) In the case of a source or modification which proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase applicable if the area were designated a Class II area, and where no standard under Section 111 of the Clean Air Act has been promulgated for such source category, the Administrator must approve the determination of BACT as set forth in the permit.

**Regulation 61-62.5, Standard No. 7, Section (aa)(3)(ii) shall be revised as follows:**

 (ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

**Regulation 61-62.5, Standard No. 7, Section (aa)(6)(ii) shall be revised as follows:**

 (ii) For newly constructed units (which do not include modification to existing units) on which actual construction began after the 24-month period, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

**Regulation 61-62.5, Standard No. 7, Section (aa)(8)(ii)(b)(2) shall be revised as follows:**

 (2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the state may impose on the major stationary source under the State Implementation Plan; and

**Regulation 61-62.5, Standard No. 7.1, Section (c)(2)(A)(i) shall be revised as follows:**

 (i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

**Regulation 61-62.5, Standard No. 7.1, Section (c)(2)(B)(i) shall be revised as follows:**

 (i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

**Regulation 61-62.5, Standard No. 7.1, Section (c)(11)(B)(ii) shall be revised as follows:**

 (ii) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

**Regulation 61-62.5, Standard No. 7.1, Section (d)(1)(C)(v)(b)(2) shall be added as follows:**

 (2) For any emissions unit that has been operating for a consecutive period of at least 12 months but less than 24 months on the base year inventory date, based on the unit's potential to emit, emissions shall be calculated to equal the amount needed to complete a 24 month period on the base year inventory date.

