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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

# ***SOUTH CAROLINA STATE REGISTER***

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

## **STYLE AND FORMAT**

Documents are arranged within each issue of the *State Register* according to the type of document filed:

**Notices** are documents considered by the agency to have general public interest.

**Notices of Drafting Regulations** give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

**Proposed Regulations** are those regulations pending permanent adoption by an agency.

**Pending Regulations Submitted to the General Assembly** are regulations adopted by the agency pending approval by the General Assembly.

**Final Regulations** have been permanently adopted by the agency and approved by the General Assembly.

**Emergency Regulations** have been adopted on an emergency basis by the agency.

**Executive Orders** are actions issued and taken by the Governor.

## **2019 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

## **EMERGENCY REGULATIONS**

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

## **EFFECTIVE DATE OF REGULATIONS**

**Final Regulations** take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

**Emergency Regulations** take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4809			Standards for Licensing Crisis Stabilization Unit Facilities	5/08/19	Department of Health and Envir Control
4819			Medical Homebound Instruction	5/08/19	State Board of Education
4816			Palmetto Fellows Scholarship Program	5/08/19	Commission on Higher Education
4834			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/08/19	Department of Natural Resources
4839			Transportation Project Prioritization	5/08/19	Department of Transportation
4812			Withdrawal of Certification of Law Enforcement Officers	5/08/19	South Carolina Criminal Justice Academy
4813			Denial of Certification for Misconduct	5/08/19	South Carolina Criminal Justice Academy
4835			Annual Audited Financial Reporting Regulation	5/08/19	Department of Insurance
4836			Corporate Governance Annual Disclosure Regulation	5/08/19	Department of Insurance
4828			Notices to be Posted	5/08/19	South Carolina Human Affairs Commission
4829			Guidelines Established	5/08/19	South Carolina Human Affairs Commission
4830			Hearing Procedures (Review and Enforcement)	5/08/19	South Carolina Human Affairs Commission
4838			Requirements for State Water Pollution Control Revolving Fund Loan Assistance	5/08/19	Department of Health and Envir Control
4837			South Carolina Immunization Registry	5/08/19	Department of Health and Envir Control
4832			Accounting and Reporting	5/08/19	State Board of Education
4831			School Resource Officers	5/08/19	State Board of Education
4841			Hazardous Waste Management Regulations	5/08/19	Department of Health and Envir Control
4833			Operation of Public Pupil Transportation Services	5/08/19	State Board of Education
4842			Retail Food Establishments; and Retail Food Establishment Inspection Fees	5/08/19	Department of Health and Envir Control
4857			Education and Experience Requirements for Licensure; and Minor Corrections	5/08/19	LLR-Real Estate Appraisers Board
4820			Auctioneers' Commission	5/08/19	LLR
4846			Auctioneers' Commission (Repeal Specific Regulations)	5/08/19	LLR-Auctioneers' Commission
4849			Surety Bond Claims	5/08/19	LLR-Contractor's Licensing Board
4848			Contractor's Licensing Board	5/08/19	LLR-Contractor's Licensing Board
4847			International Building Code	5/08/19	LLR-Building Codes Council
4851			Licensure by Registration; and Licensure by Endorsement	5/08/19	LLR- Panel for Dietetics
4850			Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	5/08/19	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists
4844			Long Term Health Care Administrators Board	5/08/19	LLR
4852			Board of Long Term Health Care Administrators	5/08/19	LLR-Board of Long Term Health Care Administrators
4853			Requirements to Take Step 3 of the United States Medical Licensing Examination	5/08/19	LLR- Board of Medical Examiners
4854			Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	5/08/19	LLR-Board of Occupational Therapy
4824			Manufactured Home Installation Requirements	5/08/19	LLR-Manufactured Housing Board
4855			Licensure Requirements; Continuing Education; and Licensure By Endorsement	5/08/19	LLR-Board of Examiners in Optometry
4822			Administrative Citations and Penalties	5/08/19	LLR-Board of Pharmacy
4856			Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	5/08/19	LLR-Board of Physical Therapy Examiners
4843			Board of Physical Therapy Examiners	5/08/19	LLR
4821			Real Estate Commission	5/08/19	LLR
4858			General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education	5/08/19	LLR-Board of Examiners in Speech- Language Pathology and Audiology
4859			Veterinary Medicine and Animal Shelters	5/08/19	LLR-Board of Veterinary Medical Examiners
4811			Employee's Revocable Authorization of a Deduction of Earnings	5/08/19	Department of Consumer Affairs
4862			Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	5/08/19	LLR
4863			Code of Ethics	5/08/19	LLR-Board of Nursing
4864			Continuing Education Advisory Committee	5/08/19	LLR-Board of Social Work Examiners
4869			International Mechanical Code	5/08/19	LLR-Building Codes Council
4868			International Residential Code	5/08/19	LLR-Building Codes Council
4867			National Electrical Code	5/08/19	LLR-Building Codes Council

## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4865	International Fire Code	5/08/19	LLR-Building Codes Council
4866	International Fuel Gas Code	5/08/19	LLR-Building Codes Council
4860	Additional Regulations Applicable to Specific Properties	5/08/19	Department of Natural Resources
4861	Consolidated Procurement Code	5/08/19	State Fiscal Accountability Authority





## COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4809	Standards for Licensing Crisis Stabilization Unit Facilities	Regulations and Admin. Procedures	Medical Affairs
4819	Medical Homebound Instruction	Regulations and Admin. Procedures	Education
4816	Palmetto Fellows Scholarship Program	Regulations and Admin. Procedures	Education
4834	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Regulations and Admin. Procedures	Fish, Game and Forestry
4839	Transportation Project Prioritization	Regulations and Admin. Procedures	Transportation
4812	Withdrawal of Certification of Law Enforcement	Regulations and Admin. Procedures	Judiciary
4813	Denial of Certification for Misconduct	Regulations and Admin. Procedures	Judiciary
4835	Annual Audited Financial Reporting Regulation	Regulations and Admin. Procedures	Banking and Insurance
4836	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4828	Notices to be Posted	Regulations and Admin. Procedures	Judiciary
4829	Guidelines Established	Regulations and Admin. Procedures	Judiciary
4830	Hearing Procedures (Review and Enforcement)	Regulations and Admin. Procedures	Judiciary
4838	Requirements for State Water Pollution Control Revolving Fund Loan Assistance	Regulations and Admin. Procedures	Agriculture and Natural Resources
4837	South Carolina Immunization Registry	Regulations and Admin. Procedures	Medical Affairs
4832	Accounting and Reporting	Regulations and Admin. Procedures	Education
4831	School Resource Officers	Regulations and Admin. Procedures	Education
4841	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4833	Operation of Public Pupil Transportation Services	Regulations and Admin. Procedures	Education
4842	Retail Food Establishments; and Retail Food Establishment Inspection Fees	Regulations and Admin. Procedures	Medical Affairs
4857	Education and Experience Requirements for Licensure; and Minor Corrections	Regulations and Admin. Procedures	Labor, Commerce and Industry
4820	Auctioneers' Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4846	Auctioneers' Commission (Repeal Specific Regulations)	Regulations and Admin. Procedures	Labor, Commerce and Industry
4849	Surety Bond Claims	Regulations and Admin. Procedures	Labor, Commerce and Industry
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4847	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4851	Licensure by Registration; and Licensure by Endorsement	Regulations and Admin. Procedures	Labor, Commerce and Industry
4850	Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4844	Long Term Health Care Administrators Board	Regulations and Admin. Procedures	Medical Affairs
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4853	Requirements to Take Step 3 of the United States Medical Licensing Examination	Regulations and Admin. Procedures	Medical Affairs
4854	Reactivation of Inactive or Lapsed Licenses; and Code of Ethics	Regulations and Admin. Procedures	Medical Affairs
4824	Manufactured Home Installation Requirements	Regulations and Admin. Procedures	Labor, Commerce and Industry
4855	Licensure Requirements; Continuing Education; and Licensure By Endorsement	Regulations and Admin. Procedures	Medical Affairs
4822	Administrative Citations and Penalties	Regulations and Admin. Procedures	Medical Affairs
4856	Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact	Regulations and Admin. Procedures	Medical Affairs
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
4821	Real Estate Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4858	General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education	Regulations and Admin. Procedures	Medical Affairs
4859	Veterinary Medicine and Animal Shelters	Regulations and Admin. Procedures	Agriculture and Natural Resources
4811	Employee's Revocable Authorization of a Deduction of Earnings	Regulations and Admin. Procedures	Banking and Insurance
4862	Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4863	Code of Ethics	Regulations and Admin. Procedures	Labor, Commerce and Industry
4864	Continuing Education Advisory Committee	Regulations and Admin. Procedures	Labor, Commerce and Industry
4869	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4868	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4867	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4865	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4866	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4860	Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance

## **4 EXECUTIVE ORDERS**

### **Executive Order No. 2018-63**

**WHEREAS**, I have been notified of the passing of William Brantley Harvey, Jr.; and

**WHEREAS**, William Brantley Harvey, Jr. dutifully served the State of South Carolina as Lieutenant Governor, a member of the South Carolina House of Representatives, president of the South Carolina Bar, and a member of various local and statewide boards and commissions, including the State Board for Technical and Comprehensive Education, the South Carolina Department of Transportation Commission, and the South Carolina Parks, Recreation and Tourism Commission; and

**WHEREAS**, prior to his distinguished public service, William Brantley Harvey, Jr. served honorably in the United States Army from 1952 to 1954; and

**WHEREAS**, William Brantley Harvey, Jr. was a dedicated public servant, devoted lawyer, proud Beaufortonian, tireless community advocate, beloved father and family man, and principled leader who will forever serve as an inspiration to all South Carolinians, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy of selfless statesmanship and his lifetime of service to the State of South Carolina; and

**WHEREAS**, section 10-1-161 of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the death of a person of extraordinary stature and further provides that “the flags which are flown atop the State Capitol Building must be lowered to half-staff on the day on which funeral services are conducted” “[t]o honor and pay tribute to . . . former Governors and Lieutenant Governors of the State of South Carolina.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Monday, December 17, 2018, in honor of William Brantley Harvey, Jr. and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 14th DAY OF DECEMBER, 2018.**

**HENRY MCMASTER**  
Governor

### **Executive Order No. 2019-01**

**WHEREAS**, due to the resignation of Converse A. Chellis, IV following his election to the South Carolina House of Representatives, there presently exists a vacancy on Dorchester County Council in the office and seat representing District Five; and

