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Document No. 4590

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

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

61‑62. Air Pollution Control Regulations and Standards

**Synopsis:**

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

1. The Department amended Regulation 61‑62.1, Definitions and General Requirements, Section I, Definitions and the SIPin order to add a definition for “Emission.” This revision is a result of comments received from the regulated community in 2013 related to the Department’s “2013 General Assembly Package” revisions approved on June 27, 2014. Because of public notice requirements, the Department was unable to submit this revision for approval at that time, but agreed that the change would be submitted for approval as part of the current set of revisions (2015‑2016 General Assembly Package).

 2. The Department amended Regulation 61‑62.1,Definitions and General Requirements, Section II, Permit Requirements, to remove the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments included additional definitions for clarification and/or corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61‑62.1 as necessary.

 3. The Department amended Regulation 61‑62.5, Standard No. 4, Emissions from Process Industries, to clarify this regulation is not triggered for sources that the Department has removed Particulate Matter (“PM”) limits (from other sections of this regulation).

 4. The Department amended Regulation 61‑62.5, Standard No. 5.2, Control of Oxides of Nitrogen **(**NOX), to clarify applicability and exemptions as well as corrections for internal consistency, punctuation, codification, and spelling.

 5. The Department amended Regulation 61‑62.70, Title V Operating Permit Program, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44‑1‑60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.

 6. The Department amended Regulation 61‑62 to include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61‑62 as necessary.

A Notice of Drafting was published in the *South Carolina State Register* on March 27, 2015.

Changes made at the request of the House Regulations and Administrative Procedures Committee

by letter dated February 5, 2016:

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

Regulation 61‑62.1, Section I, Definitions:

49. Malfunction ‑ Add a comma after “malfunction” for grammatical correctness.

Regulation 61‑62.1, Section I, Definitions:

51. Medical/Infectious Waste.c.iv. ‑ Remove a comma after the word “testing” and add a comma after the word “analysis” for grammatical correctness.

Regulation 61‑62.1, Section I, Definitions:

66. Plastics/Rubber Recycling Unit ‑ Remove the word “and” after the word “trimming,” for grammatical correctness.

Regulation 61‑62.1, Section I, Definitions:

83. Sludge Incinerator ‑ Remove the words “waste water” after “industrial” and replace it with the single word “wastewater” for consistency.

Regulation 61‑62.1, Section I, Definitions:

99. Virgin Fuel ‑ Remove the period and the word “Also” after the word “fuel” and replace with the word “and” for grammatical correctness.

Regulation 61‑62.1, Section I, Definitions:

101. Waste b. Type 1 ‑ Remove the “s” in the word “papers” for grammatical correctness.

**Regulation 61‑62.1, Section II, Permit Requirements**

Paragraph C.3.m, replace the “.” after “emissions” with a semicolon.

**Regulation 61‑62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX)**

**Regulation 61‑62.5, Standard No. 5.2, Section II**

H. Fuel – after word “fuels” add a comma and delete “or” from first sentence. Delete uppercase “F” and replace with lowercase “f” followed by a comma.

H.(4) add underline.

**Regulation 61‑62.5, Standard No. 5.2, Section III**

Table 1 add hard return before **“**Hw is the heat input from combustion of wood residue.”

**Regulation 61‑62.5, Standard No. 5.2, Section IV ‑ MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS FOR NEW AFFECTED SOURCES**

A.(1)(b) delete comma after “checks”

A.(1)(d)(i) add “s” to “report”

A.(1)(d)(i)(A) delete “.” and insert comma after “emissions” and change uppercase “T” to lowercase “t” in “The”

A.(1)(d)(i)(B) insert comma after “taken”

A.(1)(d)(i)(D) add “s” to “report”

A.(2) delete (i) and recodify (b through d)

A.(3) delete codification “(a)”

A.(4) add comma after “40 CFR 63”

A.(5) delete codification “(a)”

B.(1) delete sentence (a) and recodify (i) and (ii) to (a) and (b)

B.(2)(a) insert comma after “Department”

B.(3)(a) add “s” to “owner” and delete “and/”

B.(4)(a) delete codification “(a)”

B.(5)(a) delete codification “(a)”

C.(1)(b) delete comma after “checks”

C.(1)(d)(i) add “s” to “report”

C.(1)(d)(i)(A) delete “.” and insert comma after “emissions” and change uppercase “T” to lowercase “t” in “The”

C.(1)(d)(i)(B) add comma after “taken”

C.(1)(d)(i)(D) add “s” to “report”

C.(2)(a) add comma after “maintain”

C.(3)(a) change lowercase “s” to uppercase “S” in CEMs

C.(3)(b) add comma after “recommendations” in both first and last sentences

C.(3)(d) delete comma after “months”

C.(5)(a) delete codification “(a)”

C.(6)(a) delete codification “(a)” and delete “Any” and insert in its place “The” and delete “subject to the provisions of this part”

D.(3)(a) delete codification “(a)”

**Regulation 61‑62.5, Standard No. 5.2, Section VII ‑ TUNE‑UP REQUIREMENTS FOR EXISTING SOURCES**

A. insert “a” after “of” and before “burner” in second sentence.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

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

Regulation 61‑62.1, Section I, Definitions:

A definition for emission is inserted as number 27 to specify that a release or discharge into the atmosphere includes “fugitive emissions.”

Regulation 61‑62.1, Section I, Definitions:

Definitions are renumbered in alpha‑numeric order from definition “27.” to the end to account for newly added definition and to ensure clarity and consistency.

Regulation 61‑62.1, Section II, Permit Requirements:

Text in Paragraph A.3 is amended to replace the words “no later than” with the word “within” for consistency within the regulation.

