Agency Name: Department of Health and Environmental Control

Statutory Authority: 48-1-10 et seq.

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Document No. 4881

**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:**

The Department of Health and Environmental Control (Department) amends R.61‑62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61‑62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to adopt federal amendments to associated standards promulgated from January 1, 2018, through December 31, 2018. The Department also amends R.61‑62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, to clarify the applicability and scope of United States Environmental Protection Agency (EPA) emission guidelines provisions incorporated by the Department and ensure compliance with federal law.

Pursuant to the Pollution Control Act 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.

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

The Administrative Procedures Act, S.C. Code Section 1‑23‑120(H)(1), exempted these amendments from General Assembly review as the Department promulgates these amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement was required.

The Department had a Notice of Drafting published in the February 22, 2019, *South Carolina* *State Register*.

**Instructions:**

Revise Regulation 61-62 as shown below. All other items and sections remain unchanged.

**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] |
| Revision | Vol. 83 | November 14, 2018 | [83 FR 56713] |
| Revision | Vol. 83 | November 26, 2018 | [83 FR 60696] |

**Regulation 61‑62.60, Subpart Cf, shall be revised as follows:**

**Subpart Cf - “Performance Standards and Compliance Times for Existing Municipal Solid Waste Landfills”**

 (A) All designated facilities as defined at 40 CFR 60.31f must comply with the requirements of this subpart.

 (B) The compliance times, emission guideline conditions and requirements, operational standards for collection and control systems, test methods and procedures, compliance provisions, monitoring requirements, reporting requirements, recordkeeping requirements, and specifications for active collection systems set forth in 40 CFR 60.32f through 60.40f, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein and applicable to each designated facility.

|  |
| --- |
| **40 CFR Part 60 Subpart Cf** |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 81 | August 29, 2016 | [81 FR 59276] |

 (C) 40 CFR 60.41f, Definitions, is adopted and incorporated by reference as if fully repeated herein, except as follows: the word “Administrator” as used in this subpart shall mean the Department of Health and Environmental Control, with the exception of the sections within this subpart that may not be delegated by the EPA.

 (D) The following authorities will not be delegated to state, local, or tribal agencies:

(1) Approval of alternative methods to determine the NMOC concentration or a site-specific methane generation rate constant (k).

 (2) [Reserved]

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

**Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”**

 The provisions of 40 CFR Part 60 Subpart Ja, 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 Ja** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 73 | June 24, 2008 | [73 FR 35838] |
| Revision | Vol. 73 | July 28, 2008 | [73 FR 43626] |
| Revision | Vol. 73 | September 26, 2008 | [73 FR 55751] |
| Revision | Vol. 73 | December 22, 2008 | [73 FR 78546] |
| Revision | Vol. 73 | December 22, 2008 | [73 FR 78549] |
| Revision | Vol. 77 | September 12, 2012  | [77 FR 56422] |
| Revision | Vol. 78 | December 19, 2013 | [78 FR 76753] |
| Revision | Vol. 80 | December 1, 2015 | [80 FR 75178] |
| Revision | Vol. 81 | July 13, 2016 | [81 FR 45232] |
| Revision | Vol. 83 | November 26, 2018 | [83 FR 60696] |

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

**Subpart DDDD - “Performance Standards and Compliance Times for Existing Commercial and Industrial Solid Waste Incineration Units”**

 (A) Except as provided in (B) below, incineration units that meet all three criteria set forth in 40 CFR 60.2550(a)(1) through (a)(3) are subject to this subpart and must comply with all applicable requirements of this subpart.

 (B) This subpart exempts the types of units described in paragraphs (a) through (j) of 40 CFR 60.2555, but some units are required to provide notifications. For purposes of this paragraph, the words “Administrator” and “Agency” as used in 40 CFR 60.2555 shall be replaced by “Department” and “EPA Administrator” respectively.

 (C) If the owner or operator of a CISWI unit or air curtain incinerator makes changes that meet the definition of modification or reconstruction after August 7, 2013, the CISWI unit becomes subject to 40 CFR Part 60, Subpart CCCC and Regulation 61-62.60, Subpart CCCC, and this subpart no longer applies to that unit.

 (D) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with this subpart, 40 CFR Part 60, Subpart CCCC and Regulation 61-62.60, Subpart CCCC do not apply to that unit. Such changes do not qualify as modifications or reconstructions under 40 CFR Part 60, Subpart CCCC or Regulation 61-62.60, Subpart CCCC.

 (E) For purposes of this subpart, “you” means the owner or operator of a CISWI unit.