**Regulation 61-62.5, Standard No. 7.1, Section (i)(6)(ii) shall be revised as follows:**

 (ii) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

**Regulation 61-62.5, Standard No. 8, Section II.E.Table shall be revised as follows:**

|  Chemical Name | CASNumber | Category | Maximum Allowable 24-Hour Average Concentration (µg/m3)\* |
| --- | --- | --- | --- |
| Acetaldehyde | 75-07-0 | 2 | 1800.00 |
| Acetamide | 60-35-5 | 3 | + |
| Acetic Anhydride | 108-24-7 | 1 | 500.00 |
| Acetonitrile | 75-05-8 | 1 | 1750.00 |
| Acetophenone | 98-86-2 | 3 | + |
| 2-Acetylaminofluorene | 53-96-3 | 3 | + |
| Acrolein | 107-02-8 | 3 | 1.25 |
| Acrylamide | 79-06-1 | 2 | 0.30 |
| Acrylic Acid | 79-10-7 | 3 | 147.50 |
| Acrylonitrile | 107-13-1 | 3 | 22.50 |
| Aldicarb | 116-06-3 | 2 | 6.00 |
| Allyl Chloride | 107-05-1 | 2 | 30.00 |
| p-Aminodiphenyl (4-Aminobiphenyl) | 92-67-1 | 3 | 0.00 |
| Ammonium Chloride | 12125-02-9 | 1 | 250.00 |
| Aniline | 62-53-3 | 3 | 50.00 |
| o-Anisidine | 90-04-0 | 3 | 2.50 |
| p-Anisidine | 104-94-9 | 3 | 2.50 |
| Antimony Compounds | > | 1 | 2.50 |
| Arsenic Pentoxide | 1303-28-2 | 3 | 1.00 |
| Arsenic | 7440-38-2 | 3 | 1.00 |
| Benzene | 71-43-2 | 3 | 150.00 |
| Benzidine | 92-87-5 | 3 | 0.00 |
| Benzotrichloride | 98-07-7 | 3 | 300.00 |
| Benzyl Chloride | 100-44-7 | 3 | 25.00 |
| Beryllium Oxide | 1304-56-9 | 3 | 0.01 |
| Beryllium Sulfate | 13510-49-1 | 3 | 0.01 |
| Beryllium | 7440-41-7 | 3 | 0.01 |
| Biphenyl | 92-52-4 | 3 | 6.00 |
| Bis(Chloromethyl) Ether | 542-88-1 | 3 | 0.03 |
| Bis(2-ethylhexyl)phthalate (DEHP) | 117-81-7 | 3 | 25.00 |
| Bromoform | 75-25-2 | 3 | 25.85 |
| 1,3-Butadiene | 106-99-0 | 3 | 110.50 |
| 1-Butanethiol (n-Butyl Mercaptan) | 109-79-5 | 2 | 15.00 |
| n-Butylamine | 109-73-9 | 3 | 75.00 |
| Cadmium Oxide | 1306-19-0 | 3 | 0.25 |
| Cadmium Sulfate | 10124-36-4 | 3 | 0.20 |
| Cadmium | 7440-43-9 | 3 | 0.25 |
| Calcium Cyanamide | 156-62-7 | 3 | 2.50 |
| Caprolactam, vapor | 105-60-2 | 1 | 500.00 |
| Caprolactam, dust | 105-60-2 | 1 | 25.00 |
| Captan | 133-06-2 | 3 | 25.00 |
| Carbaryl | 63-25-2 | 3 | 25.00 |
| Carbon Disulfide | 75-15-0 | 3 | 150.00 |
| Carbon Tetrachloride | 56-23-5 | 3 | 150.00 |
| Carbonyl Sulfide | 463-58-1 | 3 | 12250.00 |
| Catechol | 120-80-9 | 3 | 297.00 |
| Chloramben | 133-90-4 | 3 | + |
| Chlordane | 57-74-9 | 3 | 2.50 |
| Chlorine | 7782-50-5 | 1 | 75.00 |
| Chloroacetic Acid | 79-11-8 | 3 | 900.00 |
| 2-Chloroacetophenone | 532-27-4 | 1 | 7.50 |
| Chlorobenzene | 108-90-7 | 3 | 1725.00 |
| Chlorobenzilate | 510-15-6 | 3 | + |
| Chloroform | 67-66-3 | 3 | 250.00 |
| Chloromethyl Methyl Ether | 107-30-2 | 3 | + |
| p-Chloronitrobenzene | 100-00-5 | 3 | 5.00 |
| Chloroprene | 126-99-8 | 3 | 175.00 |
| Chromium (+6) Compounds | > | 3 | 2.50 |
| Cobalt Compounds | > | 3 | 0.25 |
| Coke Oven Emissions | > | 3 | + |
| Cresols/cresylic acid and mixture | 1319-77-3 | 3 | 220.00 |
