AMENDED

May 20, 2010

**H. 4888**

Introduced by Reps. Duncan, Ott, Forrester and Mitchell

S. Printed 5/20/10--S. [SEC 5/25/10 2:15 PM]

Read the first time May 13, 2010.

**A** **JOINT RESOLUTION**

TO ADOPT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY GREENHOUSE GAS REGULATIONS FOR STATIONARY SOURCES IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS, IF REQUIRED.

Be it enacted by the General Assembly of the State of South Carolina:

Whereas, on April 1, 2010, the United States Environmental Protection Agency (EPA) and the United States Department of Transportation jointly issued the Light‑Duty Vehicle Greenhouse Gas (GHG) Emission Standards and Corporate Average Fuel Economy (CAFE) Standards, in reliance on findings by the EPA’s Endangerment and Cause or Contribute Findings that GHG emissions may be reasonably anticipated to endanger human health and welfare, and that GHG emissions from regulated vehicles may cause or contribute to endangerment; and

Whereas, when these new vehicle standards take effect, the EPA has determined that the new vehicle standards will result in new air permitting requirements under the Prevention of Significant Deterioration (PSD) and Title V permit programs of the Clean Air Act and under South Carolina law for stationary source facilities that emit greenhouse gases; and

Whereas, if PSD and Title V permitting requirements are applied to stationary source facilities that emit greenhouse gases at the threshold levels currently applicable under the Clean Air Act and South Carolina law, over eight hundred currently permitted minor sources and an untold number of small businesses not currently required to have air permits will require major source permit review; and

Whereas, requiring major source permit review for these additional facilities would result in significant financial expenditures and substantial delays for the affected businesses, a backlog of permits under review, an excessive administrative burden on the State, and the hindrance of new financial investments in South Carolina; and

Whereas, because the EPA has concluded that applying current statutory thresholds to GHG emissions would lead to “absurd results” and “administrative impossibility” in these two permitting programs, the EPA has proposed to adopt a provision known as the “Tailoring Rule” which will substantially raise the threshold levels for greenhouse gas emissions that trigger major source permit review under the federal PSD and Title V programs of the Clean Air Act; however, EPA’s Tailoring Rule will not be effective in this State unless enacted into state law; and

Whereas, several organizations and states, including South Carolina, have petitioned the United States Court of Appeals for the District of Columbia Circuit to review the EPA’s Endangerment and Cause or Contribute Findings as arbitrary and capricious, and otherwise not in accordance with applicable laws; and

Whereas, several organizations and states have petitioned the EPA to reconsider its Endangerment and Cause or Contribute Findings for GHGs to account for new information about the validity of the scientific information used to justify the findings; and

Whereas, due to the recent regulatory uncertainty concerning the judicial challenges and administrative requests relating to the EPA’s Endangerment and Cause or Contribute Findings, and in order to provide clarity and consistency in South Carolina as to air pollution control permitting requirements and assessment of environmental fees related to greenhouse gas emissions and to lessen the administrative and financial burden on South Carolina’s businesses, while continuing to protect the public health and the environment, it is necessary that South Carolina adopt these potential rules until such time as the State promulgates appropriate amendments of its regulations, if required.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. In the event that the United States Environmental Protect Agency adopts rules that raise the threshold levels of GHG emissions that will trigger a requirement for emitters of greenhouse gases in South Carolina, notwithstanding any other provision of law, the rules shall be immediately effective in this State on an interim basis and implemented by the South Carolina Department of Health and Environmental Control pursuant to this joint resolution.

SECTION 2. This joint resolution takes effect upon approval by the Governor and shall remain in effect until regulations concerning GHGs are promulgated.

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