Agency Name: Department of Health and Environmental Control

Statutory Authority: 48-1-10 et seq.

Document Number: 4870

Final in State Register Volume and Issue: 43/1

Proposed in State Register Volume and Issue: 42/11

Final in State Register Volume and Issue: 43/1

Status: Final

Subject: Air Pollution Control Regulations and Standards

History: 4870

By Date Action Description Jt. Res. No. Expiration Date

- 11/23/2018 Proposed Reg Published in SR

- 01/25/2019 Final to comply with Federal

 Law, exempt GA review

- 01/25/2019 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4870

**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. Pursuant to the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

2. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include revisions to New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412;and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C Section 7412.

3. The Department amends R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.61, National Emission Standards for Hazardous Air Pollutants; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and the South Carolina State Implementation Plan (SIP), to adopt the federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017.

4. The Department amends R.61-62.68, Chemical Accident Prevention Provisions, which include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary and to maintain compliance with federal law.

5. The Department amends R.61-62.70, Title V Operating Permit Program, by striking paragraph (a)(6) of Section 70.3, Applicability, to maintain state compliance with federal regulations.

6. The Department amends R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA’s “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone” (NOX SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department adopted R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, on August 25, 2017. Subparts AA through II, AAA through III, and AAAA through IIII of R.61-62.96 are based on the federal CAIR regulation, which EPA has since replaced with federal CSAPR requirements implemented by R.61-62.97. As a result, federal CAIR requirements implemented by R.61-62.96 are no longer in effect. The NOX SIP Call regulations will maintain state compliance with federal NOX SIP Call requirements that remain applicable following the sunsetting and repeal of CAIR.

7. The Department makes further changes to R.61-62 deemed necessary, including, but not limited to, corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of R.61-62.

8. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there is no increased cost to the state or its political subdivisions resulting from codification of these amendments to federal law. South Carolina is already reaping the environmental benefits of these amendments. There also is no increased cost to the state or its political subdivisions as a result of the repeal of R.61-62.96 Subparts AA through II, AAA through III, and AAAA through IIII, which reflects the sunsetting of federal CAIR regulations.

9. The Department had a Notice of Drafting published in the September 28, 2018, *State Register*.

Section-by-Section Discussion of Amendments:

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

Regulation 61-62.60, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 28561, June 23, 2017; and 82 FR 32644, July 17, 2017, by reference.

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

Regulation 61-62.61, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 32644, July 17, 2017, by reference.

Regulation 61-62.61, Subpart W, “National Emission Standards for Radon Emissions from Operating Mill Tailings”:

Subpart W, Table, is amended to incorporate federal revisions at 82 FR 5142, January 17, 2017, by reference.

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

Regulation 61-62.63, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017; 82 FR 47328, October 11, 2017; and 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart AA,“National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”:

Subpart AA, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart BB, “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”:

Subpart BB, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart MM, “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills”:

Subpart MM,Table, is amended to incorporate federal revisions at 82 FR 47328, October 11, 2017, by reference.

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:

Subpart LLL,Table, is amended to incorporate federal revisions at 82 FR 28562, June 23, 2017; and 82 FR 39671, August 22, 2017, by reference.

Regulation 61-62.63, Subpart NNN, “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”:

Subpart NNN, Table, is amended to incorporate federal revisions at 82 FR 60873, December 26, 2017, by reference.

Regulation 61-62.63, Subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”:

Subpart VVV, Table, is amended to incorporate federal revisions at 82 FR 49513, October 26, 2017, by reference.

Regulation 61-62.63, Subpart XXX, “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”:

Subpart XXX, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017, by reference.

Regulation 61-62.63, Subpart CCCC, “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”:

Subpart CCCC, Table, is amended to incorporate federal revisions at 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”:

Subpart UUUUU,Table, is amended to incorporate federal revisions at 82 FR 16736, April 6, 2017, by reference.

**Regulation 61-62.68, Chemical Accident Prevention Provisions**

Regulation 61-62.68, Section 68.1, Scope:

Section 68.1, Scope, is amended to insert the words "Clean Air" between “section 112(r) of the” and “Act.” for clarity.

Regulation 61-62.68, Section 68.3, Definitions:

Paragraph (e) is amended to strike the word “if” and replace it with the word “is” for consistency with the federal regulation.

Regulation 61-62.68, Section 68.115, Threshold determination:

Paragraph (a) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.126, Exclusion:

Section 68.126, Exclusion, is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.130, List of Substances:

Tables 1, 2, 3 and 4 are amended by correcting errors in chemical nomenclature and an incorrect CAS number in Table 1. Footnote 1 to Tables 3 and 4 is also amended to strike the section symbol “§” and replace it with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (d) is amended to strike the citation “(b)(2)” and replace with “(c)(2)”, and strike the citation “(b)(7)” and replace with “(c)(7)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(1) is amended to strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(2) is amended to strike the citation “(f)(1)” and replace with “(g)(1)” for correct codification, and replace “90” with “ninety (90)” for consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (h) is amended to strike the three citations to paragraph “(f)” and replace each with “(g)”, and strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (i) is amended to strike the citation “(g)” and replace with “(h)” for correct codification, and replace “Thirty” with “Thirty (30)” for consistency.

Appendix A to Part 68 is amended by correcting errors in chemical nomenclature.

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

Regulation 61-62.70, Section 70.3, Applicability:

Paragraph (a)(6) is stricken in its entirety to maintain compliance with federal regulations adopted at 70 FR 75320.

**Regulation 61-62.96, Nitrogen Oxides (NOX) and Sulfur Dioxide (SO2) Budget Trading Program**

Regulation 61-62.96, Nitrogen Oxides (NOX) and Sulfur Dioxide (SO2) Budget Trading Program, is amended by: revising the title of the regulation to “Nitrogen Oxides (NOX) Budget Program”, striking two paragraphs of introductory text, adding new Subparts A through I, and striking existing Subparts AA through II, Subparts AAA through III, and Subparts AAAA through IIII.

**Instructions:**

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, in the South

Carolina Code of Regulations pursuant to each instruction provided below with the text of the amendments.

**Text:**

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

**Regulation 61-62.60, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

 The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, 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 A** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 36 | December 23, 1971 | [36 FR 24877] |
| Revision | Vol. 38 | October 15, 1973 | [38 FR 28565] |
| Revision | Vol. 39 | March 8, 1974 | [39 FR 9314] |
| Revision | Vol. 39 | November 12, 1974 | [39 FR 39873] |
| Revision | Vol. 40 | April 25, 1975 | [40 FR 18169] |
| Revision | Vol. 40 | October 6, 1975 | [40 FR 46254] |
| Revision | Vol. 40 | November 17, 1975 | [40 FR 53346] |
| Revision | Vol. 40 | December 16, 1975 | [40 FR 58418] |
| Revision | Vol. 40 | December 22, 1975 | [40 FR 59205] |
| Revision | Vol. 41 | August 20, 1976 | [41 FR 35185] |
| Revision | Vol. 42 | July 19, 1977 | [42 FR 37000] |
| Revision | Vol. 42 | July 27, 1977 | [42 FR 38178] |
| Revision | Vol. 42 | November 1, 1977 | [42 FR 57126] |
| Revision | Vol. 43 | March 3, 1978 | [43 FR 8800] |
| Revision | Vol. 43 | August 3, 1978 | [43 FR 34347] |
| Revision | Vol. 44 | June 11, 1979 | [44 FR 33612] |
| Revision | Vol. 44 | September 25, 1979 | [44 FR 55173] |
| Revision | Vol. 45  | January 23, 1980 | [45 FR 5617] |
| Revision | Vol. 45 | April 4, 1980 | [45 FR 23379] |
| Revision | Vol. 45 | December 24, 1980 | [45 FR 85415] |
| Revision | Vol. 47 | January 8, 1982 | [47 FR 951] |
| Revision | Vol. 47 | July 23, 1982 | [47 FR 31876] |
| Revision | Vol. 48 | March 30, 1983 | [48 FR 13326] |
| Revision | Vol. 48 | May 25, 1983 | [48 FR 23610] |
| Revision | Vol. 48 | July 20, 1983 | [48 FR 32986] |
| Revision | Vol. 48 | October 18, 1983 | [48 FR 48335] |
| Revision | Vol. 50 | December 27, 1985 | [50 FR 53113] |
| Revision | Vol. 51 | January 15, 1986 | [51 FR 1790] |
| Revision | Vol. 51  | January 21, 1986 | [51 FR 2701] |
| Revision | Vol. 51 | November 25, 1986 | [51 FR 42796] |
| Revision | Vol. 52 | March 26, 1987 | [52 FR 9781, 9782] |
| Revision | Vol. 52 | April 8, 1987 | [52 FR 11428] |
| Revision | Vol. 52 | May 11, 1987 | [52 FR 17555] |
| Revision | Vol. 52 | June 4, 1987 | [52 FR 21007] |
| Revision | Vol. 54 | February 14, 1989 | [54 FR 6662] |
| Revision | Vol. 54 | May 17, 1989 | [54 FR 21344] |
| Revision | Vol. 55 | December 13, 1990 | [55 FR 51382] |
| Revision | Vol. 57 | July 21, 1992 | [57 FR 32338, 32339] |
| Revision | Vol. 59 | March 16, 1994 | [59 FR 12427, 12428] |
| Revision | Vol. 59 | September 15, 1994 | [59 FR 47265] |
| Revision | Vol. 61 | March 12, 1996 | [61 FR 9919] |
| Revision | Vol. 62 | February 24, 1997 | [62 FR 8328] |
| Revision | Vol. 62 | September 15, 1997 | [62 FR 48348] |
| Revision | Vol. 63 | May 4, 1998 | [63 FR 24444] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7463] |
| Revision | Vol. 65 | August 10, 2000 | [65 FR 48914] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 6, 2000 | [65 FR 76350, 76378] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |
| Revision | Vol. 66 | February 6, 2001 | [66 FR 9034] |
| Revision | Vol. 67 | June 28, 2002 | [67 FR 43550] |
| Revision | Vol. 68 | April 14, 2003 | [68 FR 17990] |
| Revision | Vol. 68 | May 28, 2003 | [68 FR 31611] |
| Revision | Vol. 69 | July 8, 2004 | [69 FR 41346] |
| Revision | Vol. 70 | December 16, 2005 | [70 FR 74870] |
| Revision | Vol. 71 | June 1, 2006 | [71 FR 31100] |
| Revision | Vol. 71 | July 6, 2006 | [71 FR 38482] |
| Revision | Vol. 72 | May 16, 2007 | [72 FR 27437] |
| Revision | Vol. 72 | June 13, 2007 | [72 FR 32710] |
| Revision | Vol. 73 | January 18, 2008 | [73 FR 3568] |
| Revision | Vol. 73 | April 3, 2008 | [73 FR 18162] |
| Revision | Vol. 73 | May 6, 2008 | [73 FR 24870] |
| Revision | Vol. 73 | May 27, 2008 | [73 FR 30308] |
| Revision | Vol. 73 | June 24, 2008 | [73 FR 35838] |
| Revision | Vol. 73 | December 22, 2008 | [73 FR 78199] |
| Revision | Vol. 74 | January 28, 2009 | [74 FR 5072] |
| Revision | Vol. 74 | October 6, 2009 | [74 FR 51368] |
| Revision | Vol. 74 | October 8, 2009 | [74 FR 51950] |
| Revision | Vol. 74 | December 17, 2009 | [74 FR 66921] |
| Revision | Vol. 75 | September 9, 2010 | [75 FR 54970] |
| Revision  | Vol. 75 | September 13, 2010 | [75 FR 55636] |
| Revision | Vol. 76 | January 18, 2011 | [76 FR 2832] |
| Revision | Vol. 76 | March 21, 2011 | [76 FR 15372] |
| Revision | Vol. 76 | March 21, 2011 | [76 FR 15704] |
| Revision | Vol. 77 | February 16, 2012 | [77 FR 9304] |
| Revision | Vol. 77 | August 14, 2012 | [77 FR 48433] |
| Revision | Vol. 77 | September 12, 2012  | [77 FR 56422] |
| Revision | Vol. 78 | January 30, 2013 | [78 FR 6674] |
| Revision | Vol. 79 | February 27, 2014 | [79 FR 11228] |
| Revision | Vol. 79 | April 4, 2014 | [79 FR 18952] |
| Revision | Vol. 80 | March 16, 2015 | [80 FR 13671] |
| Revision | Vol. 81 | June 3, 2016 | [81 FR 35824] |
| Revision | Vol. 81 | June 30, 2016 | [81 FR 42542] |
| Revision | Vol. 81 | August 29, 2016 | [81 FR 59276, 59332] |
| Revision | Vol. 81 | August 30, 2016 | [81 FR 59800] |
| Revision | Vol. 82 | June 23, 2017 | [82 FR 28561] |
| Revision | Vol. 82 | July 17, 2017 | [82 FR 32644] |