| m-Cresol | 108-39-4 | 3 | 110.50 |
| o-Cresol | 95-48-7 | 3 | 110.50 |
| p-Cresol | 106-44-5 | 3 | 110.50 |
| Cumene | 98-82-8 | 2 | 9.00 # |
| Cyanamide | 420-04-2 | 1 | 50.00 |
| Cyanic Acid | 420-05-3 | 1 | 500.00 |
| Cyanide | 57-12-5 | 1 | 125.00 |
| Cyanide compounds1 | > | 1 | + |
| Cyanoacetamide | 107-91-5 | 1 | 125.00 |
| Cyanogen | 460-19-5 | 1 | 500.00 |
| 2,4-D,salts and esters | 94-75-7 | 3 | 50.00 |
| DDE | 3547-04-4 | 3 | + |
| Diazomethane | 334-88-3 | 3 | 2.00 |
| Dibenzofuran | 132-64-9 | 3 | + |
| 1,2-Dibromo-3-chloropropane | 96-12-8 | 3 | 0.05 |
| Dibutylphthalate | 84-74-2 | 3 | 25.00 |
| p-Dichlorobenzene | 106-46-7 | 2 | 4500.00 |
| 3,3 -Dichlorobenzidine | 91-94-1 | 3 | 0.15 |
| 1,3-Dichloropropene | 542-75-6 | 3 | 20.00 # |
| Dichlorvos | 62-73-7 | 3 | 4.52 |
| Diethanolamine | 111-42-2 | 2 | 129.00 |
| n,n-Diethylaniline (n,n-Dimethylaniline) | 121-69-7 | 2 | 250.00 |
| Diethyl Phthalate | 84-66-2 | 3 | 25.00 |
| Diethyl Sulfate | 64-67-5 | 3 | + |
| Diisodecyl Phthalate | 2671-40-0 | 2 | 50.00 |
| 3,3-Dimethoxybenzidine | 119-90-4 | 3 | 0.30 |
| 3,3'-Dimethyl Benzidine | 119-93-7 | 3 | + |
| Dimethyl Carbamoyl Chloride | 79-44-7 | 3 | + |
| Dimethyl Formamide | 68-12-2 | 2 | 300.00 |
| 1,1-Dimethyl Hydrazine | 57-14-7 | 3 | 5.00 |
| 1,2-Dimethyl Hydrazine | 540-73-8 | 3 | 5.00 |
| Dimethyl Phthalate | 131-11-3 | 3 | 25.00 |
| Dimethyl Sulfate | 77-78-1 | 3 | 2.50 |
| 4-Dimethylaminoazobenzene | 60-11-7 | 3 | 125.00 |
| m-Dinitrobenzene | 99-65-0 | 2 | 10.00 |
| 4,6-Dinitro-o-cresol and salts | 534-52-1 | 2 | 2.00 |
| 2,4-Dinitrophenol | 51-28-5 | 3 | + |
| 2,4-Dinitrotoluene | 121-14-2 | 3 | 1.50 |
| Dioctyl Phthalate | 117-84-0 | 2 | 50.00 |
| 1,4-Dioxane | 123-91-1 | 3 | 450.00 |
| 1,2-Diphenylhydrazine | 122-66-7 | 3 | + |
| Epichlorohydrin | 106-89-8 | 3 | 50.00 |
| 1,2-Epoxybutane | 106-88-7 | 3 | + |
| Ethanethiol | 75-08-1 | 2 | 10.00 |
| Ethanolamine | 141-43-5 | 1 | 200.00 |
| Ethyl Acrylate | 140-88-5 | 3 | 102.50 |
| Ethyl Benzene | 100-41-4 | 2 | 4350.00 |
| Ethyl Chloride | 75-00-3 | 2 | 26400.00 |
| Ethylene Dibromide | 106-93-4 | 2 | 770.00 |
| Ethylene Dichloride | 107-06-2 | 3 | 200.00 |
| Ethylene Glycol | 107-21-1 | 3 | 650.00 |
| Ethylene Oxide | 75-21-8 | 3 | 10.00 |
| Ethylene Thiourea | 96-45-7 | 3 | + |
| Ethylene Imine | 151-56-4 | 3 | 5.00 |
| Ethylidene Dichloride | 75-34-3 | 3 | 2025.00 |
| Formaldehyde | 50-00-0 | 2 | 15.00 |
| Formamide | 75-12-7 | 1 | 750.00 |
| Formic Acid | 64-18-6 | 1 | 225.00 |
| Furfural | 98-01-1 | 1 | 200.00 |
| Furfuryl Alcohol | 98-00-0 | 2 | 400.00 |
| Glycidaldehyde | 765-34-4 | 3 | 75.00 |
| Glycol Ethers2 (mono- and di- ethers of diethylene glycol or triethylene glycol) | > | 1 | + |
| Glycol Ethers2 (mono- and di- ethers of ethylene glycol) | > | 3 | + |
| Heptachlor | 76-44-8 | 3 | 2.50 |
| Hexachlorobenzene | 118-74-1 | 3 | + |