**WHEREAS**, in light of the foregoing, the Dorchester County Board of Elections and Voter Registration has scheduled a special election for April 2, 2019, to fill the remainder of the unexpired term in accordance with section 4-9-90 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, the Dorchester County Board of Elections and Voter Registration has confirmed that only one person, Edward Ivy Crosby, Jr., filed as a candidate for the aforementioned special election and, therefore, no primary election will be held in connection with the same; and

**WHEREAS**, pending the results of the April 2, 2019 special election, which is uncontested, the residents of District Five will be without representation on Dorchester County Council, absent prior action by the undersigned; and

**WHEREAS**, in the event of a vacancy in a county office, the undersigned is authorized pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended, to appoint a suitable person, who shall be an elector of the county, to serve in such office until a successor shall qualify; and

**WHEREAS**, Edward Ivy Crosby, Jr., of Summerville, South Carolina, is a fit and proper person to serve as a member of Dorchester County Council representing District Five.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Edward Ivy Crosby, Jr. to serve as a member of Dorchester County Council representing District Five until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 2nd DAY OF JANUARY, 2019.**

**HENRY MCMASTER  
Governor**

## 6 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **January 25, 2019** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3028.

##### **Affecting Greenville County**

##### **Chestnut Hill Mental Health Center, Inc. d/b/a Springbrook Behavioral Health System**

Renovation for the addition of five (5) residential treatment beds for children and adolescents for a total of 73 beds at a total project cost of \$127,000.

##### **Affecting Horry County**

##### **McLeod Loris Seacoast Hospital d/b/a McLeod Seacoast**

Development of an Emergent and Elective Percutaneous Coronary Intervention (PCI) Program at a total project cost of \$1,301,230.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **January 25, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3028.

##### **Affecting Charleston County**

##### **East Cooper Medical Center**

Development of a 12-bed Inpatient Rehabilitation Unit at a total project cost of \$3,503,219.

##### **Affecting Greenville County**

##### **Chestnut Hill Mental Health Center, Inc. d/b/a Springbrook Behavioral Health System**

Renovation for the addition of five (5) residential treatment beds for children and adolescents for a total of 73 beds at a total project cost of \$127,000.

##### **Affecting Horry County**

##### **Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Regional Medical Center**

The expansion of 9,766 BGSF and renovation of 6,552 BGSF to include the addition of a Hybrid Operating Room at a total project cost of \$20,759,624.

##### **Affecting Lexington County**

##### **Lexington County Health Services District, Inc. d/b/a Lexington Medical Center**

Addition of a Second da Vinci Xi Single Console Robotic Surgical System at a total project cost of \$2,359,572.67.

##### **Affecting Oconee County**

##### **Upstate Affiliate Organization d/b/a GHS Oconee Memorial Hospital**

Renovation and expansion of the current emergency department with no increase in licensed bed capacity or services at a total project cost of \$12,400,000.

**Affecting Orangeburg County****Charles P. Thompson d/b/a Grove Park Home Care**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$6,500.00.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 21346  
Avondale Mills - Woodhead Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT,  
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Woodhead, LLC (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Avondale Mills - Woodhead facility located in Aiken County at 511 Leitner Street, Graniteville, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than February 25th, 2019, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

## 8 PROPOSED REGULATIONS

Document No. 4873

### 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.

#### Preamble:

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

1. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits.
2. The introductory paragraph to R.61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation’s text.
3. R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
4. R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling.
5. R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling.
6. R.61-62.1, Definitions and General Requirements; R.61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and R.61-62.70 Title V Operating Permit Program, to update public participation procedures.
7. The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including definitional updates, clarification of certain permitting provisions, and other changes and additions deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62 as necessary.

The Department does not anticipate an increase in costs to the state or its political subdivisions resulting from these proposed revisions. These changes streamline existing state requirements, ensure consistency with federal law, and improve the overall organizational structure and clarity of the Department’s regulations. South Carolina industries are already subject to national air quality standards as a matter of federal law. The proposed amendments will benefit the regulated community by maintaining state implementation of federal requirements, as opposed to federal implementation.

In accordance with S.C. Code Section 1-23-120(A) (Supp. 2017), these amendments require General Assembly review.

The Department had a Notice of Drafting published in the October 27, 2017, *State Register* and a Notice of Proposed Regulation (Document No. 4815) published in the June 22, 2018, *State Register*. The Department

originally scheduled a public hearing for September 13, 2018; however, inclement weather-related government closures pushed the public hearing to a rescheduled date (while complying with the S.C. Code Section 1-23-110(A)(3)(b) 30-day notice requirement for public hearings) outside of the one year statutory deadline to submit amendments for General Assembly review. As such, the Department has recommenced the regulatory promulgation process for the proposed amendments with a second Notice of Drafting, published November 23, 2018, to supersede the original Notice of Drafting and this Notice of Proposed Regulation to supersede the original Notice of Proposed Regulation (Document No. 4815). These proposed regulations are identical to the those last approved by the Board during the November 8, 2018, Board meeting and incorporate comments and input received pursuant to the now superseded Notice of Proposed Regulation (Document No. 4815).

**Section-by-Section Discussion of Proposed Amendments:**

Amended codification and internal citations throughout to remove periods following numbers and/or letters, and replace them with parentheses enclosing updated alphanumeric characters for consistency with the 2014 South Carolina Legislative Council's Standards Manual.

Amended throughout to add the word "Part" or "Parts" to citations of parts in the Code of Federal Regulation citations for clarity and consistency.