Regulation 61‑62.1, Section II, Permit Requirements:

Section C, Construction Permit Applications, Paragraph 3.m is amended to include the wording “as well as buildings that might affect dispersion of any emissions.”

Regulation 61‑62.1, Section II, Permit Requirements:

Section E, Synthetic Minor Construction Permits, Paragraph 2.b is amended to replace the words “no later than” with the word “within” for consistency within the regulation.

Regulation 61‑62.1, Section II, Permit Requirements:

Section F, Operating Permits, Paragraph 3.b is amended to replace the words “no later than” with the word “within” for consistency within the regulation.

Regulation 61‑62.1, Section II, Permit Requirements:

Section G, Conditional Major Operating Permits, Paragraph 4.b is amended to replace the words “no later than” with the word “within” for consistency within the regulation.

Regulation 61‑62.1, Section II, Permit Requirements:

Section H, Operating Permits Renewal Requests, Paragraph 3, is amended to replace the words “no later than” with the word “within” for consistency within the regulation.

Regulation 61‑62.1, Section II, Permit Requirements:

Section H, Operating Permits Renewal Requests, Paragraph 4.i is amended to replace the requirement of a revised air dispersion modeling analysis for permit renewals with a description of acceptable information.

**Regulation 61‑62.5, Standard No. 4, Emissions from Process Industries**

Regulation 61‑62.5, Standard No. 4, Section VIII:

Paragraph A, is amended to add the text “Kraft Pulp and Paper Manufacturing facilities are excluded from Section VIII.”

Regulation 61‑62.5, Standard No. 4, Section XII:

Paragraph A, is stricken in its entirety to clarify this regulation is not triggered for sources that the Department has removed PM limits (from other sections of this regulation). The appropriate codification is made for the subsequent paragraphs A through F.

**Regulation 61‑62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX)**

Regulation 61‑62.5, Standard No. 5.2, Section I(A):

Section I(A) is amended to add language to explain sources for which this regulation is applicable.

Regulation 61‑62.5, Standard No. 5.2, Section I(B):

Section I(B) is amended to strike and add language to clarify sources that are exempt from the requirements of this regulation and ensure internal consistency. The alpha‑numeric order was renumbered for clarity and consistency.

Regulation 61‑62.5, Standard No. 5.2, Section II:

Section II is amended to strike obsolete definitions and add others to further clarify existing definitions. The alpha‑numeric order was edited for clarity and consistency.

Regulation 61‑62.5, Standard No. 5.2, Section III:

Section III is amended to add language to further explain the requirements for new affected sources, add clarity to the existing requirements of this regulation, ensure internal consistency, and properly cite items per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61‑62.5, Standard No. 5.2, Section III, Table 1:

Section III, Table 1 is amended to revise measurement units for control technology and/or emission limit to ensure consistency with the Federal requirements. Revise language to clarify source types, add clarity to the existing requirements of this regulation, and ensure internal consistency.

Regulation 61‑62.5, Standard No. 5.2, Section IV, V, and VI:

Section IV, V and VI are amended to strike these Sections addressing requirements for existing sources in their entirety to relocate to the end of this regulation as new Sections V, VI, and VII for ease of use and clarity. Revise and retitle these Sections to clarify the standard requirements, notification requirements, and tune‑up requirements for existing affected sources.

Regulation 61‑62.5, Standard No. 5.2, Section IV:

This section is revised and retitled to add new language to clearly identify the requirements for “new affected sources” by adding paragraphs “(A) Boilers”, “(B) Engines”, “(C) Turbines”, and “(D) All Other Affected Source Types” to this Section. Further clarify the requirements of this regulation for each of the added paragraphs described above by adding language to define monitoring, record keeping, tune‑ups, and reporting requirements.

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

Regulation 61‑62.70**,** Section70.1, Program overview:

Section 70.1 is amended to strike paragraph “(h), Appeals.” in its entirety, as this is generally defined by statutory law (Code Ann. Section 44‑1‑60 (Supp. 2012) and is redundant.

**Instructions:**

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

**Text:**

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

**Regulation 61‑62.1, Section I. shall be revised as follows:**

 27. Emission – Means a release or discharge to the outdoor (ambient) atmosphere of air contaminants, including fugitive emissions.

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

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

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

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

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

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

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

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

 36. Hazardous Waste – Means any waste identified as such by Regulation 61‑79.

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

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

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

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

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

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

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

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

 a. Cement kilns

 b. Lime kilns

 c. Aggregate kilns

 d. Phosphate kilns

 e. Coke ovens

 f. Blast furnaces

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

 h. Titanium dioxide chloride process oxidation reactors

 i. Methane reforming furnaces

 j. Pulping liquor recovery furnaces

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

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

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

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

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

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

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

 vi. Other factors as appropriate.

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

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

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

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

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

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

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

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

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

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

 c. Human blood and blood products including:

 i. Liquid waste human blood;

 ii. Products of blood;

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

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

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

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

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

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

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

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

 i. Yard waste;

 ii. Refuse‑derived fuel; and

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

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

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

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

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

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

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

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

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

 56. Non‑Industrial Boiler – Means any boiler not classified as an industrial boiler.

 57. Non‑Industrial Furnace – Means any furnace not classified as an industrial furnace.

 58. Non‑Spec. Oil (Off‑Spec. Oil) – See definition of used oil.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 ii. Cadmium – 2 ppm maximum;

 iii. Chromium – 10 ppm maximum;

 iv. Lead – 100 ppm maximum;

 v. Nickel – 120 ppm maximum;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Regulation 61‑62.1, Section II, Paragraph A.3 shall be revised as follows:**

 3. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked within thirty (30) days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within fifteen (15) days after such date.