| Hexachlorobutadiene | 87-68-3 | 3 | l.20 |
| Hexachlorocyclohexane (multiple isomers) | 608-73-1 | 2 | 5.00 |
| Hexachlorocylopentadiene | 77-47-4 | 3 | 0.50 |
| Hexachloroethane | 67-72-1 | 3 | 48.50 |
| Hexachloronaphthalene | 1335-87-1 | 3 | 1.00 |
| Hexamethylene-1,6-diisocyanate | 822-06-0 | 2 | 0.34 |
| Hexamethylphosphoramide | 680-31-9 | 3 | l4.50 |
| Hexane | 110-54-3 | 3 | 900.00 |
| Hydrazine | 302-01-2 | 3 | 0.50 |
| Hydrochloric Acid | 7647-01-0 | 1 | 175.00 |
| Hydrogen Cyanide | 74-90-8 | 1 | 250.00 |
| Hydrogen Fluoride (HF) | 7664-39-3 | 3 | 2.05 |
| Hydrogen Sulfide | 7783-06-4 | 2 | 140.00 |
| Hydroquinone | 123-31-9 | 2 | 20.00 |
| Isophorone | 78-59-1 | 2 | 250.00 |
| Isopropylamine | 75-31-0 | 1 | 300.00 |
| Kepone (Chlordecone) | 143-50-0 | 3 | 0.00 |
| Ketene | 463-51-4 | 3 | 4.50 |
| Lead Arsenate | 7645-25-2 | 3 | 0.75 |
| Lead (+2) Arsenate | 7784-40-9 | 3 | 0.75 |
| Lindane | 58-89-9 | 3 | 2.50 |
| Malathion | 121-75-5 | 2 | 100.00 |
| Maleic Anhydride | 108-31-6 | 2 | 10.00 |
| Manganese Compounds | > | 3 | 25.00 |
| Mercury | 7439-97-6 | 3 | 0.25 |
| Methanol | 67-56-1 | 3 | 1310.00 |
| Methoxychlor | 72-43-5 | 3 | 50.00 |
| Methyl Bromide | 74-83-9 | 3 | 100.00 |
| Methyl Chloride | 74-87-3 | 3 | 515.00 |
| Methyl Chloroform (1,1,1-Trichloroethane) | 71-55-6 | 3 | 9550.00 |
| Methylene Biphenyl Isocyanate | 101-68-8 | 2 | 2.00 |
| 4,4-Methylene Bis(2-chloroaniline) | 101-14-4 | 3 | 1.10 |
| 4,4-Methylenedianiline | 101-77-9 | 3 | 4.00 |
| Methyl Ethyl Ketone (2-Butanone) | 78-93-3 | 1 | 14750.00 |
| Methyl Hydrazine | 60-34-4 | 3 | 1.75 |
| Methyl Iodide | 74-88-4 | 3 | 58.00 |
| Methyl Isobutyl Ketone | 108-10-1 | 2 | 2050.00 |
| Methyl Isocyanate | 624-83-9 | 3 | 0.23 |
| Methyl Mercaptan | 74-93-1 | 2 | 10.00 |
| Methyl Methacrylate | 80-62-6 | 1 | 10250.00 |
| Methylamine | 74-89-5 | 1 | 300.00 |
| Methylene Chloride | 75-09-2 | 1 | 8750.00 |
| Methyl-t-Butyl Ether | 1634-04-4 | 1 | + |
| Mineral Fibers, Fine3 | > | 3 | + |
| Mineral Oil Mist (Paraffin Oil) | 8012-95-1 | 3 | 25.00 |
| Mirex | 2385-85-5 | 3 | 4500.00 |
| Naphthalene | 91-20-3 | 1 | 1250.00 |
| a-Naphthylamine | 134-32-7 | 3 | 0.00 |
| b-Naphthylamine | 91-59-8 | 3 | 0.00 |
| Nickel Carbonyl | 13463-39-3 | 3 | 1.75 |
| Nickel Oxide | 1313-99-1 | 3 | 5.00 |
| Nickel Sulfate | 7786-81-4 | 3 | 5.00 |
| Nickel | 7440-02-0 | 3 | 0.50 |
| Nitric Acid | 7697-37-2 | 1 | 125.00 |
| p-Nitroaniline | 100-01-6 | 3 | 15.00 |
| Nitrobenzene | 98-95-3 | 3 | 25.00 |
| 4-Nitrobiphenyl | 92-93-3 | 3 | 0.00 |
| Nitrogen Mustard | 51-75-2 | 3 | 0.00 |
| Nitroglycerin | 55-63-0 | 2 | 5.00 |
| p-Nitrophenol | 100-02-7 | 3 | 0.00 |
| 1-Nitropropane | 108-03-2 | 1 | 2250.00 |
| 2-Nitropropane | 79-46-9 | 3 | 182.00 |
| p-Nitrosophenol | 104-91-6 | 3 | 0.00 |
| n-Nitroso-n-methylurea | 684-93-5 | 3 | + |
| n-Nitrosodimethylamine | 62-75-9 | 3 | 0.00 |