Regulation 61-62.1, Section I, Definitions:

Paragraph (I)(26), Dioxins/Furans, is amended to strike "Code of Federal Regulations," as well as the parentheses around "CFR" and add the word "Part" to read "(40 CFR Part 60, Appendix A)" for clarity and consistency.

Regulation 61-62.1, Section I, Definitions:

Paragraph (I)(55), NAICS Code, is amended to add the numeral "(6)" after the word "six" to read "six (6)" to provide number denotation consistency throughout the text of the regulation.

Regulation 61-62.1, Section I, Definitions:

Paragraph (I)(97), Used Oil, (a) Spec. Oil (Specification Oil), is amended to strike "v. Nickel – 120 ppm maximum;" to be consistent with Department regulations and definitions for used oil.

Regulation 61-62.1, Section II, Permit Requirements:

Section (B), Exemptions from the Requirements to Obtain a Construction Permit, Paragraphs (B)(1)(b), (B)(1)(c), (B)(2)(a), and (B)(2)(b) are amended to strike " $\times 10^6$ " and add the word "million" for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraphs (C)(1) and (C)(2) are amended to strike the word "and," insert a comma after the words "reviewed" and "signed," and add the words "and sealed," to read "reviewed, signed, and sealed" to reflect current professional practice guidelines and Department requirements.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(2)(c) is amended to strike " $\times 10^6$ " and replace with the word "million" for clarity and consistency. The period at the end of the sentence is stricken and is replaced it with a semi-colon for consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(2)(d) is inserted to read "Package-type concrete batch plants that are designed to be hauled to a site, set up, and broken down quickly, with little to no additional equipment needed to manufacture product." This is to expressly include package-type concrete plants within the referenced exemption.



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Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(3)(a) is amended to strike the phrase “and the name, mailing address, and telephone number of the owner or operator for the facility” and replace it with the phrase “(the name used to identify the facility at the location requesting the permit);” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(3)(b) is amended strike the phrase “and the name, mailing address, and telephone number of the facility’s contact person” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(3)(c) is inserted to add the sentence “The name, mailing address, e-mail address and telephone number of the owner or operator for the facility;” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, Paragraph (C)(3)(d) is inserted to add the sentence “The name, mailing address, e-mail address and telephone number of the facility’s air permit contact person;” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (C), Construction Permit Applications, former Paragraphs (C)(3)(c) through (C)(3)(p) are recodified to (C)(3)(e) through (C)(3)(r) for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (D), General Construction Permits, Paragraph (D)(2) is amended to add the word “Any” at the beginning of the sentence, to strike the upper case “G” to lower case “g” to read “general,” and strike the letter “s” from the word “permits” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (D), General Construction Permits, former Paragraph (D)(3) is recodified (D)(3)(a). Paragraph (D)(3), title, is added to read “Coverage under a General Construction Permit,” for clarity.

Section (D), General Construction Permits, Paragraph (D)(3)(b) is inserted to read “A source that has submitted an individual construction permit application to the Department and has not requested coverage under the conditions and terms of a general construction permit for similar sources, but which is determined to qualify for coverage under a general construction permit, may be granted coverage under the general construction permit at the sole discretion of the Department.” This action is taken to reflect current work practices by Department staff and to clarify and streamline the application process.

Regulation 61-62.1, Section II, Permit Requirements:

Section (D), General Construction Permits, Paragraph (D)(4) is amended to add the word “A” at the beginning of the sentence, and change “Sources” to “source” for clarity and consistency. Also amended to strike the word “a” before “source” in the latter part of the sentence and replace with “the” to read “the source” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (D), General Construction Permits, Paragraph (D)(5) is amended to strike the “s” after the word “source” and the phrase “request for” to read “The Department may grant a source authorization to operate under a general construction permit, but such a grant shall be a final permit action for purposes of judicial review” for appropriate punctuation, clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4) General Synthetic Minor Construction Permits, (E)(4)(b) is amended to strike “the general permit” at the end of the sentence and replace it with “coverage under a general synthetic minor construction permit” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, former (E)(4)(c) is recodified to (E)(4)(c)(1) and amended to add the phrase “synthetic minor construction” and to strike the word “the” in both instances of the second sentence and replace it with the word “a” for clarity and consistency. Paragraph (E)(4)(c), title, is added to read “Coverage under a General Synthetic Minor Construction Permit,” for clarity.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, (E)(4)(c)(2) is inserted to read “A source that has submitted an individual synthetic minor construction permit application and has not requested coverage under the conditions and terms of a general synthetic minor construction permit for similar sources, but which is determined to qualify for coverage under a general synthetic minor construction permit, may be granted coverage under the general synthetic minor construction permit at the sole discretion of the Department.” This action is taken to clarify current work practices by the Department and to streamline the application process.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, (E)(4)(d) is amended to strike the phrase “the conditions and terms of the” and replace it with the phrase “coverage under a” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, (E)(4)(e) is amended to replace “general permit” with “general synthetic minor construction permit” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, (E)(4)(f) is amended to replace “general permit” with “general synthetic minor construction permit” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (E), Synthetic Minor Construction Permits, Paragraph (E)(4), General Synthetic Minor Construction Permits, (E)(4)(g) is inserted for consistency and to clarify a source’s ability to request an individual synthetic minor construction permit in lieu of coverage under a general synthetic minor construction permit.