**Regulation 61‑62.1, Section II, Paragraph C.3.m, shall be revised as follows:**

 m. Scale drawings showing a plan view of the property lines, the location of the source, all stacks, and other emission points related to the source, as well as buildings that might affect dispersion of any emissions;

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

 b. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked within thirty (30) days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within fifteen (15) days after such date. A written request to obtain an operating permit shall be submitted to the Department within fifteen (15) days after the actual date of initial startup of each new or altered source in accordance with Section II.F below. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

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

 b. For sources not subject to Regulation 61‑62.70, or not yet covered by an effective Title V operating permit, the owner or operator shall submit a written request for a new or revised operating permit to cover any new, or altered source, postmarked within fifteen (15) days after the actual date of initial startup of each new or altered source.

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

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

**Regulation 61‑62.1, Section II, Paragraph H.3, shall be revised as follows:**

 3. For sources not subject to Regulation 61‑62.70, the owner or operator shall submit an operating permit renewal request to the Department within ninety (90) days prior to the operating permit expiration date. The source may be inspected by the Department in order to decide whether to renew the permit. Past records of compliance and future probability of compliance will be considered in making the decision regarding renewal.

**Regulation 61‑62.1, Section II, Paragraph H.4.i, shall be revised as follows:**

 i. A description of stack, vent, or fugitive emission parameters associated with each non‑exempt emission source. For each emission point/source, this information should include, as appropriate, Universal Transverse Mercator or latitude and longitude coordinates of the emission location, the minimum height above ground, maximum internal dimensions of the emission point/vent, discharge orientation, emission exit velocity, emission exit temperature, dimensions describing the volume or area of fugitive emissions, existence of any rain protection device or other impediment to vertical dispersion, etc. If existing data supplied to the Department remains correct, identify the document(s) submitted to comply with this requirement; and

**Regulation 61‑62.5, Standard No. 4, Emissions from Process Industries**

**Regulation 61‑62.5, Standard No. 4, Section VIII.A, shall be revised as follows:**

A. Particulate matter emissions where not specified elsewhere shall be limited to the rate specified in Table A (modified using the effect factors (F) of Table B as required). Kraft Pulp and Paper Manufacturing facilities are excluded from Section VIII.

**Regulation 61‑62.5, Standard No. 4, Section XII.A‑G, shall be revised as follows:**

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or SO2 every two (2) years except as noted, or on a schedule as stipulated by special permit conditions, and shall ensure that source tests are conducted in accordance with Regulation 61‑62.1, Section IV, Source Tests.

A. Rotary kilns, clinker coolers, and rotary dryers of Portland Cement plants.

B. Sulfuric acid plants.

C. Metallurgical furnaces greater than ten (10) tons per hour normal output.

D. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce “surface mix” during compliance source testing. “Surface mix” is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department’s “Standard Specifications for Highway Construction” manual. The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than twenty‑five (25) percent of the plant’s total annual production is surface mix.

E. Fertilizer plants.

F. Any other sources which are deemed necessary.

**Regulation 61‑62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX)**

**Regulation 61‑62.5, Standard No. 5.2, Section I(A) shall be revised as follows:**

A. Except as provided in paragraph B. of this part, the provisions of this regulation shall apply to any stationary source that emits or has the potential to emit oxides of nitrogen (NOX) generated from fuel combustion. A stationary source becomes an affected source under this regulation upon meeting one or more of the criteria specified in paragraphs (A)(1), (A)(2), and (A)(3) below.

 (1) Any new source that is constructed after June 25, 2004;

 (2) Any existing source where a burner assembly is replaced with another burner assembly after the effective date of this regulation, regardless of size or age of the burner assembly to be replaced shall become an existing affected source and is subject to sections V, VI, and VII below. The replacement of individual components such as burner heads, nozzles, or windboxes does not trigger affected source status.

 (3) Any existing source removed from its presently permitted facility (either from in‑state or out‑of‑state) and moved to another permitted facility in‑state after the effective date of this regulation shall be considered a new affected source. Any existing sources relocated between permitted facilities within the State under common ownership shall not become an existing affected source until Section (I)(A)(2) is triggered.

**Regulation 61‑62.5, Standard No. 5.2, Section I(B) shall be revised as follows:**

B. Exemptions:

The following sources are exempt from all requirements of this regulation unless otherwise specified:

 (1) Any source emitting NOX listed on the Regulation 61‑62.1, Section II(B), Exemptions.

 (2) Any source emitting NOX listed on the Department maintained list under Regulation 61‑62.1, Section II (B)(3).

 (3) Any source which has undergone a Best Available Control Technology (BACT) analysis or Lowest Achievable Emission Rate (LAER) for NOX inaccordance with Regulation 61‑62.5, Standard No. 7, and 7.1, respectively.

 (4) Any stationary internal combustion engine with a mechanical power output of less than two hundred (200) brake horsepower (bhp) or 149kW.

 (5) Any device functioning solely as a combustion control device. Waste heat recovery from these combustion control devices shall not be considered primary grounds for exclusion from this exemption.

 (6) Any equipment that has NOX limits pursuant to the requirements of 40 Code of Federal Regulations (CFR) 60, 61, or 63 where such limits are equivalent to, or more stringent than, the requirements of this regulation.

 (7) Any source that has NOX limits pursuant to the requirements of Regulation 61‑62.96, where such limits are equivalent to, or more stringent than, the requirements of this regulation.

 (8) Any source that has NOX limits pursuant to the requirements of Regulation 61‑62.99.

 (9) Air Curtain Incinerators.

 (10) Engines Test Cells and/or Stands.

 (11) Portable and temporary internal combustion (IC) engines such as those associated with generators, air compressors, or other applications provided that they fall in the categories listed in 40 CFR 89, (Control of Emissions from New and In‑Use Nonroad Compression‑Ignition Engines), 40 CFR 1039 (Control of Emissions From New and In‑Use Nonroad Compression‑Ignition Engines), and 40 CFR 1068 (General Compliance Provisions For Highway, Stationary, and Nonroad Programs).