| n-Nitrosomorpholine | 59-89-2 | 3 | 5000.00 |
| p-Nitrotoluene | 99-99-0 | 3 | 5.50 |
| Octachloronaphthalene | 2234-13-1 | 3 | 0.50 |
| Oxalic Acid | 144-62-7 | 2 | 10.00 |
| Paraquat | 1910-42-5 | 3 | 0.50 |
| Parathion | 56-38-2 | 3 | 0.50 |
| Pentachloronitrobenzene (Quintobenzene) | 82-68-8 | 3 | + |
| Pentachlorophenol | 87-86-5 | 2 | 5.00 |
| Phenol | 108-95-2 | 2 | 190.00 |
| p-Phenylenediamine | 106-50-3 | 2 | 1.00 |
| Phenylhydrazine | 100-63-0 | 2 | 200.00 |
| Phosgene (Carbonyl Chloride) | 75-44-5 | 2 | 4.00 |
| Phosphine | 7803-51-2 | 3 | 2.09 |
| Phosphoric Acid | 7664-38-2 | 1 | 25.00 |
| Phosphorus | 7723-14-0 | 2 | 0.50 |
| Phthalic Anhydride | 85-44-9 | 3 | 30.30 |
| Picric Acid | 88-89-1 | 2 | 1.00 |
| Polychlorinated Biphenyls (PCB) (multiple compounds) | > | 3 | 2.50 |
| Polycyclic Organic Matter4 | > | 3 | 160.00 |
| 1,3-Propane Sultone | 1120-71-4 | 3 | + |
| b-Propiolactone | 57-57-8 | 3 | 7.50 |
| Propionaldehyde | 123-38-6 | 1 | + |
| Propoxur | 114-26-1 | 3 | 2.50 |
| Propylene Dichloride | 78-87-5 | 3 | 1750.00 |
| Propylene Oxide | 75-56-9 | 3 | 250.00 |
| 1,2-Propylenimine | 75-55-8 | 3 | 23.35 |
| Pyrethrin I | 121-21-1 | 3 | 25.00 |
| Pyrethrin II | 121-29-9 | 3 | 25.00 |
| Pyrethrum | 8003-34-7 | 2 | 50.00 |
| Quinoline | 91-22-5 | 3 | + |
| Quinone | 106-51-4 | 3 | 2.00 |
| Rotenone | 83-79-462 | 2 | 50.00 |
| Selenium Compounds | > | 3 | 1.00 |
| Sodium Hydroxide5 | 1310-73-2 | 1 | 50.00 |
| Styrene | 100-42-5 | 1 | 5325.00 |
| Styrene Oxide | 96-09-3 | 3 | + |
| Sulfuric Acid | 7664-93-9 | 2 | 10.00 |
| Tetrachlorinated Dibenzo-p-dioxins | 1746-01-6 | 3 | 0.00 |
| 1,1,2,2-Tetrachloroethane(Acetylene Tetrachloride) | 79-34-5 | 3 | 35.00 |
| Tetrachloroethylene (Perchloroethylene) | 127-18-4 | 2 | 3350.00 |
| Titanium Tetrachloride | 7550-45-0 | 1 | 2500.00 |
| Toluene | 108-88-3 | 3 | 2000.00 |
| 2,4-Toluenediamine | 95-80-7 | 3 | + |
| Toluene Diisocyanate | 26471-62-5 | 2 | 0.40 |
| Toluene-2,4- diisocyanate | 584-84-9 | 2 | 0.40 |
| o-Toluidine | 95-53-4 | 3 | 43.85 |
| Toxaphene | 8001-35-2 | 3 | 2.50 |
| 1,2,4-Trichlorobenzene | 120-82-1 | 2 | 400.00 |
| 1,1,2-Trichloroethane | 79-00-5 | 3 | 273.00 |
| Trichloroethylene | 79-01-6 | 1 | 6750.00 |
| 2,4,5-Trichlorophenol | 95-95-4 | 3 | + |
| 2,4,6-Trichlorophenol | 88-06-2 | 3 | + |
| Triethylamine | 121-44-8 | 3 | 207.00 |
| Trifluralin | 1582-09-8 | 3 | + |
| 2,2,4-Trimethylpentane | 540-84-1 | 1 | 8750.00 |
| Urethane (Carbamic Acid Ethyl Ester) | 51-79-6 | 2 | 5000.00 |
| Vinyl Acetate | 108-05-4 | 3 | 176.00 |
| Vinyl Bromide | 593-60-2 | 3 | 100.00 |
| Vinyl Chloride | 75-01-4 | 3 | 50.00 |
| Vinyl Fluoride | 75-02-5 | 2 | 19.00 |
| Vinylidene chloride | 75-35-4 | 3 | 99.00 |
| Xylene | 1330-20-7 | 2 | 4350.00 |
| m-Xylene | 108-38-3 | 2 | 4350.00 |
| o-Xylene | 95-47-6 | 2 | 4350.00 |
| p-Xylene | 106-42-3 | 2 | 4350.00 |
| Xylidine | 1300-73-8 | 3 | 50.00 |