Regulation 61-62.1, Section II, Permit Requirements:

Section (F), Operating Permits, Paragraph (F)(2) is inserted to add text to further explain compliance conditions for operating a source under the terms and conditions of a construction permit pending issuance of an operating permit.

Regulation 61-62.1, Section II, Permit Requirements:

Section (F), Operating Permits, former (F)(2) is recodified to (F)(3) and amended to clarify the paragraph’s applicability to sources issued construction permits that include engineering and/or construction specifications.

Regulation 61-62.1, Section II, Permit Requirements:

Section (F), Operating Permits, former Paragraph (F)(3), Request for a New or Revised Operating Permit is recodified to (F)(4) for consistency.

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Regulation 61-62.1, Section II, Permit Requirements:

Section (F), Operating Permits, Paragraph (F)(5), General Operating Permits (including (F)(5)(a) through (F)(5)(f) and subparagraphs (F)(5)(c)(1) and (2)) is inserted to establish conditions for Department development and issuance of general operating permits to reflect current Department practices and streamline permit issuance.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(2), General Provisions, former (G)(2)(d) is stricken to improve clarity and avoid duplication.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(2), General Provisions, former (G)(2)(e) and (G)(2)(f) are recodified to (G)(2)(d) and (G)(2)(e), respectively for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, former paragraph (G)(7)(c) is recodified (G)(7)(c)(1). Paragraph (G)(7)(c), title, is added to read "Coverage under a General Conditional Major Operating Permit" for clarity.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, (G)(7)(c)(2) is inserted to read "A source that has submitted an individual permit application to the Department and has not requested coverage under the conditions and terms of a general conditional major operating permit for similar sources, but which is determined to qualify for coverage under a general conditional major operating permit, may be granted coverage under the general conditional major operating permit at the sole discretion of the Department." This action is taken to reflect current work practices by Department staff and to clarify and streamline the permit process.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, (G)(7)(d) is amended to strike the phrase "the conditions and terms of" and replace it with the phrase "coverage under" for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, (G)(7)(e) is amended to strike the "s" after word "source" and to strike the phrase "request for" and add the phrase "conditional major operating" to read "The Department may grant a source authorization to operate under a general conditional major operating permit without further public notice, but such a grant shall be a final permit action for purposes of judicial review." for appropriate punctuation, clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, (G)(7)(f) is amended to replace "general permit" with "general conditional major operating permit" for clarity and internal consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (G), Conditional Major Operating Permits, Paragraph (G)(7), General Conditional Major Operating Permits, (G)(7)(g) is inserted for consistency and to clarify a source's ability to request an individual conditional major operating permit in lieu of coverage under a general conditional major operating permit.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, Paragraph (H)(1) is inserted to add language to improve clarity and reflect current Department practices regarding renewal of operating permits.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, former Paragraphs (H)(1) through (H)(4) are recodified to (H)(2) through (H)(5) respectively for consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, Paragraph (H)(5)(a) is amended to strike the phrase “and the name, mailing address, and telephone number of the owner or operator for the facility” and replace it with the phrase “(the name used to identify the facility at the location requesting the permit)” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, Paragraph (H)(5)(b) is amended to strike the phrase “and the name, mailing address, and telephone number of the facility’s contact person” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, Paragraph (H)(5)(c) is inserted to add the language “The name, mailing address, e-mail address and telephone number of the owner or operator for the facility;” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, Paragraph (H)(5)(d) is inserted to add the language “The name, mailing address, e-mail address and telephone number of the facility’s air permit contact person;” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (H), Operating Permit Renewal Requests, former Paragraphs (H)(5)(c) through (H)(5)(j) are recodified to (H)(5)(e) through (H)(5)(l) for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(1), Development of Registration Permits, (I)(1)(a) is amended to add the phrase “and issue a” and strike the letter “s” from permits so that the first sentence reads: “The Department may develop and issue a registration permit applicable to similar sources.” for punctuation, clarity and consistency. The remainder of (I)(1)(a) is recodified as (I)(1)(b) and amended to read “Any registration permit developed shall incorporate all requirements applicable to the construction and operation of similar sources and shall identify criteria by which sources may qualify for coverage under a registration permit.” for clarity and consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(1), Development of Registration Permits, former (I)(1)(b) is recodified to (I)(1)(c) for internal consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(2), Application for Coverage Under a Registration Permit, former Paragraph (I)(2)(a) is recodified (I)(2)(a)(1) and amended so that the first sentence reads “Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a registration permit for similar sources in lieu of a construction and operating permit as provided in Section II(A) and (F) above.” to clarify conditions and terms for applying for coverage under a registration permit. Paragraph (I)(2)(a), title, is added to read “Coverage under a Registration Permit” for clarity.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(2), Application for Coverage Under a Registration Permit, (I)(2)(a)(2) is inserted to read “A source that has submitted an individual permit application to the Department and has not requested coverage under the conditions and terms of a registration permit for similar sources, but

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which is determined to qualify for a registration permit, may be granted coverage under the registration permit at the sole discretion of the Department.” This action is to clarify and streamline the permit process.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(2), Application for Coverage Under a Registration Permit, (I)(2)(b) is amended at the first sentence to strike the phrase “the conditions and terms of” and replace it with “coverage under” for clarity and consistency. The remainder of this subparagraph is recodified as (I)(2)(c) for clarity.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(2), Application for Coverage Under a Registration Permit, former (I)(2)(c) is recodified to (I)(2)(d) and amended to strike “’s request for” to read “The Department may grant a source authorization to operate under a registration permit, but such a grant shall be a final permit action for purposes of judicial review language.” to improve clarity and internal consistency.