 (12) Combustion sources that operate at an annual capacity factor of ten (10) percent or less per year.

 (13) Special use burners, such as startup/shutdown burners, that are operated less than 500 hours a year are exempt from the existing source replacement requirements.

 (14) Liquor guns on a recovery boiler are only exempt from the standard requirements in Section IV below.

 (15) Portable sources such as asphalt plants or concrete batch plants are considered existing sources only and become existing affected sources when the burner assembly is replaced under Section (1)(A)(2).

 (16) The Department reserves the right to consider any other exemptions from this regulation on a case‑by‑case basis as appropriate.

**Regulation 61‑62.5, Standard No. 5.2, Section II shall be revised as follows:**

For the purposes of this regulation, the following definitions shall apply:

A. Annual Capacity Factor: Means the ratio between the actual heat input to a combustion unit from the fuels during a calendar year and the potential heat input to the steam generating unit had it been operated for 8,760 hours during a calendar year at the maximum steady state design heat input capacity.

B. Burner Assembly: Means any complete, pre‑engineered device that combines air (or oxygen ) and fuel in a controlled manner and admits this mixture into a combustion chamber in such a way as to ensure safe and efficient combustion. A self‑contained chamber such as is found on a combustion turbine is not a burner assembly for the purposes of this regulation.

C. Case‑by‑Case NOX Control: Means an emissions limitation based on the maximum degree of reduction for NOX which would be emitted from any new source which the Department, on a case‑by‑case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source through application of production processes or available methods, systems, and techniques. In no event shall application of NOX control result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular source would make the impositions of an emission standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of NOX control. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

D. Combustion Control Device: Means, but is not limited to, any equipment that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere, excluding boilers, process heaters, dryers, furnaces, digesters, ovens, combustors, and similar combustion devices. Such equipment includes, but is not limited to, thermal oxidizers, catalytic oxidizers, and flares.

E. Constructed: Means the on‑site fabrication, erection, or installation of the NOX emitting source.

F. Equivalent Technology: Means any item that is identical or functionally equivalent to the existing component. This component may serve the same purpose or function as the replaced component, but may be different in some respects or improved in some ways.

G. Existing affected source: Means sources constructed on or before June 25, 2004 and that meet the applicability requirements of Section (1)(A)(2).

H. Fuel: Means the following fuels, any combination of the following fuels, or any combustible material the Department determines to be a fuel including, but not limited to:

 (1) Virgin fuel, waste, waste fuel, and clean wood (biomass fuel) as defined in Regulation 61‑62.1.

 (2) Biodiesel: Means a mono‑alkyl ester derived from vegetable oil and animal fat and conforming to ASTM D6751.

 (3) Biofuel: Means any biomass‑based solid fuel that is not a solid waste. This includes, but is not limited to, animal manure, including litter and other bedding materials; vegetative agricultural and silvicultural materials, such as logging residues (slash), nut and grain hulls and chaff (for example*,* almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds.

 (4) Digester gas: Means any gaseous by‑product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO2.

 (5) Fossil Fuel: Means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat. Petroleum for facilities constructed, reconstructed, or modified before May 4, 2011, means crude oil or a fuel derived from crude oil, including, but not limited to, distillate oil and residual oil. For units constructed, reconstructed, or modified after May 3, 2011, petroleum means crude oil or a fuel derived from crude oil, including, but not limited to, distillate oil, residual oil, and petroleum coke.

 (6) Landfill Gas: Means a gaseous by‑product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO2.

I. New affected source: Means any affected source which has been constructed after June 25, 2004, or meets the applicability requirements of Section (I)(A)(3). A new affected source will not be considered an existing affected source at burner assembly replacement under Section (1)(A)(2).

J. Source: Means an individual NOX emission unit.

**Regulation 61‑62.5, Standard No. 5.2, Section III shall be revised as follows:**

**SECTION III ‑ STANDARD REQUIREMENTS FOR NEW AFFECTED SOURCES**

A. Those affected sources as defined in Section I(A)(1) and (A)(3) above shall apply NOX controls to achieve the limitations provided in Table 1 of this section. Unless otherwise noted, all emission limits for affected sources required to use Continuous Emissions Monitoring (CEMS) shall be based on thirty (30) day rolling averages.

B. An affected source may request an alternate control limitation by submitting a demonstration that the alternate limitation is a Case‑by‑Case NOX Control as defined in Section II above.

C. The Department reserves the right to request that the owner or operator submit additional information for those affected sources that request alternate control limitation in accordance with Section III(B) above.

D. Affected sources required to install post combustion technology for the control of NOX shall be required to use post combustion for the control of NOX during the ozone season.