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

**Regulation 61-62.60, Subpart LLL, Title is revised as follows:**

**Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing: SO2 Emissions”**

 The provisions of 40 CFR Part 60 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 60 Subpart LLL** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 50 | October 1, 1985 | [50 FR 40160] |
| Revision | Vol. 54 | February 14, 1989 | [54 FR 6679] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 77 | August 16, 2012  | [77 FR 49490] |

**Regulation 61-62.70, Title V Operating Permit Program**

**Regulation 61-62.70, Section 70.5(c) is revised as follows:**

(c) Standard application form and required information. Information as described below for each emissions unit at a Part 70 source shall be included in a Department approved application. Air emissions or air emission units that are insignificant are exempted. However, for these emission units which are exempted, a list of the emission units must be included in the application. “Insignificant Activity” generally means any air emissions or air emissions unit at a plant that has the potential to emit less than 5 tpy of any criteria pollutant or less than 1000 pounds per month of any compound listed in Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants. The Department may determine that certain types or classes of units may be considered insignificant at higher emission levels, or that, due to the nature of the pollutant(s) emitted, a unit may be considered significant at a lower emission rate. The Department shall maintain a list subject to EPA approval of air emissions or air emission units which are considered to be insignificant. No emission or activity can be excluded from a Title V operating permit to the extent it is needed to determine compliance with an applicable requirement, as defined under Section 70.2(f) An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to Section 70.9. The Department approved forms and attachments shall include the elements specified below:

**Regulation 61-62.70, Section 70.6(c)(4) is revised as follows:**

 (4) Progress reports consistent with an applicable schedule of compliance and Section 70.5(c)(8) to be submitted at least semi-annually, or at a more frequent period if specified in the applicable requirement or by the Department. Such progress reports shall contain the following:

**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 amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards,* which 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 Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The amendments to Regulation 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 will expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards,* is S.C. Code Section 48-1-10 *et seq*. In accordance with 1976 Code Section 1-23-120(A), legislative review is required.

Plan for Implementation: The amendments will take effect upon approval of the South Carolina General Assembly and publication as final regulations in the *State Register*. A copy of Regulation 61-62, *Air Pollution Control Regulations and Standards,* that incorporates these amendments, will be made available electronically on the Department’s website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders and will communicate with affected facilities during the permitting process.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION AMENDMENTS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

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

The Department also amended Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations,* to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

The Department also amended Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards,* to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and therefore is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2.

The Department repealed Regulation 61-62.5, Standard No. 5.1, *Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*. Because other regulations such as Regulation 61-62.5, Standard No. 5, *Volatile Organic Compounds;* Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; and Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review,* are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.

The Department also amended Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration,* to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 CFR 52.21, *Prevention of Significant Deterioration of Air Quality*.

The Department also amended Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR),* to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the “2013 General Assembly Package” but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).

The Department also amended Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants,* to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See Standard No. 2 amendment above for justification).

The Department also amended Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards,* to correct an error in punctuation.

The Department also amended Regulation 61-62.70, *Title V Operating Permit Program,* to make a change to Section 62.70.5(c) to correct a unit of measurement error for consistency with language in Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants*.

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 would be no detrimental effect on the environment and public health if these amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the SIP are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this revision. Amendments to Regulation 62-61, *Air Pollution Control Regulations and Standards,* and the SIP will help streamline state requirements within current Prevention of Significant Deterioration, New Source Review and Title V Permit Program standards.

The 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 Regulation 61-62*, Air Pollution Control Regulations and Standards,* seek to 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. To the contrary, the state’s delegated authority to implement programs beneficial to public health and the environment may be compromised if these amendments were not adopted. Permit streamlining and regulatory text clarification seek to 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 and in response to comments received.

The Department also held an external stakeholder meeting to take recommendations and comments on those regulatory amendments identified by the workgroup. Several comments were received during the external stakeholder process and they were taken into consideration in developing the amendments to Regulation 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.