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

**Regulation 61-62.61, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

 The provisions of 40 Code of Federal Regulations (CFR) Part 61 Subpart A, 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 61 Subpart A** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 38  | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 40 | April 25, 1975 | [40 FR 18170] |
| Revision | Vol. 40 | October 14, 1975 | [40 FR 48299] |
| Revision | Vol. 42 | September 29, 1977 | [42 FR 51574] |
| Revision | Vol. 44 | September 25, 1979 | [44 FR 55174] |
| Revision | Vol. 48 | January 27, 1983 | [48 FR 3740] |
| Revision | Vol. 48 | December 9, 1983 | [48 FR 55266] |
| Revision | Vol. 49 | June 6, 1984 | [49 FR 23520] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46290] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46291] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46292] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46293] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46294] |
| Revision | Vol. 51 | March 5, 1986 | [51 FR 7715] |
| Revision | Vol. 51 | March 5, 1986 | [51 FR 7719] |
| Revision | Vol. 51 | April 1, 1986 | [51 FR 11022] |
| Revision | Vol. 51 | September 30, 1986 | [51 FR 34914] |
| Revision | Vol. 52 | October 8, 1987 | [52 FR 37617] |
| Revision | Vol. 54 | September 14, 1989 | [54 FR 38073] |
| Revision | Vol. 54 | December 15, 1989 | [54 FR 51704] |
| Revision | Vol. 55 | March 7, 1990 | [55 FR 8341] |
| Revision | Vol. 55 | May 2, 1990 | [55 FR 18331] |
| Revision | Vol. 55 | May 31, 1990 | [55 FR 22027] |
| Revision | Vol. 55 | August 13, 1990 | [55 FR 32914] |
| Revision | Vol. 57 | January 13, 1992 | [57 FR 1226] |
| Revision | Vol. 57 | March 5, 1992 | [57 FR 8016] |
| Revision | Vol. 58 | January 7, 1993 | [58 FR 3105] |
| Revision | Vol. 58 | January 21, 1993 | [58 FR 5299] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |
| Revision | Vol. 59 | March 11, 1994 | [59 FR 11554] |
| Revision | Vol. 59 | March 16, 1994 | [59 FR 12408] |
| Revision | Vol. 59 | June 17, 1994 | [59 FR 31157] |
| Revision | Vol. 59 | July 15, 1994 | [59 FR 36280] |
| Revision | Vol. 60 | March 15, 1995 | [60 FR 13912] |
| Revision | Vol. 60 | August 21, 1995 | [60 FR 43396] |
| Revision | Vol. 60 | September 5, 1995 | [60 FR 46206] |
| Revision | Vol. 60 | September 28, 1995 | [60 FR 50244] |
| Revision | Vol. 61 | December 30, 1996 | [61 FR 68972] |
| Revision | Vol. 62 | January 14, 1997 | [62 FR 1832] |
| Revision | Vol. 62 | February 24, 1997 | [62 FR 8314] |
| Revision | Vol. 63 | December 1, 1998 | [63 FR 66054] |
| Revision | Vol. 64 | February 3, 1999 | [64 FR 5574] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7458] |
| Revision | Vol. 64 | May 6, 1999 | [64 FR 24288] |
| Revision | Vol. 65 | February 28, 2000 | [65 FR 10391] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |
| Revision | Vol. 66 | June 15, 2001 | [66 FR 32545] |
| Revision | Vol. 66 | August 13, 2001 | [66 FR 42425, 42427] |
| Revision | Vol. 66 | September 19, 2001 | [66 FR 48211] |
| Revision | Vol. 67 | January 23, 2002 | [67 FR 3106] |
| Revision | Vol. 67 | March 14, 2002 | [67 FR 11417] |
| Revision | Vol. 67 | April 26, 2002 | [67 FR 20652] |
| Revision | Vol. 67 | June 10, 2002 | [67 FR 39622] |
| Revision | Vol. 67 | September 9, 2002 | [67 FR 57159] |
| Revision | Vol. 67 | October 7, 2002 | [67 FR 62395] |
| Revision | Vol. 68 | April 7, 2003 | [68 FR 16726] |
| Revision | Vol. 68 | May 28, 2003 | [68 FR 31611] |
| Revision | Vol. 68 | June 17, 2003 | [68 FR 35792] |
| Revision | Vol. 68 | December 11, 2003 | [68 FR 69036] |
| Revision | Vol. 69 | March 26, 2004 | [69 FR 15687] |
| Revision | Vol. 69 | April 9, 2004 | [69 FR 18801] |
| Revision | Vol. 72 | May 16, 2007 | [72 FR 27437] |
| Revision | Vol. 73 | April 3, 2008 | [73 FR 18162] |
| Revision | Vol. 73 | May 6, 2008 | [73 FR 24870] |
| Revision | Vol. 74 | October 27, 2009 | [74 FR 55142] |
| Revision | Vol. 75 | September 13, 2010 | [75 FR 55636] |
| Revision | Vol. 79 | February 27, 2014 | [79 FR 11228] |
| Revision | Vol. 81 | August 30, 2016 | [81 FR 59800]  |
| Revision | Vol. 82 | July 17, 2017 | [82 FR 32644] |

**Regulation 61-62.61, Subpart W, shall be revised as follows:**

**Subpart W - “National Emission Standards for Radon Emissions from Operating Mill Tailings”**

 The provisions of 40 CFR Part 61 Subpart W, 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 61 Subpart W** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51703] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 82 | January 17, 2017 | [82 FR 5142] |

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

**Regulation 61-62.63, Subpart A, shall be revised as follows:**

**Subpart A - “General Provisions”**

 The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Registeras listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 63 Subpart A** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 59 | March 16, 1994 | [59 FR 12430] |
| Revision | Vol. 59 | April 22, 1994 | [59 FR 19453] |
| Revision | Vol. 59 | December 6, 1994 | [59 FR 62589] |
| Revision | Vol. 60 | January 25, 1995 | [60 FR 4963] |
| Revision | Vol. 60 | June 27, 1995 | [60 FR 33122] |
| Revision | Vol. 60 | September 1, 1995 | [60 FR 45980] |
| Revision | Vol. 61 | May 21, 1996 | [61 FR 25399] |
| Revision | Vol. 61 | December 17, 1996 | [61 FR 66227] |
| Revision | Vol. 62 | December 10, 1997 | [62 FR 65024] |
| Revision | Vol. 63 | May 4, 1998 | [63 FR 24444] |
| Revision | Vol. 63 | May 13, 1998 | [63 FR 26465] |
| Revision | Vol. 63 | September 21, 1998 | [63 FR 50326]  |
| Revision | Vol. 63 | October 7, 1998 | [63 FR 53996] |
| Revision | Vol. 63 | December 1, 1998 | [63 FR 66061] |
| Revision | Vol. 64 | January 28, 1999 | [64 FR 4300] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7468] |
| Revision | Vol. 64 | April 12, 1999 | [64 FR 17562] |
| Revision | Vol. 64 | June 10, 1999 | [64 FR 31375] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 67 | February 14, 2002 | [67 FR 6968] |
| Revision | Vol. 67 | February 27, 2002 | [67 FR 9156] |
| Revision | Vol. 67 | April 5, 2002 | [67 FR 16582] |
| Revision | Vol. 67 | June 10, 2002 | [67 FR 39794] |
| Revision | Vol. 67 | July 23, 2002 | [67 FR 48254] |
| Revision | Vol. 68 | February 18, 2003 | [68 FR 7706] |
| Revision | Vol. 68 | April 21, 2003 | [68 FR 19375] |
| Revision | Vol. 68 | May 6, 2003 | [68 FR 23898] |
| Revision | Vol. 68 | May 8, 2003 | [68 FR 24653] |
| Revision | Vol. 68 | May 20, 2003 | [68 FR 27646] |
| Revision | Vol. 68 | May 23, 2003 | [68 FR 28606] |
| Revision | Vol. 68 | May 27, 2003 | [68 FR 28774] |
| Revision | Vol. 68 | May 28, 2003 | [68 FR 31746] |
| Revision | Vol. 68 | May 29, 2003 | [68 FR 32172] |
| Revision | Vol. 68 | May 30, 2003 | [68 FR 32586] |
| Revision | Vol. 68 | November 13, 2003 | [68 FR 64432] |
| Revision | Vol. 68 | December 19, 2003 | [68 FR 70960] |
| Revision | Vol. 69 | January 2, 2004 | [69 FR 130] |
| Revision | Vol. 69 | February 3, 2004 | [69 FR 5038] |
| Revision | Vol. 69 | April 9, 2004 | [69 FR 18801] |
| Revision | Vol. 69 | April 19, 2004 | [69 FR 20968] |
| Revision | Vol. 69 | April 22, 2004 | [69 FR 21737] |
| Revision | Vol. 69 | April 26, 2004 | [69 FR 22602] |
| Revision | Vol. 69 | June 15, 2004 | [69 FR 33474] |
| Revision | Vol. 69 | July 30, 2004 | [69 FR 45944] |
| Revision | Vol. 69 | September 13, 2004 | [69 FR 55218] |
| Revision | Vol. 70 | April 15, 2005 | [70 FR 19992] |
| Revision | Vol. 70 | May 20, 2005 | [70 FR 29400] |
| Revision | Vol. 70 | October 12, 2005 | [70 FR 59402] |
| Revision | Vol. 71 | February 16, 2006 | [71 FR 8342] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 71 | July 28, 2006 | [71 FR 42898] |
| Revision | Vol. 71 | December 6, 2006 | [71 FR 70651] |
| Revision | Vol. 72 | January 3, 2007 | [72 FR 26] |
| Revision | Vol. 72 | January 23, 2007 | [72 FR 2930] |
| Revision | Vol. 72 | July 16, 2007 | [72 FR 38864] |
| Revision | Vol. 72 | October 29, 2007 | [72 FR 61060] |
| Revision | Vol. 72 | November 16, 2007 | [72 FR 64860] |
| Revision | Vol. 72 | December 26, 2007 | [72 FR 73180] |
| Revision | Vol. 72 | December 28, 2007 | [72 FR 74088] |
| Revision | Vol. 73 | January 2, 2008 | [73 FR 226] |
| Revision | Vol. 73 | January 9, 2008 | [73 FR 1738] |
| Revision | Vol. 73 | January 10, 2008 | [73 FR 1916] |
| Revision | Vol. 73 | January 18, 2008 | [73 FR 3568] |
| Revision | Vol. 73 | February 7, 2008 | [73 FR 7210] |
| Revision | Vol. 73 | March 7, 2008 | [73 FR 12275] |
| Revision | Vol. 73 | July 23, 2008 | [73 FR 42978] |
| Revision | Vol. 73 | December 22, 2008 | [73 FR 78199] |
| Revision | Vol. 74 | June 25, 2009 | [74 FR 30366] |
| Revision | Vol. 74 | October 28, 2009 | [74 FR 55670] |
| Revision | Vol. 75 | September 9, 2010 | [75 FR 54970] |
| Revision | Vol. 75 | September 13, 2010 | [75 FR 55636] |
| Revision | Vol. 76 | February 17, 2011 | [76 FR 9450] |
| Revision | Vol. 77 | February 16, 2012 | [77 FR 9304] |
| Revision | Vol. 77 | April 17, 2012 | [77 FR 22848] |
| Revision | Vol. 77 | September 11, 2012 | [77 FR 55698] |
| Revision | Vol. 78 | January 30, 2013 | [78 FR 6674] |
| Revision | Vol. 78 | January 31, 2013 | [78 FR 7138] |
| Revision | Vol. 78 | February 1, 2013 | [78 FR 7488] |
| Revision | Vol. 78 | June 20, 2013 | [78 FR 37133] |
| Revision | Vol. 79 | February 27, 2014 | [79 FR 11228] |
| Revision | Vol. 79 | March 27, 2014 | [79 FR 17340] |
| Revision | Vol. 80 | June 30, 2015 | [80 FR 37365] |
| Revision | Vol. 80 | August 19, 2015 | [80 FR 50385] |
| Revision | Vol. 80 | September 18, 2015 | [80 FR 56699] |
| Revision | Vol. 80 | October 15, 2015 | [80 FR 62389] |
| Revision | Vol. 80 | October 26, 2015 | [80 FR 65469] |
| Revision | Vol. 80 | December 1, 2015 | [80 FR 75178] |
| Revision | Vol. 80 | December 4, 2015 | [80 FR 75817] |
| Revision | Vol. 81 | August 30, 2016 | [81 FR 59800] |
| Revision | Vol. 82 | January 18, 2017 | [82 FR 5401] |
| Revision | Vol. 82 | October 11, 2017 | [82 FR 47328] |
| Revision | Vol. 82 | October 16, 2017 | [82 FR 48156] |