**Table 1 ‑ NOX Control Standards**

| **Source Type** |  **Emission Limit** |
| --- | --- |
|  |
| **Propane and/or Natural Gas‑Fired Boilers** |
| ≥10 million British thermal units per hour ( MMBtu/hr) and< 100 MMBtu/hr | Low‑NOX Burners or equivalent technology, shall achieve 0.036 pounds per million metric British thermal units (lb/MMBtu) |
| ≥100 MMBtu/hr  | Low‑NOX Burners + Flue Gas Recirculation or equivalent technology, shall achieve 0.036 lb/MMBtu |
| **Distillate Oil‑Fired Boilers** |
| ≥10 MMBtu/hr and< 100 MMBtu/hr | Low‑NOX Burners or equivalent technology, shall achieve 0.15 lb/MMBtu |
| ≥100 MMBtu/hr | Low‑NOX Burners + Flue Gas Recirculation or equivalent technology, shall achieve 0.14 lb/MMBtu |
| **Residual Oil‑Fired Boilers** |
| ≥10 MMBtu/hr and< 100 MMBtu/hr | Low‑NOX Burners or equivalent technology, shall achieve 0.3 lb/MMBtu |
| ≥100 MMBtu/hr | Low‑NOX Burners + Flue Gas Recirculation or equivalent technology, shall achieve 0.3 lb/MMBtu |
| **Multiple Fuel Boilers** |
| The emission limits for boilers burning multiple fuels are calculated in accordance with the formulas below. Additional fuels or combination of fuels not otherwise listed in this table shall be addressed on a case‑by‑case basis. |
| ≥10 MMBtu/hr and< 100 MMBtu/hr | En = [(0.036 lb/MMBtu Hng) + (0.15 lb/MMBtu Hdo) + (0.3 lb/MMBtu Hro) + (0.35 lb/MMBtu Hc) + (0.2 lb/MMBtu Hw)]/(Hng + Hdo+ Hro + Hc +Hw)where:En is the nitrogen oxides emission limit (expressed as nitrogen dioxide (NO2)), ng/J (lb/million Btu),Hng is the heat input from combustion of natural gas,Hdo is the heat input from combustion of distillate oil,Hro is the heat input from combustion of residual oil,Hc is the heat input from combustion of coal, andHw is the heat input from combustion of wood residue. |
| ≥100 MMBtu/hr | En = [(0.036 lb/MMBtu Hng) + (0.14 lb/MMBtu Hdo) + (0.3 lb/MMBtu Hro) + (0.25 lb/MMBtu Hc) + (0.2 lb/MMBtu Hw)]/(Hng + Hdo+ Hro + Hc +Hw)where:En is the nitrogen oxides emission limit (expressed as NO2), ng/J (lb/million Btu),Hng is the heat input from combustion of natural gas,Hdo is the heat input from combustion of distillate oil,Hro is the heat input from combustion of residual oil,Hc is the heat input from combustion of coal, and Hw is the heat input from combustion of wood residue. |
| **Wood Residue Boilers** |
| All types | Combustion controls to minimize NOX emissions or equivalent technology, shall achieve 0.20 lb/MMBtu |
| **Coal‑Fired Stoker Fed Boilers** |
| < 250 MMBtu/hr | Combustion controls to minimize NOX emissions or equivalent technology, shall achieve 0.35 lb/MMBtu |
| ≥ 250 MMBtu/hr | Combustion controls to minimize NOX emissions or equivalent technology, shall achieve 0.25 lb/MMBtu |
| **Pulverized Coal‑Fired Boilers** |
| < 250 MMBtu/hr | Low‑NOX Burners + Combustion controls to minimize NOX emissions or equivalent technology, shall achieve 0.35 lb/MMBtu |
| ≥ 250 MMBtu/hr | Low‑NOX Burners + Combustion controls to minimize NOX emissions + **Selective Catalytic Reduction (**SCR) or equivalent technology, shall achieve 0.14 lb/MMBtu |
| **Municipal Refuse‑Fired Boilers** |
| < 250 MMBtu/hr | Combustion modifications to minimize NOX emissions + Flue Gas Recirculation or equivalent technology, shall achieve 195 ppmv at 12 percent CO2 (0.35 lb/MMBtu) |
| ≥ 250 MMBtu/hr | Staged Combustion and Automatic Combustion Air Control + SCR or equivalent technology, shall achieve 0.18 lb/MMBtu |
| **Internal Combustion Engines** |
| Compression Ignition | Timing Retard ≤ 4 degrees *+* Turbocharger with Intercooler or equivalent technology, shall achieve 490 ppmv at 15 percent O2 (7.64 gram per bhp‑hour (gm/bhp‑hr)) |
| Spark Ignition | Lean‑Burn Technology or equivalent technology, shall achieve 1.0 gm/bhp‑hr |
| Landfill or Digester Gas‑Fired | Lean‑Burn Technology or equivalent technology, shall achieve 1.25 gm/bhp‑hr |
| Gas Turbines |
| **Simple Cycle – Natural Gas** |
| < 50 Megawatts | Combustion Modifications (for example, dry low‑NOX combustors) to minimize NOX emissions or equivalent technology, shall achieve 25 ppmv at 15 percent O2 Dry Basis  |
| ≥ 50 Megawatts | Combustion Modifications (for example, dry low‑NOX combustors) to minimize NOX emissions or equivalent technology, shall achieve 9.0 ppmv at 15 percent O2 Dry Basis  |
| **Combined Cycle – Natural Gas** |
| < 50 Megawatts | Dry Low‑NOX Combustors or equivalent technology, shall achieve 9.0 ppmv at 15 percent O2 Dry Basis  |
| ≥ 50 Megawatts | Dry Low‑NOX Combustors + SCR or equivalent technology, shall achieve 3.0 ppmv at 15 percent O2 Dry Basis  |
| **Simple Cycle – Distillate Oil Combustion** |
| < 50 Megawatts | Combustion Modifications and water injection to minimize NOX emissions or equivalent technology, shall achieve 42 ppmv at 15 percent O2 Dry Basis  |
| ≥ 50 Megawatts | Combustion Modifications and water injection to minimize NOX emissions or equivalent technology, shall achieve 42 ppmv at 15 percent O2 Dry Basis  |
| **Combined Cycle ‑ Distillate Oil Combustion** |
| < 50 Megawatts | Dry Low‑NOX Combustors with water injection or equivalent technology, shall achieve 42 ppmv at 15 percent O2 Dry Basis  |
| ≥ 50 Megawatts | Dry Low‑NOX Combustors, water injection, and SCR or equivalent technology, shall achieve 10 ppmv at 15 percent O2 Dry Basis  |
| Landfill Gas‑Fired | Water or steam injection or low‑NOX turbine design or equivalent technology, shall achieve 25 ppmv at 15 percent O2 Dry Basis  |
|  |  |
| **Fluidized Bed Combustion (FBC) Boiler** |
|  Bubbling Bed | Selective Non‑catalytic Reduction (SNCR) shall achieve 0.15 lbs/MMBtu |
|  Circulating Bed | SNCR shall achieve 0.07 lbs/MMBtu |
| **Other** |
| Recovery Furnaces | Forth (4th) level or air to recovery furnace/good combustion practices or equivalent technology, shall achieve 100 ppmv at 8 percent O2 Dry Basis  |
| Cement Kilns | Low‑NOX burners or equivalent technology, shall achieve 30 percent reduction from uncontrolled levels. |
| Lime Kilns | Combustion controls or equivalent technology, shall achieve 175 ppmv at 10 percent O2 Dry Basis.  |
| Fuel Combustion Sources burning any non‑specified fuel not listed in Table above. (Examples include but are not limited to process heaters not meeting the definition of "boiler" in Regulation 61‑62.1 Section I, dryers, furnaces, ovens, duct burners, incinerators, and smelters) | Low‑NOX burners or equivalent technology, shall achieve 30 percent reduction from uncontrolled levels. |