 (F) Each owner or operator of an existing CISWI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below:

| **40 CFR Part 60 Subpart DDDD** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 65 | December 1, 2000  | [65 FR 75338] |
| Revision | Vol. 70 | September 22, 2005 | [70 FR 55568] |
| Revision | Vol. 76 | May 18, 2011 | [76 FR 28662] |
| Revision | Vol. 78 | February 7, 2013 | [78 FR 9112] |
| Revision | Vol. 81 | June 23, 2016 | [81 FR 40956] |
| Revision | Vol. 84 | April 16, 2019 | [84 FR 15846] |

 These standards, requirements, and provisions are hereby incorporated and adopted by reference as follows:

 (1) 40 CFR 60.2610 and 40 CFR 60.2615, Increments of Progress.

 (2) 40 CFR 60.2620, 40 CFR 60.2625, and 40 CFR 60.2630, Waste Management Plan, due no later than compliance date listed in Table 1 below.

 (3) 40 CFR 60.2635 through 40 CFR 60.2665, Operator Training and Qualification.

 (4) 40 CFR 60.2670 through 60.2680, Emission Limitations and Operating Limits.

 (5) 40 CFR 60.2690 through 60.2695, Performance Testing.

 (6) 40 CFR 60.2700 through 60.2706, Initial Compliance Requirements.

 (7) 40 CFR 60.2710 through 60.2725, Continuous Compliance Requirements.

 (8) 40 CFR 60.2730 through 60.2735, Monitoring.

 (9) 40 CFR 60.2740 through 60.2800, Recordkeeping and Reporting, including submission of waste management plan no later than compliance date listed in Table 1 below; with the exception of the following: all reports required under 40 CFR 60.2795(a), (b)(1), and (b)(2) must be submitted to the Department in addition to being sent to the EPA.

 (10) 40 CFR 60.2805, Title V Operating Permits.

 (11) 40 CFR 60.2810 and 40 CFR 60.2850(b) through 60.2870, Air Curtain Incinerators.

 (12) 40 CFR 60.2875, Definitions, except that the word “Administrator” shall mean the Department of Health and Environmental Control, with the exception of provisions within this subpart that may not be delegated by the EPA.

 (13) 40 CFR Part 60 Subpart DDDD Table 1, modified as follows:

**Table 1 to Subpart DDDD of Part 60 - Compliance Schedules**

|  |  |
| --- | --- |
| Comply with compliance schedule | By this date |
| Final compliance with performance standards | February 7, 2018. |

 (14) 40 CFR Part 60 Subpart DDDD Tables 2 through 9, retitled as follows:

 (a) Table 2 to Subpart DDDD - Emission Limitations That Apply to Incinerators Before February 7, 2018;

 (b) Table 3 to Subpart DDDD - Operating Limits for Wet Scrubbers;

 (c) Table 4 to Subpart DDDD - Toxic Equivalency Factors;

 (d) Table 5 to Subpart DDDD - Summary of Reporting Requirements;

 (e) Table 6 to Subpart DDDD - Emission Limitations That Apply to Incinerators on and After February 7, 2018;

 (f) Table 7 to Subpart DDDD - Emission Limitations That Apply to Energy Recovery Units After February 7, 2018;

 (g) Table 8 to Subpart DDDD - Emission Limitations That Apply to Waste-Burning Kilns After February 7, 2018; and

 (h) Table 9 to Subpart DDDD - Emission Limitations That Apply to Small, Remote Incinerators After February 7, 2018.

 (G) For purposes of this subpart, the authorities referenced in 40 CFR 60.2542 will not be delegated to state, local, or tribal agencies.

**Regulation 61‑62.60, Subpart OOOOa, shall be revised as follows:**

**Subpart OOOOa ‑ “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”**

 The provisions of 40 CFR Part 60 Subpart OOOOa, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 60 Subpart OOOOa** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 81 | June 3, 2016 | [81 FR 35824] |
| Revision | Vol. 83 | March 12, 2018 | [83 FR 10628] |

**Regulation 61‑62.60, Subpart QQQQ, shall be revised as follows:**

**Subpart QQQQ - “Standards of Performance For New Residential Hydronic Heaters And Forced‑Air Furnaces”**

 The provisions of 40 CFR Part 60 Subpart QQQQ, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| **40 CFR Part 60 Subpart QQQQ** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 80 | March 16, 2015 | [80 FR 13671] |
| Revision | Vol. 83 | November 14, 2018 | [83 FR 56713] |

**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] |
| Revision | Vol. 83 | October 15, 2018 | [83 FR 51842] |
| Revision | Vol. 83 | November 14, 2018 | [83 FR 56713] |