**Regulation 61-62.63, Subpart AA, shall be revised as follows:**

**Subpart AA - “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”**

 The provisions of 40 CFR Part 63 Subpart AA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Registeras listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 63 Subpart AA** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | June 10, 1999 | [64 FR 31376] |
| Revision | Vol. 66 | December 17, 2001 | [66 FR 65072] |
| Revision | Vol. 67 | June 12, 2002 | [67 FR 40578] |
| Revision | Vol. 67 | June 13, 2002 | [67 FR 40814] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 80 | August 19, 2015 | [80 FR 50385] |
| Revision | Vol. 82 | September 28, 2017 | [82 FR 45193] |

**Regulation 61-62.63, Subpart BB, shall be revised as follows:**

**Subpart BB - “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”**

 The provisions of 40 CFR Part 63 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Registeras listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 63 Subpart BB** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | June 10, 1999 | [64 FR 31382] |
| Revision | Vol. 66 | December 17, 2001 | [66 FR 65072] |
| Revision | Vol. 67 | June 13, 2002 | [67 FR 40814] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 80 | August 19, 2015 | [80 FR 50385] |
| Revision | Vol. 82 | September 28, 2017 | [82 FR 45193] |

**Regulation 61-62.63, Subpart MM, shall be revised as follows:**

**Subpart MM - “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills”**

 The provisions of 40 CFR Part 63 Subpart MM, 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 63 Subpart MM** |
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| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 66 | January 12, 2001 | [66 FR 3180] |
| Revision | Vol. 66 | March 26, 2001 | [66 FR 16400] |
| Revision | Vol. 66 | July 19, 2001 | [66 FR 37591]  |
| Revision | Vol. 66 | August 6, 2001 | [66 FR 41086] |
| Revision | Vol. 68 | February 18, 2003 | [68 FR 7706] |
| Revision | Vol. 68 | May 8, 2003 | [68 FR 24653] |
| Revision | Vol. 68 | July 18, 2003 | [68 FR 42603] |
| Revision | Vol. 68 | December 5, 2003 | [68 FR 67953] |
| Revision | Vol. 69 | May 6, 2004 | [69 FR 25321] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 82 | October 11, 2017 | [82 FR 47328] |

**Regulation 61-62.63, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”**

 The provisions of 40 CFR Part 63 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 63 Subpart LLL** |
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| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | June 14, 1999 | [64 FR 31898] |
| Revision | Vol. 64 | September 30, 1999 | [64 FR 52828] |
| Revision | Vol. 67 | April 5, 2002 | [67 FR 16614] |
| Revision | Vol. 67 | December 6, 2002 | [67 FR 72580] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | December 20, 2006 | [71 FR 76518] |
| Revision | Vol. 75 | September 9, 2010 | [75 FR 54970] |
| Revision | Vol. 76 | January 18, 2011 | [76 FR 2832] |
| Revision | Vol. 78 | February 12, 2013 | [78 FR 10006] |
| Revision | Vol. 80 | July 27, 2015 | [80 FR 44771] |
| Revision | Vol. 80 | September 11, 2015 | [80 FR 54728] |
| Revision | Vol. 81 | July 25, 2016 | [81 FR 48356] |
| Revision | Vol. 82 | June 23, 2017 | [82 FR 28562] |
| Revision | Vol. 82 | August 22, 2017 | [82 FR 39671] |

**Regulation 61-62.63, Subpart NNN, shall be revised as follows:**

**Subpart NNN - “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”**

 The provisions of 40 CFR Part 63 Subpart NNN, 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 63 Subpart NNN** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | June 14, 1999 | [64 FR 31695] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 80 | July 29, 2015 | [80 FR 45279] |
| Revision | Vol. 82 | December 26, 2017 | [82 FR 60873] |

**Regulation 61-62.63, Subpart VVV, shall be revised as follows:**

**Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”**

 The provisions of 40 CFR Part 63 Subpart VVV, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Registeras listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 63 Subpart VVV** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | October 26, 1999 | [64 FR 57572] |
| Revision | Vol. 66 | March 23, 2001 | [66 FR 16140] |
| Revision | Vol. 67 | October 10, 2002 | [67 FR 64742] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 73 | December 22, 2008 | [73 FR 78199] |
| Revision | Vol. 82 | October 26, 2017 | [82 FR 49513] |

**Regulation 61-62.63, Subpart XXX, shall be revised as follows:**

**Subpart XXX - “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”**

 The provisions of 40 CFR Part 63 Subpart XXX, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Registeras listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 63 Subpart XXX** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 64 | May 20, 1999 | [64 FR 27458] |
| Revision | Vol. 66 | March 22, 2001 | [66 FR 16007] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 80 | June 30, 2015 | [80 FR 37365] |
| Revision | Vol. 82 | January 18, 2017 | [82 FR 5401] |

**Regulation 61-62.63, Subpart CCCC, shall be revised as follows:**

**Subpart CCCC - “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”**

 The provisions of 40 CFR Part 63 Subpart CCCC, 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 63 Subpart CCCC** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 66 | May 21, 2001 | [66 FR 27876] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 79 | February 27, 2014 | [79 FR 11228] |
| Revision | Vol. 82 | October 16, 2017 | [82 FR 48156] |

**Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:**

**Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”**

 The provisions of 40 CFR Part 63 Subpart UUUUU, 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 63 Subpart UUUUU** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 77 | February 16, 2012 | [77 FR 9304] |
| Revision | Vol. 77 | April 19, 2012 | [77 FR 23399] |
| Revision | Vol. 77 | August 2, 2012 | [77 FR 45967] |
| Revision | Vol. 78 | April 24, 2013 | [78 FR 24073] |
| Revision | Vol. 79 | November 19, 2014 | [79 FR 68777, 68795] |
| Revision | Vol. 80 | March 24, 2015 | [80 FR 15510] |
| Revision | Vol. 81 | April 6, 2016 | [81 FR 20172] |
| Revision | Vol. 82 | April 6, 2017 | [82 FR 16736] |

**Regulation 61-62.68, Chemical Accident Prevention Provisions**

**Regulation 61-62.68.1 shall be revised as follows:**

 This part sets forth the list of regulated substances and thresholds, the requirements for owners or operators of stationary sources concerning the prevention of accidental releases, and the State accidental release prevention programs approved under section 112(r) of the Clean Air Act. The list of substances, threshold quantities, and accident prevention regulations promulgated under this part do not limit in any way the general duty provisions under section 112(r)(1) of the Act.

**Regulation 61-62.68.3 (e) shall be revised as follows:**

(e) “Article” means a manufactured item, as defined under 29 CFR 1910.1200(b), that is formed to a specific shape or design during manufacture, that has end use functions dependent in whole or in part upon the shape or design during end use, and that does not release or otherwise result in exposure to a regulated substance under normal conditions of processing and use.

**Regulation 61-62.68.115 (a) shall be revised as follows:**

(a) A threshold quantity of a regulated substance listed in Section 68.130 is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold.

**Regulation 61-62.68.126 shall be revised as follows:**

 Flammable substances used as fuel or held for sale as fuel at retail facilities. A flammable substance listed in Tables 3 and 4 of Section 68.130 is nevertheless excluded from all provisions of this part when the substance is used as a fuel or held for sale as a fuel at a retail facility.