**Regulation 61‑62.5, Standard No. 5.2, Section IV shall be stricken and revised as follows:**

**SECTION IV – MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS FOR NEW AFFECTED SOURCES**

A. Boilers

With the exception of fuel certification and tune‑up requirements, compliance with required NOX monitoring in 40 CFR 60 shall constitute compliance with the monitoring requirements in this section.

Affected sources that are not subject to 40 CFR 60 shall comply with the applicable requirements in this section.

 (1) CEMS

 (a) Except as allowed by the Department, the owner or operator of a boiler rated two hundred (200) MMBtu/hr or greater permitted for solid fuel, shall install, calibrate, maintain, and operate CEMS for measuring NOX, and Oxygen (O2) or Carbon Dioxide (CO2) emissions discharged to the atmosphere, and shall record the output of the system.

 (b) The CEMS required under this section shall be operated and data recorded during all periods of operation of the affected source except for CEMS breakdowns and repairs. Data is to be recorded during calibration checks and zero and span adjustments.

 (c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61‑62.60 or 61‑62.72, or as approved by the Department.

 (d) Excess Emissions

 (i) Excess emissions and monitoring systems performance reports shall be submitted semiannually. All reports shall be postmarked by the thirtieth (30th) day following the end of each six (6) month period. Written reports of excess emissions shall include the following information:

 (A) The magnitude of excess emissions, any conversion factor(s) used, the date and time of commencement and completion of each time period of excess emissions, and the process operating time during the reporting period.

 (B) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected source. The nature and cause of any malfunction (if known), the corrective action taken, or preventative measures adopted.

 (C) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

 (D) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the reports.

 (2) Periodic Monitoring and/or Source Test

 (a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater or permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

 (b) Except as allowed by the Department, an initial source test for NOX emissions shall be conducted within one hundred and eighty (180) days after startup.

 (c) Periodic source tests for NOX shall be conducted every twenty‑four (24) months, or as determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NOX standard.

 (d) The Department reserves the right to require periodic source testing for any affected sources. All source testing shall be conducted in accordance with Regulation 61‑62.1, Section IV.

 (3) Fuel Certification

The owner or operator shall record monthly records of the amounts and types of each fuel combusted and maintain these records on site.

 (4) Tune‑ups

If the owner or operator of a boiler is required to comply with federal tune‑up requirements in 40 CFR 63, then the federal requirements shall meet the compliance requirements of this paragraph.

 (a) The owners or operator shall perform tune‑ups every twenty‑four (24) months in accordance with manufacturer’s specifications or with good engineering practices.

 (b) All tune‑up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

 (c) The owner or operator shall develop and retain a tune‑up plan on file.

 (5) Other Requirements

The owner or operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

B. Internal Combustion Engines

With the exception of fuel certification and tune‑up requirements, compliance with required NOX monitoring in 40 CFR 60 shall constitute compliance with the monitoring requirements in this section.

Affected sources that are not subject to 40 CFR 60 shall comply with all applicable requirements in this section.

The owner or operator of an affected source shall comply with either (B)(1) or (B)(2) below.

 (1) Manufacturer’s Certification

 (a) Operate and maintain the stationary internal combustion engine and control device according to the manufacturer’s emission‑related written instructions;

 (b) Change only those emission‑related settings that are permitted by the manufacturer.

 (2) Periodic Monitoring and/or Source Test

 (a) Except as allowed by the Department, an initial source test for NOX shall be conducted within one hundred eighty (180) days after startup.

 (b) Periodic source tests for NOX shall be conducted every twenty‑four (24) months, or as

determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NOX standard.

 (c) The owner or operator shall operate the affected source(s) within the parameter(s) established during the most recent compliant source tests. A copy of the most recent Department issued source test summary letter(s) that established the parameter(s) shall be maintained with the required permit.

 (d) The Department reserves the right to require periodic source testing for any affected sources. All source testing shall be conducted in accordance with Regulation 61‑62.1, Section IV.

 (3) Tune‑Ups

If the owner or operator of an internal combustion engine is required to comply with federal requirements in 40 CFR 63 for the internal combustion engine, then the federal requirements shall meet the tune‑up requirements of this section.

 (a) The owner or operator shall perform tune‑ups every twenty‑four (24) months in accordance with manufacturer’s specifications or with good engineering practices.

 (b) All tune‑up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

 (c) The owner or operator shall develop and retain a tune‑up plan on file.

 (4) Fuel Certification

The owner or operator shall record monthly the amounts and types of each fuel combusted by the affected sources and maintain these records on site.