Regulation 61-62.1, Section II, Permit Requirements:

Section (I), Registration Permits, Paragraph (I)(2), Application for Coverage Under a Registration Permit, (I)(2)(e) is inserted to read “A source that qualifies for coverage under a Department issued registration permit may submit a permit application to the Department and request an individual permit in lieu of coverage under a general registration permit.” to specify that a source may request an individual permit.

Regulation 61-62.1, Section II, Permit Requirements:

Section (J), Permit Conditions, Paragraph (J)(2), Special Permit Conditions, (J)(2)(b) is amended to add a hyphen between the words “short” and “term” to read “short-term” for appropriate punctuation.

Regulation 61-62.1, Section II, Permit Requirements:

Section (N), Public Participation Procedures, Paragraph (N)(1) is amended to replace “posting to the Department’s website” with “posting to a public website identified by the Department” for consistency with federal regulations, and amended to clarify the Department’s authority to use additional means of public notice, including but not limited to public meetings.

Regulation 61-62.1, Section IV, Source Tests:

Section (B), Submission and Approval of a Site-Specific Test Plan, Paragraph (B)(5)(a) is amended to add the phrase “or as otherwise specified by a relevant federal or state requirement” to read “The owner, operator, or representative shall submit site-specific test plans or a letter which amends a previously approved test plan at least forty-five (45) days prior to the proposed test date or as otherwise specified by a relevant federal or state requirement.” to cite appropriate federal or state requirements for amending an approved test plan to reflect current Department practice.

Regulation 61-62.1, Section IV, Source Tests:

Section (C), Requirements for a Site-Specific Test Plan, is amended to strike the parentheses around the internal citations and reflect the recodification of “IV.C.1” and “C.8” to “IV(C)(1)” and “(C)(8)” for consistency.

Regulation 61-62.1, Section IV, Source Tests:

Section (C), Requirements for a Site-Specific Test Plan, Paragraph (C)(3), Process Descriptions, (C)(3)(b) is amended to read “Process design rates, normal operating rates, and operating rates specified by applicable regulation” to clarify the appropriate rate requirement.

Regulation 61-62.1, Section IV, Source Tests:

Section (D), Notification and Conduct of Source Tests, Paragraph (D)(1) is amended to add the phrase “or as otherwise specified by a relevant federal or state requirement” to read “Prior to conducting a source test subject to this section, the owner, operator, or representative shall ensure that a complete written notification is submitted to the Department at least two (2) weeks prior to the test date or as otherwise specified by a relevant federal or

state requirement.” to clarify the appropriate written notification period prior to conducting a source test subject to this section for clarity and internal consistency.

Regulation 61-62.1, Section IV, Source Tests:

Section (D), Notification and Conduct of Source Tests, Paragraph (D)(5) is amended to add the phrase “or as otherwise specified by a relevant federal or state requirement” to read “Unless approved otherwise by the Department, the owner, operator, or representative shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested or as otherwise specified in a relevant federal or state requirement.” to clarify the appropriate production rate or operating parameter to be used while conducting a source test for clarity and internal consistency.

Regulation 61-62.1, Section IV, Source Tests:

Section (F), Final Source Test Report, Paragraph (F)(1) is amended to strike the word “standard” and replace it with “requirement” for clarity and consistency.

### **Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards**

Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards:

First paragraph is amended to add the word “Part” to citations of parts in the Code of Federal Regulations citations for clarity and consistency. The last sentence is stricken as obsolete because the pollutant “Gaseous Fluorides (as HF)” and all associated parameters are no longer a part of this regulation.

### **Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>)**

Amended codification and internal citations throughout to replace periods following numbers and/or letters with parentheses enclosing updated alphanumeric characters for consistency with the 2014 South Carolina Legislative Council’s Standards Manual.

Amended throughout to add the word “Part” or “Parts” to citations of parts in the Code of Federal Regulation citations for clarity and consistency.

Regulation 61-62.5, Standard No. 5.2, Section I, Applicability:

Section (B), Exemptions, Paragraphs (B)(1) and (B)(2) are stricken and replaced with language to ensure consistency and clarify those sources that are exempt from the requirements of this regulation, including boilers of less than 10 million British thermal unit per hour (BTU/hr) rated input. Paragraph (B)(3) is added to exempt sources with an uncontrolled potential to emit of less than five tons per year of NO<sub>x</sub>. Former (B)(3) through (B)(16) are recodified to (B)(4) through (B)(17) for consistency.

Regulation 61-62.5, Standard No. 5.2, Section I, Applicability:

Section (B), Exemptions, Paragraph (B)(7) is amended to strike the number “6” and replace with “7” to reflect Regulation 61-62.96, CAIR NO<sub>x</sub> Annual Trading Program is no longer in effect, and is replaced with Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program.

Regulation 61-62.5, Standard No. 5.2, Section I, Applicability:

Section (B), Exemptions, Paragraph (B)(15) is amended to change alphanumeric codification after “Section” from “(1)” to “I” for consistency.

Regulation 61-62.5, Standard No. 5.2, Section II, Definitions:

Section (G) is amended to add a comma after “June 25, 2004” to correct punctuation and for consistency and to change alphanumeric codification after “Section” from “(1)” to “I” for consistency.