**TABLE 1 to Regulation 61-62.68.130 shall be revised as follows:**

| **TABLE 1** - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIESFOR ACCIDENTAL RELEASE PREVENTION[Alphabetical Order - 77 Substances] |
| --- |
| Chemical Name | CASNumber | Threshold Quantity (lbs) | Basis for Listing |
| Acrolein [2-Propenal] | 107-02-8 | 5,000 | b |
| Acrylonitrile [2-Propenenitrile] | 107-13-1 | 20,000 | b |
| Acrylyl chloride [2-Propenoyl chloride] | 814-68-6 | 5,000 | b |
| Allyl alcohol [2-Propen-l-ol] | 107-18-6 | 15,000 | b |
| Allylamine [2-Propen-l-amine] | 107-11-9 | 10,000 | b |
| Ammonia (anhydrous) | 7664-41-7 | 10,000 | a, b |
| Ammonia (conc. 20% or greater) | 7664-41-7 | 20,000 | a, b |
| Arsenous trichloride | 7784-34-1 | 15,000 | b |
| Arsine  | 7784-42-1 | 1,000 | b |
| Boron trichloride [Borane, trichloro-] | 10294-34-5 | 5,000 | b |
| Boron trifluoride [Borane, trifluoro-] | 7637-07-2 | 5,000 | b |
| Boron trifluoride compound with methyl ether (1:1)[Boron, trifluoro[oxybis[methane]], (T-4)-] | 353-42-4  | 15,000 | b |
| Bromine | 7726-95-6 | 10,000 | a, b |
| Carbon disulfide | 75-15-0 | 20,000 | b |
| Chlorine | 7782-50-5 | 2,500 | a, b |
| Chlorine dioxide [Chlorine oxide (ClO2)] | 10049-04-4 | 1,000 | c |
| Chloroform [Methane, trichloro-] | 67-66-3 | 20,000 | b |
| Chloromethyl ether [Methane, oxybis[chloro-] | 542-88-1 | 1,000 | b |
| Chloromethyl methyl ether [Methane, chloromethoxy-] | 107-30-2 | 5,000 | b |
| Crotonaldehyde [2-Butenal]  | 4170-30-3 | 20,000 | b |
| Crotonaldehyde, (E)- [2-Butenal, (E)-] | 123-73-9 | 20,000 | b |
| Cyanogen chloride | 506-77-4 | 10,000 | c |
| Cyclohexylamine [Cyclohexanamine] | 108-91-8 | 15,000 | b |
| Diborane  | 19287-45-7 | 2,500 | b |
| Dimethyldichlorosilane [Silane, dichlorodimethyl-] | 75-78-5  | 5,000 | b |
| 1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-] | 57-14-7 | 15,000 | b |
| Epichlorohydrin [Oxirane, (chloromethyl)-] | 106-89-8 | 20,000 | b |
| Ethylenediamine [1,2-Ethanediamine] | 107-15-3 | 20,000 | b |
| Ethyleneimine [Aziridine] | 151-56-4 | 10,000 | b |
| Ethylene oxide [Oxirane] | 75-21-8 | 10,000 | a, b |
| Fluorine | 7782-41-4 | 1,000 | b |
| Formaldehyde (solution) | 50-00-0 | 15,000 | b |
| Furan | 110-00-9 | 5,000 | b |
| Hydrazine | 302-01-2 | 15,000 | b |
| Hydrochloric acid (conc. 37% or greater) | 7647-01-0 | 15,000 | d |
| Hydrocyanic acid | 74-90-8 | 2,500 | a, b  |
| Hydrogen chloride (anhydrous) [Hydrochloric acid] | 7647-01-0 | 5,000 | a |
| Hydrogen fluoride/ Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid] | 7664-39-3 | 1,000 | a, b |
| Hydrogen selenide | 7783-07-5 | 500 | b |
| Hydrogen sulfide | 7783-06-4 | 10,000 | a, b |
| Iron, pentacarbonyl- [Iron carbonyl (Fe(CO)5), (TB-5-11)-] | 13463-40-6 | 2,500  | b |
| Isobutyronitrile [Propanenitrile, 2-methyl-] | 78-82-0 | 20,000 | b |
| Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester] | 108-23-6 | 15,000 | b |
| Methacrylonitrile [2-Propenenitrile, 2-methyl-] | 126-98-7 | 10,000 | b |
| Methyl chloride [Methane, chloro-] | 74-87-3 | 10,000 | a |
| Methyl chloroformate [Carbonochloridic acid, methyl ester] | 79-22-1 | 5,000 | b |
| Methyl hydrazine [Hydrazine, methyl-] | 60-34-4 | 15,000 | b |
| Methyl isocyanate [Methane, isocyanato-] | 624-83-9 | 10,000 | a, b |
| Methyl mercaptan [Methanethiol] | 74-93-1 | 10,000 | b |
| Methyl thiocyanate [Thiocyanic acid, methyl ester] | 556-64-9 | 20,000 | b |
| Methyltrichlorosilane [Silane, trichloromethyl-] | 75-79-6 | 5,000  | b |
| Nickel carbonyl | 13463-39-3 | 1,000 | b |
| Nitric acid (conc. 80% or greater) | 7697-37-2 | 15,000 | b |
| Nitric oxide [Nitrogen oxide (NO)] | 10102-43-9 | 10,000 | b |
| Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] 1  | 8014-95-7 | 10,000 | e |
| Peracetic acid [Ethaneperoxoic acid] | 79-21-0 | 10,000 | b |
| Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-] | 594-42-3 | 10,000 | b |
| Phosgene [Carbonic dichloride] | 75-44-5 | 500 | a, b |
| Phosphine | 7803-51-2 | 5,000 | b |
| Phosphorus oxychloride [Phosphoryl chloride] | 10025-87-3 | 5,000 | b |
| Phosphorus trichloride [Phosphorous trichloride] | 7719-12-2 | 15,000 | b |
| Piperidine  | 110-89-4  | 15,000  | b |
| Propionitrile [Propanenitrile] | 107-12-0  | 10,000 | b |
| Propyl chloroformate [Carbonochloridic acid, propyl ester] | 109-61-5 | 15,000 | b |
| Propyleneimine [Aziridine, 2-methyl-] | 75-55-8 | 10,000 | b |
| Propylene oxide [Oxirane, methyl-] | 75-56-9 | 10,000 | b |
| Sulfur dioxide (anhydrous) | 7446-09-5 | 5,000 | a, b |
| Sulfur tetrafluoride [Sulfur fluoride (SF4), (T-4)-] | 7783-60-0 | 2,500 | b |
| Sulfur trioxide | 7446-11-9 | 10,000  | a, b |
| Tetramethyllead [Plumbane, tetramethyl-] | 75-74-1 | 10,000 | b |
| Tetranitromethane [Methane, tetranitro-] | 509-14-8 | 10,000 | b |
| Titanium tetrachloride [Titanium chloride (TiCl4), (T-4)-] | 7550-45-0 | 2,500 | b |
| Toluene 2,4-diisocyanate[Benzene, 2,4-diisocyanato-1-methyl-] 1  | 584-84-9 | 10,000 | a |
| Toluene 2,6-diisocyanate[Benzene, 1,3-diisocyanato-2-methyl-] 1  | 91-08-7 | 10,000 | a |
| Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-] 1  | 26471-62-5 | 10,000 | a |
| Trimethylchlorosilane [Silane, chlorotrimethyl-] | 75-77-4 | 10,000 | b |
| Vinyl acetate monomer [Acetic acid ethenyl ester] | 108-05-4 | 15,000 | b |

1 The mixture exemption in Section 68.115(b)(1) does not apply to the substance

 NOTE: Basis for Listing:

 a Mandated for listing by Congress

 b On EHS list, vapor pressure 10 mmHg or greater

 c Toxic gas

 d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents

 e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents

**TABLE 2 to Regulation 61-62.68.130 shall be revised as follows:**

| **TABLE 2** - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIESFOR ACCIDENTAL RELEASE PREVENTION[CAS Number Order - 77 Substances] |
| --- |
| CASNumber |  Chemical Name | Threshold Quantity (lbs) | Basis forListing |
| 50-00-0 | Formaldehyde (solution) | 15,000 | b |
| 57-14-7 | 1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-] | 15,000 | b |
| 60-34-4 | Methyl hydrazine [Hydrazine, methyl-] | 15,000 | b |
| 67-66-3 | Chloroform [Methane, trichloro-]  | 20,000 | b |
| 74-87-3 | Methyl chloride [Methane, chloro-] | 10,000 | a |
| 74-90-8 | Hydrocyanic acid | 2,500 | a, b |
| 74-93-1 | Methyl mercaptan [Methanethiol] | 10,000 | b |
| 75-15-0 | Carbon disulfide | 20,000 | b |
| 75-21-8 | Ethylene oxide [Oxirane] | 10,000 | a, b |
| 75-44-5 | Phosgene [Carbonic dichloride] | 500 | a, b |
| 75-55-8 | Propyleneimine [Aziridine, 2-methyl-] | 10,000 | b |
| 75-56-9 | Propylene oxide [Oxirane, methyl-] | 10,000 | b |
| 75-74-1 | Tetramethyllead [Plumbane, tetramethyl-] | 10,000 | b |
| 75-77-4 | Trimethylchlorosilane [Silane, chlorotrimethyl-] | 10,000 | b |
| 75-78-5 | Dimethyldichlorosilane [Silane, dichlorodimethyl-] | 5,000 | b |
| 75-79-6 | Methyltrichlorosilane [Silane, trichloromethyl-] | 5,000 | b |
| 78-82-0 | Isobutyronitrile [Propanenitrile, 2-methyl-] | 20,000 | b |
| 79-21-0 | Peracetic acid [Ethaneperoxoic acid] | 10,000 | b |
| 79-22-1 | Methyl chloroformate [Carbonochloridic acid, methyl ester] | 5,000 | b |
| 91-08-7 | Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-]1 | 10,000 | a |
| 106-89-8 | Epichlorohydrin [Oxirane, (chloromethyl)-] | 20,000 | b |
| 107-02-8 | Acrolein [2-Propenal] | 5,000 | b |
| 107-11-9 | Allylamine [2-Propen-1-amine] | 10,000 | b |
| 107-12-0 | Propionitrile [Propanenitrile] | 10,000 | b |
| 107-13-1 | Acrylonitrile [2-Propenenitrile] | 20,000 | b |
| 107-15-3 | Ethylenediamine [1,2-Ethanediamine] | 20,000 | b |
| 107-18-6 | Allyl alcohol [2-Propen-1-ol] | 15,000 | b |
| 107-30-2 | Chloromethyl methyl ether [Methane, chloromethoxy-] | 5,000 | b |
| 108-05-4 | Vinyl acetate monomer [Acetic acid ethenyl ester] | 15,000 | b |
| 108-23-6 | Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester] | 15,000 | b |
| 108-91-8 | Cyclohexylamine [Cyclohexanamine] | 15,000 | b |
| 109-61-5 | Propyl chloroformate [Carbonochloridic acid, propyl ester] | 15,000 | b |
| 110-00-9 | Furan | 5,000 | b |
| 110-89-4 | Piperidine | 15,000 | b |
| 123-73-9 | Crotonaldehyde, (E)- [2-Butenal, (E)-] | 20,000 | b |
| 126-98-7 | Methacrylonitrile [2-Propenenitrile, 2-methyl-] | 10,000 | b |
| 151-56-4 | Ethyleneimine [Aziridine] | 10,000 | b |
| 302-01-2 | Hydrazine | 15,000 | b |
| 353-42-4 | Boron trifluoride compound with methyl ether (1:1)[Boron, trifluoro[oxybis[methane]], (T-4)-] | 15,000 | b |
| 506-77-4 | Cyanogen chloride | 10,000 | c |
| 509-14-8 | Tetranitromethane [Methane, tetranitro-] | 10,000 | b |
| 542-88-1 | Chloromethyl ether [Methane, oxybis[chloro-] | 1,000 | b |
| 556-64-9 | Methyl thiocyanate [Thiocyanic acid, methyl ester] | 20,000 | b |
| 584-84-9 | Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-]1 | 10,000 | a |
| 594-42-3 | Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-] | 10,000 | b |
| 624-83-9 | Methyl isocyanate [Methane, isocyanato-] | 10,000 | a, b |
| 814-68-6 | Acrylyl chloride [2-Propenoyl chloride] | 5,000 | b |
| 4170-30-3 | Crotonaldehyde [2-Butenal] | 20,000 | b |
| 7446-09-5 | Sulfur dioxide (anhydrous) | 5,000 | a, b |
| 7446-11-9 | Sulfur trioxide | 10,000 | a, b |
| 7550-45-0 | Titanium tetrachloride [Titanium chloride (TiCl4), (T-4)-] | 2,500 | b |
| 7637-07-2 | Boron trifluoride [Borane, trifluoro-] | 5,000 | b |
| 7647-01-0 | Hydrochloric acid (conc. 37% or greater) | 15,000 | d |
| 7647-01-0 | Hydrogen chloride (anhydrous) [Hydrochloric acid] | 5,000 | a |
| 7664-39-3 | Hydrogen fluoride/Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid] | 1,000 | a, b |
| 7664-41-7 | Ammonia (anhydrous) | 10,000 | a, b |
| 7664-41-7 | Ammonia (conc. 20% or greater) | 20,000 | a, b |
| 7697-37-2 | Nitric acid (conc. 80% or greater) | 15,000 | b |
| 7719-12-2 | Phosphorus trichloride [Phosphorous trichloride] | 15,000 | b |
| 7726-95-6 | Bromine | 10,000 | a, b |
| 7782-41-4 | Fluorine | 1,000 | b |
| 7782-50-5 | Chlorine | 2,500 | a, b |
| 7783-06-4 | Hydrogen sulfide | 10,000 | a, b |
| 7783-07-5 | Hydrogen selenide | 500 | b |
| 7783-60-0 | Sulfur tetrafluoride [Sulfur fluoride (SF4), (T-4)-] | 2,500 | b |
| 7784-34-1 | Arsenous trichloride | 15,000 | b |
| 7784-42-1 | Arsine | 1,000 | b |
| 7803-51-2 | Phosphine | 5,000 | b |
| 8014-95-7 | Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]1 | 10,000 | e |
| 10025-87-3 | Phosphorus oxychloride [Phosphoryl chloride] | 5,000 | b |
| 10049-04-4 | Chlorine dioxide [Chlorine oxide (ClO2)] | 1,000 | c |
| 10102-43-9 | Nitric oxide [Nitrogen oxide (NO)] | 10,000 | b |
| 10294-34-5 | Boron trichloride [Borane, trichloro-] | 5,000 | b |
| 13463-39-3 | Nickel carbonyl | 1,000 | b |
| 13463-40-6 | Iron, pentacarbonyl- [Iron carbonyl (Fe(CO)5), (TB-5-11)-] | 2,500 | b |
| 19287-45-7 | Diborane | 2,500 | b |
| 26471-62-5 | Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-]1 | 10,000 | a |