 (5) Other Requirements

The owner of operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

C. Turbines

With the exception of fuel certification and tune‑up requirements, compliance with required NOX monitoring in 40 CFR 60 shall constitute compliance with the monitoring requirements in this section.

Affected sources that are not subject to 40 CFR 60 shall comply with all applicable requirements in this section.

The owner or operator of an affected source shall comply with either (C)(1) or (C)(2) below.

 (1) CEMS

 (a) Except as allowed by the Department, the owner or operator shall install, calibrate, maintain, and operate CEMS on the turbine for measuring NOX, and Oxygen (O2) or Carbon Dioxide (CO2) emissions discharged to the atmosphere, and shall record the output of the system.

 (b) The CEMS required under this section shall be operated and data recorded during all periods of operation of the affected source except for CEMS breakdowns and repairs. Data is to be recorded during calibration checks and zero and span adjustments.

 (c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61‑62.60 or 61‑62.72, or as approved by the Department.

 (d) Excess Emissions

 (i) Excess emissions and monitoring systems performance reports shall be submitted semiannually. All reports shall be postmarked by the thirtieth (30th) day following the end of each six (6) month period. Written reports of excess emissions shall include the following information:

 (A) The magnitude of excess emissions, any conversion factor(s) used, the date and time of commencement and completion of each time period of excess emissions, and the process operating time during the reporting period.

 (B) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected source. The nature and cause of any malfunction (if known), the corrective action taken, or preventative measures adopted.

 (C) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

 (D) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the reports.

 (2) Parametric Monitoring

 (a) Unless required to operate a CEMS, the owner or operator using water or steam injection to control NOX shall install, calibrate, maintain, and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.

 (b) Unless required to operate a CEMS, the owner or operator using a diffusion flame turbine without add‑on selective catalytic reduction controls (SCR) to control NOX, shall define at least four parameters indicative of the unit’s NOX formation characteristics and shall monitor these parameters continuously.

 (c) Unless required to operate a CEMS, for any lean premix stationary combustion turbine, the owner or operator shall continuously monitor the appropriate parameters to determine whether the unit is operating in low‑NOX mode.

 (d) Unless required to operate a CEMS, for any turbine that uses SCR to reduce NOX, the owner or operator shall continuously monitor appropriate parameters to verify the proper operation of the emission controls.

 (3) Periodic Monitoring and/or Source Test

 (a) This requirement only applies to turbines not required to operate a CEMS.

 (b) The steam or water to fuel ratio or other parameters that are continuously monitored as described in this section shall be monitored during the performance test required under this section to establish acceptable values and ranges. The owner or operator may supplement the performance test data with engineering analyses, design specifications, manufacturer’s recommendations, and other relevant information to define the acceptable parametric ranges more precisely. The owner or operator shall develop and keep on‑site a parameter monitoring plan which explains the procedures used to document proper operation of the NOX emission controls. The plan shall include the parameter(s) monitored and the acceptable range(s) of the parameter(s) as well as the basis for designating the parameter(s) and acceptable range(s). Any supplemental data such as engineering analyses, design specifications, manufacturer’s recommendations, and other relevant information shall be included in the monitoring plan.

 (c) Except as allowed by the Department, an initial source test for NOX emissions shall be conducted within one hundred eighty (180) days after startup.

 (d) Periodic source tests for NOX shall be conducted every twenty‑four (24) months or as determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NOX standard.

 (e) The Department reserves the right to require periodic source testing for any affected sources. All source testing shall be conducted in accordance with Regulation 61‑62.1, Section IV.

 (4) Tune‑Ups

 (a) The owner or operator shall perform tune‑ups every twenty‑four (24) months in accordance with manufacturer’s specifications or with good engineering practices.

 (b) All tune‑up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

 (c) The owner or operator shall develop and retain a tune‑up plan on file.

 (5) Fuel Certification

The owner or operator shall record monthly the amounts and types of each fuel combusted by the affected sources and maintain these records on site.

 (6) Other Requirements

The owner or operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

D. All Other Affected Source Types

With the exception of fuel certification and tune‑up requirements, compliance with required NOX monitoring in 40 CFR 60 shall constitute compliance with the monitoring requirements in this section.

If the owner or operator is not required to comply with federal requirements in 40 CFR 60 for monitoring NOX, then the monitoring requirements for the affected source shall be established on a case by case basis.

 (1) Tune‑Ups

 (a) The owner or operator of a combustion source shall perform tune‑ups every twenty‑four (24) months in accordance with manufacturer’s specifications or with good engineering practices.

 (b) All tune‑up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

 (c) The owner or operator shall develop and retain a tune‑up plan on file.

 (2) Periodic Monitoring and/or Source Test

 (a) Except as allowed by the Department, an initial source test for NOX shall be conducted within one hundred eighty (180) days after startup.

 (b) Periodic source tests for NOX shall be conducted every twenty‑four (24) months, or as determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NOX standard.

 (c) The Department reserves the right to require periodic source tests for any affected sources. All source testingshall be conducted in accordance with Regulation 61‑62.1, Section IV.

 (3) Fuel Certification

The owner or operator shall record and maintain monthly records of the amounts and types of each fuel combusted by the affected sources and maintain these records on site.

**Regulation 61‑62.5, Standard No. 5.2, Section V shall be revised as follows:**

**SECTION V ‑ STANDARD REQUIREMENTS FOR EXISTING AFFECTED SOURCES**

A. For those affected sources subject to the requirements of this regulation as defined in Section I(A)(2) above where an existing burner assembly is replaced after the effective date of this regulation, the burner assembly shall be replaced with a low‑NOX burner assembly or equivalent technology, and shall achieve a thirty (30) percent reduction from uncontrolled NOX emission levels based upon manufacturer’s specifications. An exemption from this requirement shall be granted when a single burner assembly is being replaced in an affected source with multiple burners due to non‑routine maintenance.