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Regulation 61-62.5, Standard No. 5.2, Section II, Definitions:

Section (I) is amended to add a comma after “June 25, 2004” to correct punctuation and for consistency and to strike the parentheses enclosing “I” to correct codification for consistency.

Regulation 61-62.5, Standard No. 5.2, Section II, Definitions:

Section (J) is inserted to define the term non-routine maintenance for clarification.

Regulation 61-62.5, Standard No. 5.2, Section II, Definitions:

Former Section (J), Source, is recodified as (K) and amended to strike the phrase “an individual NO<sub>x</sub> emission unit” and replace it with the phrase “a stationary NO<sub>x</sub> emission unit, comprised of one or more burners” to clarify the definition.

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Propane and/or Natural Gas-Fired Boilers”, first column, is amended to delete an extra space between the open parenthesis and MMBtu/hr to read “(MMBtu/hr).”

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Propane and/or Natural Gas-Fired Boilers”, second column, is amended to strike the word “metric”. The use of the word “metric” is inaccurate for (MMBTU), which is meant to represent a thousand thousand BTUs, equivalent to one million BTUs.

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Multiple Fuel Boilers”, first block, second column/ninth line, is amended to add the phrase “and/or propane,” to the end of “...from combustion of natural gas,” to clarify fuel types covered under the emission limit.

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Multiple Fuel Boilers”, second block, second column/ninth line, is amended to add the phrase “and/or propane,” to the end of “...from combustion of natural gas,” to clarify fuel types covered under the emission limit.

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Fluidized Bed Combustion (FBC) Boiler” title is amended to center it in the table for internal consistency.

Regulation 61-62.5, Standard No. 5.2, Section III, Standard Requirements For New Affected Sources:

Table 1- NO<sub>x</sub> Control Standards, Subsection “Other” title is amended to center it in the table for internal consistency. Subsection “Other,” first block, second column/first line, is amended to strike the word “Forth” and replace it with the word “Fourth” to correct spelling.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(1), CEMS, (A)(1)(d)(i)(B) is amended to delete the phrase “startups, shutdowns, and” to correct requirements related to record maintenance.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(4), Tune-ups, is amended to add the second sentence “If the owner or operator of a boiler is not subject to the federal tune-up requirements (40 CFR Part 63), then the following requirements are applicable:” to clarify tune-up instructions for sources not subject to the Boiler MACT.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(4), Tune-ups, is amended to insert “(a) The first tune-up shall be conducted no more than twenty-four (24) months from start-up of operation for new affected sources.” to clarify the timeframe for tune-up to occur.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(4), Tune-ups, former (A)(4)(a) is recodified to (A)(4)(b), and amended to strike the letter “s” from “owners” to read “owner” to correct punctuation and for consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(4), Tune-ups, former (A)(4)(b) and (A)(4)(c) are recodified to (A)(4)(c) and (A)(4)(d), respectively for consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (A), Boilers, Paragraph (A)(5), Other Requirements, is amended to delete the phrase “startup, shutdown, or” to correct requirements related to record maintenance.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (B), Internal Combustion Engines, Paragraph (B)(3), Tune-ups, is amended to add a second sentence: “If the owner or operator of an internal combustion engine is not subject to the federal tune-up requirements (40 CFR Part 63), then the following requirements are applicable.” to clarify tune-up instructions for sources not subject to the Boiler MACT.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (B), Internal Combustion Engines, Paragraph (B)(5), Other Requirements, is amended to delete the phrase “startup, shutdown, or” to correct requirements related to record maintenance.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (C), Turbines, Paragraph (C)(3), Periodic Monitoring and/or Source Test, (C)(3)(d), is amended to add a comma after “twenty-four (24) months” to correct punctuation and for internal consistency.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (C), Turbines, Paragraph (C)(6), Other Requirements, is amended to delete the phrase “startup, shutdown, or” to correct requirements related to record maintenance.

Regulation 61-62.5, Standard No. 5.2, Section IV, Monitoring, Record Keeping, and Reporting Requirements for New Affected Sources:

Section (D), All Other Affected Source Types, is amended to add section (D)(4) “Other Requirements” and the text “The owner or operator shall maintain records of the occurrence and duration of any 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.” to describe record keeping requirements for an affected source during these conditions.

Regulation 61-62.5, Standard No. 5.2, Section VII, Tune-up Requirements For Existing Sources:

Section (A) is amended to strike language addressing the deadline for the first tune-up for new affected sources to avoid duplication and to correct for text error.



## 18 PROPOSED REGULATIONS

### **Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration**

Amended codification and internal citations throughout to update alphanumeric characters for consistency with the 2014 South Carolina Legislative Council's Standards Manual.

Amended throughout to strike the abbreviation "(tpy)" and replace it with the phrase "tons per year" for clarity and consistency.

Amended throughout to add the word "Part" or "Parts" to citations of parts in the Code of Federal Regulation citations for clarity and consistency.

Amended throughout to write out the numbers such as "twenty-four" and place parentheses around the numerals for the phrases to provide number denotation consistency throughout the text of the regulation.

Amended throughout to strike the word "paragraph" and replace with "Section" when citing sections for clarity and consistency.