1 The mixture exemption in Section 68.115(b)(1) does not apply to the substance

 NOTE: Basis for Listing:

 a Mandated for listing by Congress

 b On EHS list, vapor pressure 10 mmHg or greater

 c Toxic gas

 d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents

 e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents

**TABLE 3 to Regulation 61-62.68.130 shall be revised as follows:**

| **TABLE 3** - LIST OF REGULATED FLAMMABLE SUBSTANCES1 AND THRESHOLDQUANTITIES FOR ACCIDENTAL RELEASE PREVENTION[Alphabetical Order - 63 Substances] |
| --- |
|  Chemical Name | CASNumber | ThresholdQuantity (lbs) | Basis forListing |
| Acetaldehyde | 75-07-0 | 10,000 | g |
| Acetylene [Ethyne] | 74-86-2 | 10,000 | f |
| Bromotrifluorethylene [Ethene, bromotrifluoro-] | 598-73-2 | 10,000 | f |
| 1,3-Butadiene | 106-99-0 | 10,000 | f |
| Butane | 106-97-8 | 10,000 | f |
| 1-Butene | 106-98-9 | 10,000 | f |
| 2-Butene | 107-01-7 | 10,000 | f |
| Butene | 25167-67-3 | 10,000 | f |
| 2-Butene, cis- | 590-18-1 | 10,000 | f |
| 2-Butene, trans- [2-Butene, (E)-] | 624-64-6 | 10,000 | f |
| Carbon oxysulfide [Carbon oxide sulfide (COS)] | 463-58-1 | 10,000 | f |
| Chlorine monoxide [Chlorine oxide] | 7791-21-1 | 10,000 | f |
| 2-Chloropropylene [1-Propene, 2-chloro-] | 557-98-2 | 10,000 | g |
| 1-Chloropropylene [1-Propene, 1-chloro-] | 590-21-6 | 10,000 | g |
| Cyanogen [Ethanedinitrile] | 460-19-5 | 10,000 | f |
| Cyclopropane | 75-19-4 | 10,000 | f |
| Dichlorosilane [Silane, dichloro-] | 4109-96-0 | 10,000 | f |
| Difluoroethane [Ethane, 1,1-difluoro-] | 75-37-6 | 10,000 | f |
| Dimethylamine [Methanamine, N-methyl-] | 124-40-3 | 10,000 | f |
| 2,2-Dimethylpropane [Propane, 2,2-dimethyl-] | 463-82-1 | 10,000 | f |
| Ethane | 74-84-0 | 10,000 | f |
| Ethyl acetylene [1-Butyne] | 107-00-6 | 10,000 | f |
| Ethylamine [Ethanamine] | 75-04-7 | 10,000 | f |
| Ethyl chloride [Ethane, chloro-] | 75-00-3 | 10,000 | f |
| Ethylene [Ethene] | 74-85-1 | 10,000 | f |
| Ethyl ether [Ethane, 1,1'-oxybis-] | 60-29-7 | 10,000 | g |
| Ethyl mercaptan [Ethanethiol] | 75-08-1 | 10,000 | g |
| Ethyl nitrite [Nitrous acid, ethyl ester] | 109-95-5 | 10,000 | f |
| Hydrogen | 1333-74-0 | 10,000 | f |
| Isobutane [Propane, 2-methyl-] | 75-28-5 | 10,000 | f |
| Isopentane [Butane, 2-methyl-] | 78-78-4 | 10,000 | g |
| Isoprene [1,3-Butadiene, 2-methyl-] | 78-79-5 | 10,000 | g |
| Isopropylamine [2-Propanamine] | 75-31-0 | 10,000 | g |
| Isopropyl chloride [Propane, 2-chloro-] | 75-29-6 | 10,000 | g |
| Methane | 74-82-8 | 10,000 | f |
| Methylamine [Methanamine] | 74-89-5 | 10,000 | f |
| 3-Methyl-1-butene | 563-45-1 | 10,000 | f |
| 2-Methyl-1-butene | 563-46-2 | 10,000 | g |
| Methyl ether [Methane, oxybis-] | 115-10-6 | 10,000 | f |
| Methyl formate [Formic acid, methyl ester] | 107-31-3 | 10,000 | g |
| 2-Methylpropene [1-Propene, 2-methyl-] | 115-11-7 | 10,000 | f |
| 1,3-Pentadiene | 504-60-9 | 10,000 | f |
| Pentane | 109-66-0 | 10,000 | g |
| 1-Pentene | 109-67-1 | 10,000 | g |
| 2-Pentene, (E)- | 646-04-8 | 10,000 | g |
| 2-Pentene, (Z)- | 627-20-3 | 10,000 | g |
| Propadiene [1,2-Propadiene] | 463-49-0 | 10,000 | f |
| Propane | 74-98-6 | 10,000 | f |
| Propylene [1-Propene] | 115-07-1 | 10,000 | f |
| Propyne [1-Propyne] | 74-99-7 | 10,000 | f |
| Silane | 7803-62-5 | 10,000 | f |
| Tetrafluoroethylene [Ethene, tetrafluoro-] | 116-14-3 | 10,000 | f |
| Tetramethylsilane [Silane, tetramethyl-] | 75-76-3 | 10,000 | g |
| Trichlorosilane [Silane, trichloro-] | 10025-78-2 | 10,000 | g |
| Trifluorochloroethylene [Ethene, chlorotrifluoro-] | 79-38-9 | 10,000 | f |
| Trimethylamine [Methanamine, N,N-dimethyl-] | 75-50-3 | 10,000 | f |
| Vinyl acetylene [1-Buten-3-yne] | 689-97-4 | 10,000 | f |
| Vinyl chloride [Ethene, chloro-] | 75-01-4 | 10,000 | a, f |
| Vinyl ethyl ether [Ethene, ethoxy-] | 109-92-2 | 10,000 | g |
| Vinyl fluoride [Ethene, fluoro-] | 75-02-5 | 10,000 | f |
| Vinylidene chloride [Ethene, 1,1-dichloro-] | 75-35-4 | 10,000 | g |
| Vinylidene fluoride [Ethene, 1,1-difluoro-] | 75-38-7 | 10,000 | f |
| Vinyl methyl ether [Ethene, methoxy-] | 107-25-5 | 10,000 | f |

1A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this part (see Section 68.126).

 NOTE: Basis for Listing:

 a Mandated for listing by Congress

 f Flammable gas

 g Volatile flammable liquid

**TABLE 4 to Regulation 61-62.68.130 shall be revised as follows:**

| **TABLE 4** - LIST OF REGULATED FLAMMABLE SUBSTANCES1 AND THRESHOLDQUANTITIES FOR ACCIDENTAL RELEASE PREVENTION[CAS Number Order - 63 Substances] |
| --- |
| CAS No |  Chemical name | Threshold Quantity (lbs) | Basis for listing |
| 60-29-7 | Ethyl ether [Ethane, 1,1'-oxybis-] | 10,000 | g |
| 74-82-8 | Methane | 10,000  | f |
| 74-84-0 | Ethane | 10,000 | f |
| 74-85-1 | Ethylene [Ethene] | 10,000 | f |
| 74-86-2 | Acetylene [Ethyne] | 10,000 | f |
| 74-89-5 | Methylamine [Methanamine] | 10,000 | f |
| 74-98-6  | Propane | 10,000 | f |
| 74-99-7 | Propyne [1-Propyne] | 10,000 | f |
| 75-00-3 | Ethyl chloride [Ethane, chloro-] | 10,000 | f |
| 75-01-4 | Vinyl chloride [Ethene, chloro-] | 10,000 | a, f |
| 75-02-5 | Vinyl fluoride [Ethene, fluoro-] | 10,000 | f |
| 75-04-7 | Ethylamine [Ethanamine] | 10,000  | f |
| 75-07-0 | Acetaldehyde | 10,000 | g |
| 75-08-1 | Ethyl mercaptan [Ethanethiol] | 10,000  | g |
| 75-19-4 | Cyclopropane | 10,000 | f |
| 75-28-5 | Isobutane [Propane, 2-methyl-] | 10,000 | f  |
| 75-29-6 | Isopropyl chloride [Propane, 2-chloro-] | 10,000 | g |
| 75-31-0 | Isopropylamine [2-Propanamine] | 10,000 | g |
| 75-35-4 | Vinylidene chloride [Ethene, 1,1-dichloro-] | 10,000 | g |
| 75-37-6 | Difluoroethane [Ethane, 1,1-difluoro-] | 10,000 | f |
| 75-38-7 | Vinylidene fluoride [Ethene, 1,1-difluoro-] | 10,000 | f |
| 75-50-3 | Trimethylamine [Methanamine, N,N-dimethyl-] | 10,000 | f |
| 75-76-3 | Tetramethylsilane [Silane, tetramethyl-] | 10,000 | g |
| 78-78-4 | Isopentane [Butane, 2-methyl-] | 10,000 | g |
| 78-79-5 | Isoprene [1,3-Butadiene, 2-methyl-] | 10,000 | g |
| 79-38-9 | Trifluorochloroethylene [Ethene, chlorotrifluoro-] | 10,000 | f |
| 106-97-8  | Butane | 10,000 | f |
| 106-98-9 | 1-Butene | 10,000 | f |
| 106-99-0 | 1,3-Butadiene | 10,000  | f |
| 107-00-6 | Ethyl acetylene [1-Butyne] | 10,000 | f |
| 107-01-7 | 2-Butene | 10,000 | f |
| 107-25-5 | Vinyl methyl ether [Ethene, methoxy-] | 10,000 | f |
| 107-31-3 | Methyl formate [Formic acid, methyl ester] | 10,000 | g |
| 109-66-0 | Pentane | 10,000 | g |
| 109-67-1 | 1-Pentene | 10,000 | g |
| 109-92-2 | Vinyl ethyl ether [Ethene, ethoxy-] | 10,000 | g |
| 109-95-5 | Ethyl nitrite [Nitrous acid, ethyl ester] | 10,000 | f |
| 115-07-1 | Propylene [1-Propene] | 10,000 | f |
| 115-10-6  | Methyl ether [Methane, oxybis-] | 10,000 | f |
| 115-11-7 | 2-Methylpropene [1-Propene, 2-methyl-] | 10,000 | f |
| 116-14-3 | Tetrafluoroethylene [Ethene, tetrafluoro-]  | 10,000 | f |
| 124-40-3  | Dimethylamine [Methanamine, N-methyl-] | 10,000 | f  |
| 460-19-5 | Cyanogen [Ethanedinitrile] | 10,000 | f |
| 463-49-0  | Propadiene [1,2-Propadiene]  | 10,000 | f |
| 463-58-1  | Carbon oxysulfide [Carbon oxide sulfide (COS)] | 10,000 | f |
| 463-82-1 | 2,2-Dimethylpropane [Propane, 2,2-dimethyl-] | 10,000 | f  |
| 504-60-9  | 1,3-Pentadiene | 10,000 | f |
| 557-98-2  | 2-Chloropropylene [1-Propene, 2-chloro-]  | 10,000 | g |
| 563-45-1 | 3-Methyl-1-butene  | 10,000 | f |
| 563-46-2 | 2-Methyl-1-butene  | 10,000 | g |
| 590-18-1 | 2-Butene, cis- | 10,000 | f |
| 590-21-6  | 1-Chloropropylene [1-Propene, 1-chloro-] | 10,000 | g |
| 598-73-2 | Bromotrifluorethylene [Ethene, bromotrifluoro-] | 10,000 | f |
| 624-64-6 | 2-Butene, trans- [2-Butene, (E)-] | 10,000 | f |
| 627-20-3 | 2-Pentene, (Z)-  | 10,000 | g |
| 646-04-8 | 2-Pentene, (E)- | 10,000 | g |
| 689-97-4 | Vinyl acetylene [1-Buten-3-yne] | 10,000  | f |
| 1333-74-0 | Hydrogen | 10,000 | f |
| 4109-96-0  | Dichlorosilane [Silane, dichloro-] | 10,000 | f |
| 7791-21-1  | Chlorine monoxide [Chlorine oxide]  | 10,000 | f |
| 7803-62-5 | Silane  | 10,000 | f |
| 10025-78-2 | Trichlorosilane [Silane,trichloro-]  | 10,000 | g |
| 25167-67-3 | Butene | 10,000  | f |

1A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this part (see Section 68.126).

