INTRODUCED

March 23, 2016

**H. 5153**

Introduced by Regulations and Administrative Procedures Committee

S. Printed 3/23/16--H.

Read the first time March 23, 2016.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4590, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Air Pollution Control Regulations and Standards, designated as Regulation Document Number 4590, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

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.

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