**Regulation 61‑62.63, Subpart CC, shall be revised as follows:**

**Subpart CC ‑ “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”**

 The provisions of 40 CFR Part 63 Subpart CC, 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 CC** |
| --- |
| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 60 | August 18, 1995 | [60 FR 43260] |
| Revision | Vol. 60 | September 27, 1995 | [60 FR 49976] |
| Revision | Vol. 61 | February 23, 1996 | [61 FR 7051] |
| Revision | Vol. 61 | June 12, 1996 | [61 FR 29878] |
| Revision | Vol. 61 | June 28, 1996 | [61 FR 33799] |
| Revision | Vol. 62 | February 21, 1997 | [62 FR 7938] |
| Revision | Vol. 63 | March 20, 1998 | [63 FR 13537] |
| Revision | Vol. 63 | May 18, 1998 | [63 FR 27212] |
| Revision | Vol. 63 | June 9, 1998 | [63 FR 31361] |
| Revision | Vol. 63 | August 18, 1998 | [63 FR 44140] |
| Revision | Vol. 65 | May 8, 2000 | [65 FR 26491] |
| Revision | Vol. 65 | July 6, 2000 | [65 FR 41594] |
| Revision | Vol. 66 | May 25, 2001 | [66 FR 28840] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 74 | October 28, 2009 | [74 FR 55670] |
| Revision | Vol. 75 | June 30, 2010 | [75 FR 37730] |
| Revision | Vol. 76 | July 18, 2011 | [76 FR 42052] |
| Revision  | Vol. 78 | June 20, 2013 | [78 FR 37133] |
| Revision  | Vol. 80 | December 1, 2015 | [80 FR 75178] |
| Revision | Vol. 81 | July 13, 2016 | [81 FR 45232] |
| Revision | Vol. 83 | November 26, 2018 | [83 FR 60696] |

**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] |
| Revision | Vol. 83 | July 25, 2018 | [83 FR 35122] |
| Revision | Vol. 83 | August 3, 2018 | [83 FR 38036] |

**Regulation 61‑62.63, Subpart OOO, shall be revised as follows:**

**Subpart OOO ‑ “National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins”**

 The provisions of 40 CFR Part 63 Subpart OOO, 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 OOO** |
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| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 65 | January 20, 2000 | [65 FR 3276] |
| Revision | Vol. 65 | February 22, 2000 | [65 FR 8768] |
| Revision | Vol. 68 | June 23, 2003 | [68 FR 37334] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 79 | October 8, 2014 | [79 FR 60898] |
| Revision | Vol. 83 | October 15, 2018 | [83 FR 51842] |

**Regulation 61‑62.63, Subpart UUU, shall be revised as follows:**

**Subpart UUU ‑ “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”**

 The provisions of 40 CFR Part 63 Subpart UUU, 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 UUU** |
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| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 67 | April 11, 2002 | [67 FR 17762] |
| Revision | Vol. 69 | April 9, 2004 | [69 FR 18801] |
| Revision | Vol. 70 | February 9, 2005 | [70 FR 6930] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20446] |
| Revision | Vol. 80 | December 1, 2015 | [80 FR 75178] |
| Revision | Vol. 81 | July 13, 2016 | [81 FR 45232] |
| Revision | Vol. 83 | November 26, 2018 | [83 FR 60696] |

**Regulation 61‑62.63, Subpart DDDDD, shall be revised as follows:**

**Subpart DDDDD ‑ “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”**

The provisions of 40 CFR Part 63, Subpart DDDDD as originally published in the Federal Registerand 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 DDDDD** |
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| **Federal Register Citation** | **Volume** | **Date** | **Notice** |
| Original Promulgation | Vol. 69 | September 13, 2004 | [69 FR 55218] |
| Revision | Vol. 70 | December 28, 2005 | [70 FR 76918] |
| Revision | Vol. 71 | April 20, 2006 | [71 FR 20445] |
| Revision | Vol. 71 | December 6, 2006 | [71 FR70651] |
| Revision | Vol. 76 | March 21, 2011 | [76 FR 15608] |
| Revision | Vol. 76 | May 18, 2011 | [76 FR 28662] |
| Revision | Vol. 78 | January 31, 2013 | [78 FR 7138] |
| Revision | Vol. 80 | November 20, 2015 | [80 FR 72789] |
| Revision | Vol. 83 | November 14, 2018 | [83 FR 56713] |

**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** |
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| **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] |
| Revision | Vol. 83 | November 14, 2018 | [83 FR 56713] |

**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 R.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 2018. The recent federal amendments include clarification, guidance, and technical revisions to requirements for NSPS mandated by 42 U.S.C. Section 7411, and for federal NESHAP for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, amends the aforementioned regulations to codify federal amendments to these standards promulgated from January 1, 2018, through December 31, 2018. Additionally, the Department amends R.61‑62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, to clarify the applicability and scope of EPA emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law.

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

Plan for Implementation: The amendments took effect upon approval by the 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 are 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 2018 included revised NSPS rules 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 include revisions to R.61‑62.60, Subparts Cf and DDDD, to clarify the applicability and scope of EPA emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law, which requires Department implementation of these Subparts.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. The adopted standards 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 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 provides continued protection of the environment and public health.

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.