 Note: Basis for Listing:

 a Mandated for listing by Congress

 f Flammable gas

 g Volatile flammable liquid

**Regulation 61-62.68.220 (d) shall be revised as follows:**

(d) Exemption from audits. A stationary source with a Star or Merit ranking under OSHA’s voluntary protection program shall be exempt from audits under paragraph (c)(2) and (c)(7) of this section.

**Regulation 61-62.68.220 (g) shall be revised as follows:**

(g) Written response to a preliminary determination.

 (1) The owner or operator shall respond in writing to a preliminary determination made in accordance with paragraph (f) of this section. The response shall state the owner or operator will implement the revisions contained in the preliminary determination in accordance with the timetable included in the preliminary determination or shall state that the owner or operator rejects the revisions in whole or in part. For each rejected revision, the owner or operator shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

 (2) The owner or operator shall provide written response in accordance with paragraph (g)(1) to the Department, or the agency designated by delegation or agreement, within ninety (90) days of issuance of the preliminary determination or a shorter period of time as the Department, or the agency designated by delegation or agreement, specifies in the preliminary determination as necessary to protect public health and the environment. Prior to the written response being due and upon written request from the owner or operator, the Department, or the agency designated by delegation or agreement, may provide in writing additional time for the response to be received.

**Regulation 61-62.68.220 (h) shall be revised as follows:**

(h) After providing the owner or operator an opportunity to respond under paragraph (g) of this section, the Department, or the agency designated by delegation or agreement, may issue the owner or operator a written final determination of necessary revisions to the stationary source’s RMP. The final determination may adopt or modify the revisions contained in the preliminary determination under paragraph (f) of this section or may adopt or modify the substitute revisions provided in the response under paragraph (g) of this section. A final determination that adopts a revision rejected by the owner or operator shall include an explanation of the basis for the revision. A final determination that fails to adopt a substitute revision provided under paragraph (g) of this section shall include an explanation of the basis for finding such substitute revision unreasonable.

**Regulation 61-62.68.220 (i) shall be revised as follows:**

(i) Thirty (30) days after completion of the actions detailed in the implementation schedule set in the final determination under paragraph (h) of this section, the owner or operator shall be in violation of subpart G of this part and this section unless the owner or operator revises the RMP prepared under subpart G of this part as required by the final determination, and submits the revised RMP as required under Section 68.150.

**Appendix A to part 68 (Regulation 61-62.68) shall be revised as follows:**

| **Appendix A -** Table of Toxic Endpoints[As defined in Section 68.22 of this part] |
| --- |
| CASNumber | Chemical Name | Toxic endpoint(mg/L) |
| 107‑02‑8 | Acrolein [2‑Propenal] | 0.0011 |
| 107‑13‑1 | Acrylonitrile [2‑Propenenitrile] | 0.076 |
| 814‑68‑6 | Acrylyl chloride [2‑Propenoyl chloride] | 0.00090 |
| 107‑18‑6 | Allyl alcohol [2‑Propen‑1‑ol] | 0.036 |
| 107‑11‑9 | Allylamine [2‑Propen‑1‑amine] | 0.0032 |
| 7664‑41‑7 | Ammonia (anhydrous) | 0.14 |
| 7664‑41‑7 | Ammonia (conc. 20% or greater) | 0.14 |
| 7784‑34‑1 | Arsenous trichloride | 0.010 |
| 7784‑42‑1 | Arsine | 0.0019 |
| 10294‑34‑5 | Boron trichloride [Borane, trichloro‑] | 0.010 |
| 7637‑07‑2 | Boron trifluoride [Borane, trifluoro‑] | 0.028 |
| 353‑42‑4 | Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro[oxybis[methane]], (T-4)-] | 0.023 |
| 7726‑95‑6 | Bromine | 0.0065  |
| 75‑15‑0 | Carbon disulfide | 0.16 |
| 7782‑50‑5 | Chlorine | 0.0087 |
| 10049‑04‑4 | Chlorine dioxide [Chlorine oxide (ClO2)] | 0.0028 |
| 67‑66‑3 | Chloroform [Methane, trichloro‑] | 0.49 |
| 542‑88‑1 | Chloromethyl ether [Methane, oxybis[chloro‑] | 0.00025 |
| 107‑30‑2 | Chloromethyl methyl ether [Methane, chloromethoxy‑] | 0.0018 |
| 4170‑30‑3 | Crotonaldehyde [2‑Butenal] | 0.029 |
| 123‑73‑9 | Crotonaldehyde, (E)‑, [2‑Butenal, (E)‑] | 0.029 |
| 506‑77‑4 | Cyanogen chloride | 0.030 |
| 108‑91‑8 | Cyclohexylamine [Cyclohexanamine] | 0.16 |
| 19287‑45‑7 | Diborane | 0.0011 |
| 75‑78‑5 | Dimethyldichlorosilane [Silane, dichlorodimethyl‑] | 0.026 |
| 57‑14‑7 | 1,1‑Dimethylhydrazine [Hydrazine, 1,1‑dimethyl‑] | 0.012 |
| 106‑89‑8 | Epichlorohydrin [Oxirane, (chloromethyl)‑] | 0.076 |
| 107‑15‑3 | Ethylenediamine [1,2‑Ethanediamine] | 0.49 |
| 151‑56‑4 | Ethyleneimine [Aziridine] | 0.018 |
| 75‑21‑8 | Ethylene oxide [Oxirane] | 0.090 |
| 7782‑41‑4 | Fluorine | 0.0039 |
| 50‑00‑0 | Formaldehyde (solution) | 0.012 |
| 110‑00‑9 | Furan | 0.0012 |
| 302‑01‑2 | Hydrazine | 0.011 |
| 7647‑01‑0 | Hydrochloric acid (conc. 37% or greater) | 0.030 |
| 74‑90‑8 | Hydrocyanic acid | 0.011 |
| 7647‑01‑0 | Hydrogen chloride (anhydrous) [Hydrochloric acid] | 0.030 |
| 7664‑39‑3 | Hydrogen fluoride/Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid] | 0.016 |
| 7783‑07‑5 | Hydrogen selenide | 0.00066 |
| 7783‑06‑4 | Hydrogen sulfide | 0.042 |
| 13463‑40‑6 | Iron, pentacarbonyl‑ [Iron carbonyl (Fe(CO)5), (TB-5-11)-] | 0.00044 |
| 78‑82‑0 | Isobutyronitrile [Propanenitrile, 2‑methyl‑] | 0.14 |
| 108‑23‑6 | Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester] | 0.10 |
| 126‑98‑7 | Methacrylonitrile [2‑Propenenitrile, 2‑methyl‑] | 0.0027 |
| 74‑87‑3 | Methyl chloride [Methane, chloro‑] | 0.82 |
| 79‑22‑1 | Methyl chloroformate [Carbonochloridic acid, methyl ester] | 0.0019 |
| 60‑34‑4 | Methyl hydrazine [Hydrazine, methyl‑] | 0.0094 |
| 624‑83‑9 | Methyl isocyanate [Methane, isocyanato‑] | 0.0012 |
| 74‑93‑1 | Methyl mercaptan [Methanethiol] | 0.049 |
| 556‑64‑9 | Methyl thiocyanate [Thiocyanic acid, methyl ester] | 0.085 |
| 75‑79‑6 | Methyltrichlorosilane [Silane, trichloromethyl‑] | 0.018 |
| 13463‑39‑3 | Nickel carbonyl | 0.00067 |
| 7697‑37‑2 | Nitric acid (conc. 80% or greater) | 0.026 |
| 10102‑43‑9 | Nitric oxide [Nitrogen oxide (NO)] | 0.031 |
| 8014‑95‑7 | Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] | 0.010 |
| 79‑21‑0 | Peracetic acid [Ethaneperoxoic acid] | 0.0045 |
| 594‑42‑3 | Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro‑] | 0.0076 |
| 75‑44‑5 | Phosgene [Carbonic dichloride] | 0.00081 |
| 7803‑51‑2 | Phosphine | 0.0035 |
| 10025‑87‑3 | Phosphorus oxychloride [Phosphoryl chloride] | 0.0030 |
| 7719‑12‑2 | Phosphorus trichloride [Phosphorous trichloride] | 0.028 |
| 110‑89‑4 | Piperidine | 0.022 |
| 107‑12‑0 | Propionitrile [Propanenitrile] | 0.0037 |
| 109‑61‑5 | Propyl chloroformate [Carbonochloridic acid, propyl ester] | 0.010 |
| 75‑55‑8 | Propyleneimine [Aziridine, 2‑methyl‑] | 0.12 |
| 75‑56‑9 | Propylene oxide [Oxirane, methyl‑] | 0.59 |
| 7446‑09‑5 | Sulfur dioxide (anhydrous) | 0.0078 |
| 7783‑60‑0 | Sulfur tetrafluoride [Sulfur fluoride (SF4), (T‑4)‑] | 0.0092 |
| 7446‑11‑9 | Sulfur trioxide | 0.010 |
| 75‑74‑1 | Tetramethyllead [Plumbane, tetramethyl‑] | 0.0040 |
| 509‑14‑8 | Tetranitromethane [Methane, tetranitro‑] | 0.0040 |
| 7750‑45‑0 | Titanium tetrachloride [Titanium chloride (TiCl4), (T‑4)‑] | 0.020 |
| 584‑84‑9 | Toluene 2,4‑diisocyanate [Benzene, 2,4‑diisocyanato‑1‑methyl‑] | 0.0070 |
| 91‑08‑7 | Toluene 2,6‑diisocyanate [Benzene, 1,3‑diisocyanato‑2‑methyl‑] | 0.0070 |
| 26471‑62‑5 | Toluene diisocyanate (unspecified isomer) [Benzene,1,3‑diisocyanatomethyl‑] | 0.0070 |
| 75‑77‑4 | Trimethylchlorosilane [Silane, chlorotrimethyl‑] | 0.050 |
| 108‑05‑4 | Vinyl acetate monomer [Acetic acid ethenyl ester] | 0.26 |

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

**Regulation 61-62.70.3 (a)(6), shall be deleted.**

**Regulation 61-62.96, Nitrogen Oxides (NOX) and Sulfur Dioxide (SO2) Budget Trading Program, shall be revised as follows:**

**61-62.96 Nitrogen Oxides (NOX) Budget Program**

**Subpart A - NOX Budget Program General Provisions**

**Section 96.1 Purpose.**

In accordance with 40 CFR 51.121, this regulation establishes general provisions and the applicability and monitoring provisions for the NOX Budget Program as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor. The owner or operator of a unit, or any other person, shall comply with requirements of this regulation as a matter of state and federal law. The state of South Carolina authorizes the EPA to assist the state in implementing the NOX Budget Program by carrying out the functions set forth for the EPA in such requirements.

