INTRODUCED

May 4, 2015

**S. 737**

Introduced by Medical Affairs Committee

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Read the first time May 4, 2015.

**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 4481, 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 4481, 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”) amended South Carolina (SC) Regulation 61-62*, Air Pollution Control Regulations and Standards*, and the State Implementation Plan (“SIP”), as follows:

1. The Department amended Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations*, to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

2. The Department also amended Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards*, to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and, therefore, is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2.

3. The Department repealed Regulation 61-62.5, Standard No. 5.1, *Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*. Because other regulations such as Regulation 61-62.5, Standard No. 5, *Volatile Organic Compounds;* Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; and Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review* are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.

4. The Department also amended Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, *Prevention of Significant Deterioration of Air Quality*.

5. The Department also amended Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR),* to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the “2013 General Assembly Package” but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).

6. The Department also amended Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants,* to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See item 2 for justification).

7. The Department also amended Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards,* to correct an error in punctuation.

8. The Department also amended Regulation 61-62.70, *Title V Operating Permit Program,* to make a change to Section 62.70.5(c) to correct a unit of measurement error for consistency with language in Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants*.

9. The Department has also made other changes to Regulation 61-62 that 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 *State Register* in Volume 38, Issue 4 on April 25, 2014.

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