B. For those sources defined in Section I(A)(2) above where an existing burner assembly is replaced after the effective date of this regulation, the owner or operator shall notify and register the replacement with the Department in accordance with Section VI below.

C. An affected source may request an alternative control methodology to the one specified in paragraph (A) above of this section provided that they can demonstrate to the Department why the NOX control limits specified are not economically or technically feasible for this specific circumstance. The Department reserves the right to request that the owner or operator submit additional information as necessary for the alternative control methodology determination. Alternative control methodologies granted under this part are not effective until notification is submitted to and approved by the Department.

**Regulation 61‑62.5, Standard No. 5.2, Section VI shall be revised as follows:**

**SECTION VI ‑ NOTIFICATION REQUIREMENTS FOR EXISTING AFFECTED SOURCES**

A. Burner Assembly Replacement Notifications for Existing Affected Sources

 (1) Except for those affected sources that wish to request an alternative control methodology as specified in Section V(C) above, the notification requirements specified in this section shall apply only to existing affected sources as defined in Section I(A)(2) above where an existing burner assembly is replaced after the effective date of this regulation.

 (2) Within seven (7) days of replacing an existing burner assembly, the owner or operator shall submit written notification to register the replacement unit with the Department.

 (3) Notification shall satisfy the permitting requirements consistent with Regulation 61‑62.1, Section II(a).

 (4) Notification shall contain replacement unit information as requested in the format provided by the Department. Replacement unit information shall include, at a minimum, all affected units at the source and the date the replacement unit(s) commenced operation.

 (5) Those affected sources that wish to receive an emission reduction credit for the control device will be required to submit a permit application prior to replacement of the burner assembly(s).

**Regulation 61‑62.5, Standard No. 5.2, Section VII shall be added as follows:**

**SECTION VII – TUNE‑UP REQUIREMENTS FOR EXISTING SOURCES**

A. The owner or operator shall perform tune‑ups every twenty‑four (24) months in accordance with manufacturer’s specifications or with good engineering practices. The first tune‑up shall be conducted no more than twenty‑four (24) months from start‑up of operation for affected new sources and no more than twenty‑four (24) months from replacement of a burner assembly for affected existing sources. Each subsequent tune‑up shall be conducted no more than twenty‑four (24) months after the previous tune‑up.

B. All tune‑up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

C. The owner or operator shall develop and retain a tune‑up plan on file.

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

**Regulation 61‑62.70, Section 70.1, h, shall be stricken as follows:**

**Fiscal Impact Statement:**

The Department estimates that there will be no increased costs to the State or its political subdivisions as a result of the amendments to Regulation 61‑62, Air Pollution Control Regulations and Standards, which are being made to streamline State requirements and therefore reduce economic burden.

**Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1‑23‑115(C)(1)‑(3) and (9)‑(11).

DESCRIPTION OF REGULATION:

Purpose: The amendments to Regulation 61‑62, Air Pollution Control Regulations and Standards, will support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61‑62.

Legal Authority: The legal authority for Regulation 61‑62, Air Pollution Control Regulations and Standards is S.C. Code Section 48‑1‑10 et seq.

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

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

The Department amended Regulation 61‑62.1, Definitions and General Requirements*,* Section I, *Definitions*, to add clarity to definitions by specifying that a release or discharge into the atmosphere includes fugitive emissions.

The Department amended Regulation 61‑62.1, Definitions and General Requirements*,* Section II*,* Permit Requirements*,* to remove the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments included clarification and/or corrections for internal consistency to improve the overall text of Regulation 61‑62.1 as necessary.

The Department amended Regulation 61‑62.5, Standard No. 4, Emissions from Process Industries, to clarify this regulation is not triggered for sources that the Department has removed particulate matter (PM) limits (from other sections of this regulation).

The Department amended Regulation 61‑62.5, Standard No. 5.2, Control of Oxides of Nitrogen **(**NOX), to clarify applicability and exemptions, as well as to make corrections for internal consistency, punctuation, codification, and spelling.

The Department amended Regulation 61‑62.70, Title V Operating Permit Program, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44‑1‑60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.

The Department amended Regulation 61‑62 to include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61‑62 as necessary.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if these amendments to Regulation 61‑62, Air Pollution Control Regulations and Standards, and SIP are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the State or its political subdivisions resulting from this revision. Amendments to Regulation 62‑61, Air Pollution Control Regulations and Standard*s,* and the SIP will help streamline state requirements to conform to current Prevention of Significant Deterioration, New Source Review, and Title V Permit Program standards. These revisions may potentially save money for the regulated community by providing clarification on exemptions and permitting requirements, as well as eliminating potentially redundant record keeping and reporting requirements, source tests, and modeling demonstrations while continuing to ensure environmental protection.

The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use which will reduce economic burden.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions. Rather these revisions seek to provide clarity to the regulated community and reduce redundancy between state and federal requirements.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to Regulation 61‑62*,* Air Pollution Control Regulations and Standards, seek to provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment and/or public health associated with these revisions. To the contrary, the State’s delegated authority to implement programs beneficial to public health and the environment may be compromised if these amendments were not adopted. Permit streamlining and regulatory text clarification seek to have a positive effect on both the environment and public health.

**Statement of Rationale:**

The Department began the process to amend South Carolina Regulation 61‑62, Air Pollution Control Regulations and Standards, by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary; in response to comments received.

The Department also held external stakeholder meetings to take recommendations and comments on those regulatory amendments identified by the workgroup. Several comments were received during the external stakeholder process and they were taken into consideration in developing the amendments to Regulation 61‑62 and the SIP. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.