**Section 96.2 Definitions.**

The terms used in this regulation shall have the meanings set forth in this section as follows:

(a) Account certificate of representation means the completed and signed submission required by Subpart B of this regulation for certifying the designation of a NOX authorized account representative for a NOX Budget source or a group of identified NOX Budget sources who is authorized to represent the owners and operators of such source or sources and of the NOX Budget units at such source or sources with regard to matters under the NOX Budget Program.

(b) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) Automated data acquisition and handling system or DAHS means that component of the CEMS, or other emissions monitoring system approved for use under Subpart H of this regulation, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by Subpart H of this regulation.

(f) Boiler means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

(g) CAA means the Clean Air Act, 42 U.S.C. 7401, *et seq*., as amended by Pub. L. No. 101‑549 (November 15, 1990).

(h) Combined cycle system means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(i) Combustion turbine means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(j) Commence commercial operation means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in Section 96.5, for a unit that is a NOX Budget unit under Section 96.4 on the date the unit commences commercial operation, such date shall remain the unit’s date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in Section 96.5, for a unit that is not a NOX Budget unit under Section 96.4 on the date the unit commences commercial operation, the date the unit becomes a NOX Budget unit under Section 96.4 shall be the unit’s date of commencement of commercial operation.

(k) Commence operation means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit’s combustion chamber. Except as provided in Section 96.5, for a unit that is a NOX Budget unit under Section 96.4 on the date of commencement of operation, such date shall remain the unit’s date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in Section 96.5, for a unit that is not a NOX Budget unit under Section 96.4 on the date of commencement of operation, the date the unit becomes a NOX Budget unit under Section 96.4 shall be the unit’s date of commencement of operation.

(l) Common stack means a single flue through which emissions from two or more units are exhausted.

(m) [Reserved]

(n) [Reserved]

(o) Continuous emission monitoring system or CEMS means the equipment required under Subpart H of 40 CFR Part 75 to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR Part 75, in a continuous emission monitoring system:

 (1) Flow monitor;

 (2) Nitrogen oxides pollutant concentration monitors;

 (3) Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required by Subpart H of this regulation;

 (4) A continuous moisture monitor when such monitoring is required by Subpart H of this regulation; and

 (5) An automated data acquisition and handling system.

(p) Control period means for the year 2004, the period beginning on May 31 and ending on September 30 of the same year, inclusive. Thereafter, control period shall mean the period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(q) Department means the South Carolina Department of Health and Environmental Control.

(r) Emissions means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the EPA by the NOX authorized account representative and as determined by the EPA in accordance with Subpart H of this regulation.

(s) [Reserved]

(t) EPA means the United States Environmental Protection Agency.

(u) [Reserved]

(v) [Reserved]

(w) Fossil fuel means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(x) Fossil fuel‑fired means, with regard to a unit:

 (1) For units that commenced operation before January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis during 1995, or if a unit had not heat input in 1995, during the last year of operation of the unit prior to 1995;

 (2) For units that commenced operation on or after January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis during any year.

 (3) Notwithstanding the definition set forth in 96.2(x)(1) above, a unit shall be deemed fossil fuel-fired if on any year after January 1, 2001, the fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis.

(y) [Reserved]

(z) Generator means a device that produces electricity.

(aa) Heat input means the product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time), as measured, recorded, and reported to the EPA by the NOX authorized account representative and as determined by the EPA in accordance with Subpart H of this regulation, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(bb) Life‑of‑the‑unit, firm power contractual arrangement means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

 (1) For the life of the unit;

 (2) For a cumulative term of no less than thirty (30) years, including contracts that permit an election for early termination; or

 (3) For a period equal to or greater than twenty-five (25) years or seventy (70) percent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(cc) [Reserved]

(dd) Maximum design heat input means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

(ee) [Reserved]

(ff) [Reserved]

(gg) Maximum rated hourly heat input means a unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer’s maximum rated hourly heat input or the highest observed hourly heat input.

(hh) Monitoring systemmeans any monitoring system that meets the requirements of Subpart H of this regulation.

(ii) [Reserved]

(jj) Nameplate capacity means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(kk) [Reserved]

(ll) [Reserved]

(mm) [Reserved]

(nn) [Reserved]

(oo) [Reserved]

(pp) [Reserved]

(qq) [Reserved]

(rr) NOX authorized account representative means, for a NOX Budget source or NOX Budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NOX Budget units at the source, in accordance with Subpart B of this regulation, to represent and legally bind each owner and operator in matters pertaining to the NOX Budget Program.

(ss) [Reserved]

(tt) [Reserved]

(uu) [Reserved]

(vv) [Reserved]

(ww) NOX Budget source means a source that includes one or more NOX Budget units.

(xx) NOX Budget Program means a multi-state nitrogen oxides air pollution control and emission reduction program established in accordance with this regulation and pursuant to 40 CFR Part 51 Section 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

(yy) NOX Budget unit means a unit that is subject to the NOX Budget Program emissions limitation under Section 96.4.

(zz) [Reserved]

(aaa) Operator means any person who operates, controls, or supervises a NOX Budget unit or a NOX Budget source and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

(bbb) [Reserved]

(ccc) [Reserved]

(ddd) Owner means any of the following persons:

 (1) Any holder of any portion of the legal or equitable Title in a NOX Budget unit; or

 (2) Any holder of a leasehold interest in a NOX Budget unit; or

 (3) Any purchaser of power from a NOX Budget unit under a life‑of‑the‑unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NOX Budget unit; or

 (4) [Reserved]

(eee) Ozone season means the period of time beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(fff) [Reserved]

(ggg) Receive or receipt of means, when referring to the Department or the EPA, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the Department or the EPA in the regular course of business.

(hhh) [Reserved]

(iii) [Reserved]

(jjj) [Reserved]

(kkk) Source means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes of Section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.

(lll) State means the state of South Carolina.

(mmm) [Reserved]

(nnn) Submit or serve means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

 (1) In person;

 (2) By United States Postal Service; or

 (3) By other means of dispatch or transmission and delivery. Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(ooo) [Reserved]

(ppp) [Reserved]

(qqq) [Reserved]

(rrr) Unit means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

(sss) [Reserved]

(ttt) Unit operating day means a calendar day in which a unit combusts any fuel.

(uuu) Unit operating hour or hour of unit operation means any hour (or fraction of an hour) during which a unit combusts any fuel.

(vvv) [Reserved]

**Section 96.3 Measurements, abbreviations, and acronyms.**

Measurements, abbreviations, and acronyms used in this regulation are defined as follows:

Btu‑British thermal unit.

hr‑hour.

lb‑pounds.

mmBtu‑million Btu.

MWe‑megawatt electrical.

ton-2000 pounds.

CO2‑carbon dioxide.

NOX ‑nitrogen oxides.

O2‑oxygen.

**Section 96.4 Applicability.**

(a) The following units shall be NOX Budget units, and any source that includes one or more such units shall be a NOX Budget source, subject to the requirements of this regulation:

 (1)(i) For units that commenced operation before January 1, 1999, a unit serving a generator that has a nameplate capacity greater than 25 MWe and, except for a unit that has a SIC code of 4911 or 4931, produces an annual average of more than one-third of its potential electrical output capacity for sale to the electric grid during any three calendar year period.

 (ii) For units that commenced operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

 (2)(i) For units that commenced operation before January 1, 1999, a unit that has a maximum design heat input greater than 250 mmBtu/hr and does not serve a generator that has a nameplate capacity greater than 25 MWe if any such generator produces an annual average of more than one-third of its potential electrical output capacity for sale to the electric grid during any three calendar year period.

 (ii) For units that commenced operation on or after January 1, 1999, a unit that has a maximumdesign heat input greater than 250 mmBtu/hr that:

 (A) At no time served a generator producing electricity for sale; or

 (B) At any time served a generator producing electricity for sale, if any such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than fifty (50) percent of the potential electrical output capacity of the unit.

(b)(1) Notwithstanding paragraph (a) of this section, a unit under paragraph (a)(1) or (a)(2) of this section that has a federally enforceable permit restricting the unit to the combustion of only natural gas or fuel oil and includes a NOX emission limitation restricting NOX emissions during a control period to 25 tons or less and that includes the special provisions in paragraph (b)(4) of this section shall be exempt from the requirements of the NOX Budget Program, except for the provisions of this paragraph, Section 96.2, Section 96.3, Section 96.4(a), and Section 96.7. The NOX emission limitation under this paragraph (b)(1) shall restrict NOX emissions during the control period by limiting unit operating hours. The restriction on unit operating hours shall be calculated by dividing 25 tons by the unit’s maximum potential hourly NOX mass emissions, which shall equal the unit’s maximum rated hourly heat input multiplied by the highest default NOX emission rate otherwise applicable to the unit under 40 CFR Part 75 Section 75.19.

 (2) The exemption under paragraph (b)(1) of this section shall become effective as follows:

 (i) The exemption shall become effective on the date on which the NOX emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final; or

 (ii) If the NOX emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final during a control period and after the first date on which the unit operates during such control period, then the exemption shall become effective on May 1 of such control period, provided that such NOX emission limitation and the special provisions apply to the unit as of such first date of operation. If such NOX emission limitation and special provisions do not apply to the unit as of such first date of operation, then the exemption under paragraph (b)(1) of this section shall become effective on October 1 of the year during which such NOX emission limitation and the special provisions become final.

 (3) The Department will provide the EPA written notice of the issuance of such permit under paragraph (b)(1) of this section for a unit under paragraph (a)(1) or (a)(2) of this section, and, upon request, a copy of the permit.

 (4) Special provisions.

 (i) A unit exempt under paragraph (b)(1) of this section shall comply with the restriction on unit operating hours described in paragraph (b)(1) of this section during the control period in each year.

 (ii) [Reserved]

 (iii) A unit exempt under this paragraph (b) shall report hours of unit operation during the control period in each year to the Department by November 1 of that year.

 (iv) For a period of five (5) years from the date the records are created, the owners and operators of a unit exempt under paragraph (b)(1) of this section shall retain, at the source that includes the unit, records demonstrating that the conditions of the federally enforceable permit under paragraph (b)(1) of this section were met, including the restriction on fuel use and unit operating hours. The 5‑year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Department or the EPA. The owners and operators bear the burden of proof that the unit met the restriction on unit operating hours.

 (v) The owners and operators and, to the extent applicable, the NOX authorized account representative of a unit exempt under paragraph (b)(1) of this section shall comply with the requirements of the NOX Budget Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

 (vi) On the earlier of the following dates, a unit exempt under paragraph (b)(1) of this section shall lose its exemption:

 (A) The date on which the restriction on fuel use and unit operating hours described in paragraph (b)(1) of this section is removed from the unit’s federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2004; or

 (B) The first date on which the unit fails to comply, or with regard to which the owners and operators fail to meet their burden of proving that the unit is complying, with the restriction on fuel use and unit operating hours described in paragraph (b)(1) of this section during any control period starting in 2004.

 (vii) A unit that loses its exemption in accordance with paragraph (b)(4)(vi) of this section shall be subject to the requirements of this Part. For the purpose of applying monitoring requirements under Subpart H of this regulation, the unit shall be treated as commencing operation and, if the unit is covered by paragraph (a)(1) of this section, commencing commercial operation on the date the unit loses its exemption.

 (viii) [Reserved]

**Section 96.5 Retired unit exemption.**

(a) This section applies to any NOX Budget unit that is permanently retired.

(b)(1) Any NOX Budget unit that is permanently retired shall be exempt from the NOX Budget Program, except for the provisions of this section, and Sections 96.2, 96.3, 96.4, and 96.7.

 (2) The exemption under paragraph (b)(1) of this section shall become effective the day on which the unit is permanently retired. Within thirty (30) days of permanent retirement, the NOX authorized account representative (authorized in accordance with Subpart B of this regulation) shall submit a statement to the Department otherwise responsible for administering any permit for the unit. A copy of the statement shall be submitted to the EPA. The statement shall state (in a format prescribed by the Department) that the unit is permanently retired and will comply with the requirements of paragraph (c) of this section.

 (3) After receipt of the notice under paragraph (b)(2) of this section, the Department will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraphs (b)(1) and (c) of this section.

(c) Special provisions.

 (1) A unit exempt under this section shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

 (2) [Reserved]

 (3) The owners and operators and, to the extent applicable, the NOX authorized account representative of a unit exempt under this section shall comply with the requirements of the NOX Budget Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

 (4) [Reserved]

 (5) For a period of five (5) years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5‑year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Department or the EPA. The owners and operators bear the burden of proof that the unit is permanently retired.

 (6) Loss of exemption.

 (i) [Reserved]

 (ii) For the purpose of applying monitoring requirements under Subpart H of this regulation, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

**Section 96.6 Standard requirements.**

(a) [Reserved]

(b) Monitoring requirements.

 (1) The owners and operators and, to the extent applicable, the NOX authorized account representative of each NOX Budget source and each NOX Budget unit at the source shall comply with the monitoring requirements of Subpart H of this regulation.

 (2) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) Recordkeeping and Reporting Requirements.

 (1) Unless otherwise provided, the owners and operators of the NOX Budget source and each NOX Budget unit at the source shall keep on site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the Department or the EPA.

 (i) The account certificate of representation for the NOX authorized account representative for the source and each NOX Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with Section 96.13; provided that the certificate and documents shall be retained on site at the source beyond such 5‑year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOX authorized account representative.

 (ii) All emissions monitoring information, in accordance with Subpart H of this regulation; provided that to the extent that Subpart H of this regulation provides for a 3‑year period for recordkeeping, the 3‑year period shall apply.

 (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOX Budget Program.

 (iv) Copies of all documents used to complete any submission under the NOX Budget Program or to demonstrate compliance with the requirements of the NOX Budget Program.

 (2) The NOX authorized account representative of a NOX Budget source and each NOX Budget unit at the source shall submit the reports and compliance certifications required under the NOX Budget Program, including those under Subpart H of this regulation.

(f) Liability.

 (1) Any person who knowingly violates any requirement or prohibition of the NOX Budget Program or an exemption underSection 96.5 shall be subject to enforcement pursuant to applicable state or federal law.

 (2) Any person who knowingly makes a false material statement in any record, submission, or report under the NOX Budget Program shall be subject to criminal enforcement pursuant to the applicable state or federal law.

 (3) No permit revision shall excuse any violation of the requirements of the NOX Budget Program that occurs prior to the date that the revision takes effect.

 (4) Each NOX Budget source and each NOX Budget unit shall meet the requirements of the NOX Budget Program.

 (5) Any provision of the NOX Budget Program that applies to a NOX Budget source (including a provision applicable to the NOX authorized account representative of a NOX Budget source) shall also apply to the owners and operators of such source and of the NOX Budget units at the source.

 (6) Any provision of the NOX Budget Program that applies to a NOX Budget unit (including a provision applicable to the NOX authorized account representative of a NOX budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack, the owners and operators and the NOX authorized account representative of one NOX Budget unit shall not be liable for any violation by any other NOX Budget unit of which they are not owners or operators or the NOX authorized account representative and that is located at a source of which they are not owners or operators or the NOX authorized account representative.

(g) Effect on Other Authorities. No provision of the NOX Budget Program or an exemption under Section 96.5 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOX authorized account representative of a NOX Budget source or NOX Budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

**Section 96.7 Computation of time.**

(a) Unless otherwise stated, any time period scheduled, under the NOX Budget Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the NOX Budget Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the NOX Budget Program, falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day.

**Subpart B ‑ NOX Authorized Account Representative for** **NOX Budget Sources**

**Section 96.10 Authorization and responsibilities of the NOX authorized account representative.**

(a) Except as provided under Section 96.11, each NOX Budget source, including all NOX Budget units at the source, shall have one and only one NOX authorized account representative, with regard to all matters under the NOX Budget Program concerning the source or any NOX Budget unit at the source.

(b) The NOX authorized account representative of the NOX Budget source shall be selected by an agreement binding on the owners and operators of the source and all NOX Budget units at the source.

(c) Upon receipt by the EPA of a complete account certificate of representation under Section 96.13, the NOX authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NOX Budget source represented and each NOX Budget unit at the source in all matters pertaining to the NOX Budget Program, not withstanding any agreement between the NOX authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NOX authorized account representative by the Department, the EPA, or a court regarding the source or unit.

(d) [Reserved]

(e)(1) Each submission under the NOX Budget Program shall be submitted, signed, and certified by the NOX authorized account representative for each NOX Budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOX authorized account representative: “I am authorized to make this submission on behalf of the owners and operators of the NOX Budget sources or NOX Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.”

 (2) The Department and the EPA will accept or act on a submission made on behalf of owner or operators of a NOX Budget source or a NOX Budget unit only if the submission has been made, signed, and certified in accordance with paragraph (e)(1) of this section.

**Section 96.11 Alternate NOX authorized account representative**.

(a) An account certificate of representation may designate one and only one alternate NOX authorized account representative who may act on behalf of the NOX authorized account representative. The agreement by which the alternate NOX authorized account representative is selected shall include a procedure for authorizing the alternate NOX authorized account representative to act in lieu of the NOX authorized account representative.

(b) Upon receipt by the EPA of a complete account certificate of representation under Section 96.13, any representation, action, inaction, or submission by the alternate NOX authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NOX authorized account representative.

(c) Except in this section and Sections 96.10(a), 96.12, and 96.13, whenever the term “NOX authorized account representative” is used in this regulation, the term shall be construed to include the alternate NOX authorized account representative.

**Section 96.12 Changing the NOX authorized account representative and the alternate NOX authorized account representative; changes in the owners and operators.**

(a) Changing the NOX authorized account representative. The NOX authorized account representative may be changed at any time upon receipt by the EPA of a superseding complete account certificate of representation under Section 96.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NOX authorized account representative prior to the time and date when the EPA receives the superseding account certificate of representation shall be binding on the new NOX authorized account representative and the owners and operators of the NOX Budget source and the NOX Budget units at the source.

(b) Changing the alternate NOX authorized account representative. The alternate NOX authorized account representative may be changed at any time upon receipt by the EPA of a superseding complete account certificate of representation under Section 96.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NOX authorized account representative prior to the time and date when the EPA receives the superseding account certificate of representation shall be binding on the new alternate NOX authorized account representative and the owners and operators of the NOX Budget source and the NOX Budget units at the source.

(c) Changes in the owners and operators.

 (1) In the event a new owner or operator of a NOX Budget source or a NOX Budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the NOX authorized account representative and any alternate NOX authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the Department or the EPA, as if the new owner or operator were included in such list.

 (2) Within thirty (30) days following any change in the owners and operators of a NOX Budget source or a NOX Budget unit, including the addition of a new owner or operator, the NOX authorized account representative or alternate NOX authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

**Section 96.13 Account certificate of representation.**

(a) A complete account certificate of representation for a NOX authorized account representative or an alternate NOX authorized account representative shall include the following elements in a format prescribed by the EPA:

 (1) Identification of the NOX Budget source and each NOX Budget unit at the source for which the account certificate of representation is submitted.

 (2) The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NOX authorized account representative and any alternate NOX authorized account representative.

 (3) A list of the owners and operators of the NOX Budget source and of each NOX Budget unit at the source.

 (4) The following certification statement by the NOX authorized account representative and any alternate NOX authorized account representative: I certify that I was selected as the NOX authorized account representative or alternate NOX authorized account representative, as applicable, by an agreement binding on the owners and operators of the NOX Budget source and each NOX Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NOX Budget Program on behalf of the owners and operators of the NOX Budget source and of each NOX Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department, the EPA, or a court regarding the source or unit.

 (5) The signature of the NOX authorized account representative and any alternate NOX authorized account representative and the dates signed.

(b) Unless otherwise required by the Department or the EPA, documents of agreement referred to in the account certificate of representation shall not be submitted to the Department or the EPA. Neither the Department nor the EPA shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

**Section 96.14 Objections concerning the NOX authorized account representative**.

(a) Once a complete account certificate of representation under Section 96.13 has been submitted and received, the Department and the EPA will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under Section 96.13 is received by the EPA.

(b) Except as provided in Section 96.12(a) or (b), no objection or other communication submitted to the Department or the EPA concerning the authorization, or any representation, action, inaction, or submission of the NOX authorized account representative shall affect any representation, action, inaction, or submission of the NOX authorized account representative or the finality of any decision or order by the Department or the EPA under the NOX Budget Program.

(c) Neither the Department nor the EPA will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NOX authorized account representative.

**Subpart C - [Reserved]**

**Subpart D - [Reserved]**

**Subpart E - South Carolina NOX Ozone Season Budget**

**Section 96.40 State NOX Budget.**

For purposes of this regulation, for any control period, the South Carolina NOX budgets are as follows:

(a) The NOX budget for units specified in Section 96.4(a)(1) is 16,199 tons as approved at 67 FR 43546. The sum of the tons of NOX emitted from all such units in each control period beginning after the effective date of this rule may not exceed this budget amount.

(b) The NOX budget for units specified in Section 96.4(a)(2) is 3,479 tons as approved at 67 FR 43546. The sum of the tons of NOX emitted from all such units in each control period beginning after the effective date of this rule may not exceed this budget amount.

**Subpart F ‑ [Reserved]**

**Subpart G ‑ [Reserved]**

**Subpart H - Monitoring and Reporting**

**Section 96.70 General Requirements.**

The owners and operators, and to the extent applicable, the NOX authorized account representative of a NOX Budget unit, shall implement a monitoring and reporting system necessary to attribute ozone season NOX mass emissions to each unit in accordance with 40 CFR part 75, Subpart H ("Part 75"), except that a NOX budget unit that (i) is not required by 40 CFR 51.121, Regulation 61-62.97, or other regulation to comply with Part 75 and (ii) is subject to Subpart D or Subpart Db of 40 CFR Part 60, may instead monitor and report NOX mass emissions in accordance with 40 CFR Part 60, Subpart D or Subpart Db, as applicable. NOX mass emissions measurements recorded and reported in accordance with the above shall be used to determine compliance with the NOX budgets set forth in Section 96.40 of this regulation. For purposes of a source subject to the monitoring and reporting provisions of Part 75, the definitions in Section 96.2 and in 40 CFR Part 72 Section 72.2 shall apply, and the terms affected unit, designated representative, and continuous emission monitoring system (or CEMS) in 40 CFR Part 75 shall be replaced by the terms NOX Budget unit, NOX authorized account representative, and continuous emission monitoring system (or CEMS), respectively, as defined in Section 96.2.

**Section 96.76 [Reserved]**

**Subpart I - [Reserved]**

**Statement of Need and Reasonableness:**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP).

Purpose: The EPA promulgated amendments to national air quality standards in 2017. The recent federal amendments include clarification, guidance, and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 and 7413; New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, amends the aforementioned regulations and SIP to codify federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017. Additionally, the Department amends R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA’s “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone” (NOX SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department also corrects R.61-62.68 for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary.

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

Plan for Implementation: The amendments will take effect upon approval by the South Carolina Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on the Department’s website at http://www.scdhec.gov/Agency/RegulationsAndUpdates/, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2017 included revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations. The amendments also serve to repeal a regulation that is no longer in force, based on the sunsetting of federal CAIR requirements, and reinstate a regulation required by federal law. The amendments also include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary to ensure compliance with federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. The amendments will benefit the regulated community by clarifying and updating the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the amendments to R.61-62 will provide continued protection of the environment and public health. Changes to R.61-62.96 have no detrimental effect on the environment and public health because the federal rule, the Clean Air Interstate Rule, has sunsetted and is superseded by the Cross-State Air Pollution Rule and the reinstated NOX SIP Call. South Carolina’s R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, is already state-effective.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The state’s authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.