Regulation 61-62.5, Standard No. 7, Section (A)(2), Applicability procedures:  
Former (a)(2)(iv)(a) is recodified (A)(2)(d)(i), and amended to strike the phrase "paragraphs (a)(2)(v) and (vi)" and replace with the phrase "paragraph (A)(2)(e)" to reflect recodification and remove second nonexistent citation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Section (B), Definitions, is amended to remove quotation marks from each defined term for consistency with other regulations throughout Regulation 61-62.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Former (b)(5)(ii)(b) is recodified (B)(5)(b)(ii), and amended to strike the period at the end of the paragraph, and add the phrase "and would be constructed in the same state as the state proposing the redesignation" for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Former (b)(9) is recodified (B)(9)(a), and is amended to strike the numbers "003-005-00176-0" and replace with "003-005-00716-0" to correct a typographical error.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Paragraph (B)(9)(b) is added for consistency with changes to the federal definition of "Building, structure, facility or installation."

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Former (b)(10), (b)(30)(ii), and (b)(32)(ii) are recodified (B)(10), (B)(30)(b), and (B)(32)(b), and are amended to strike the phrase "oxides of" and add the word "oxides" to read "nitrogen oxides" for clarity and consistency.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:  
Former Paragraphs (b)(30)(iii)(e) and (b)(30)(iii)(f) are recodified (B)(30)(c)(v) and (B)(30)(c)(vi), and are amended to strike the lowercase "subpart" and replace with capitalized "Subpart" and add the phrase "Part 51," to read "40 CFR Part 51, Subpart I" to properly cite the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(30)(v) is recodified (B)(30)(e), and amended to strike all language except the codification, and add “[Reserved]” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(32)(i)(a) is recodified (B)(32)(a)(i), and amended to add the phrase “(with thermal dryers)” to the reference to primary aluminum ore reduction plants to read “primary aluminum ore reduction plants (with thermal dryers),” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(34)(iii) is recodified (B)(34)(c), and amended to strike subparagraphs formerly codified (b), (c) and (d) in their entirety, and amended to add “[Reserved]” to the newly codified paragraph “(B)(34)(c)(ii)” to clarify the criteria for creditable emissions in the regulation’s definition of net emissions increase.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(36) is recodified (B)(36), and amended to strike the phrase “[Reserved]” and add the definition for pollution prevention, for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(44)(i)(b) is recodified (B)(44)(a)(ii), and amended to strike the former citation to “(i)(b)” and add the word “this” to read “identified under this paragraph” for clarity.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(45) is recodified (B)(45), and amended to strike the word “credible” and replace with the word “creditable” to correct a typographical error.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Former (b)(49)(i) is recodified (B)(49)(a), and amended to strike the non-codified list titled “Pollutant and Emissions Rate” and replace the list with a table format for ease of use.

Regulation 61-62.5, Standard No. 7, Section (C), Ambient air increments:

Amended to codify previously uncoded text as Paragraphs (C)(1) and (C)(2) for correct codification.

Regulation 61-62.5, Standard No. 7, Section (G), Redesignations:

Former (g)(4) is recodified (G)(4), and amended to strike the first colon and capitalized phrase “Provided, That” and replace with a comma and the lowercase phrase “provided that” to ensure internal consistency.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Former (i)(2) is recodified (I)(2), and amended to replace “section” with “Section” for internal consistency.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Former (i)(5)(i) is recodified (I)(5)(a), and amended to strike the non-codified list following the phrase “less than the following amounts” and replace the list with a table format for ease of use.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Revised to add language in alphanumeric order at paragraph (I)(11) and subparagraphs (a) through (b), to clarify sources that are exempt from Section (K) of this regulation, to ensure consistency with the federal requirements.

Regulation 61-62.5, Standard No. 7, Section (P):

Retitled “Sources impacting Federal Class I areas – additional requirements.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7, Section (P):

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Former (p)(5) is recodified (P)(5), and amended to strike the first colon and capitalized phrase “Provided, That” and replace with a comma and the lowercase phrase “provided that” to ensure internal consistency.

Regulation 61-62.5, Standard No. 7, Section (P):

Former (p)(6) is recodified (P)(6), and amended to strike the colon and the capitalized word “Provided”, and replace them with the lowercase word “provided” to ensure internal consistency.

Regulation 61-62.5, Standard No. 7, Section (P):

Former (p)(7) is recodified (P)(7), and amended to strike the colon and the capitalized word “Provided”, and replace them with the lowercase word “provided” to ensure internal consistency.

Regulation 61-62.5, Standard No. 7, Section (Q), Public participation:

Former (q)(2)(iii) is recodified (Q)(2)(c), and amended to define the consistent noticing method for draft permits subject to this regulation, to read “Notify the public, by posting the notice, for the duration of the public comment period, on a public website identified by the Department. This consistent noticing method shall be used for all draft permits subject to notice under this section. The public website notice shall include a notice of public comment including notice of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment. The public website notice shall also include the draft permit, information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit. The Department may use additional means to provide adequate notice to the affected public, including by publishing the notice in a newspaper of general circulation in each region in which the proposed source or modification would be constructed (or in a state publication designed to give general public notice).”

Regulation 61-62.5, Standard No. 7, Section (R), Source obligation:

Former (r)(6) is recodified (R)(6), and amended to strike the word “to” in the first sentence and replace it with the phrase “with respect to any regulated NSR pollutant emitted from” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7, Section (R), Source obligation:

Paragraphs (R)(6)(c) and (R)(6)(g) are inserted in alpha-numeric order to ensure consistency with the federal requirements, and former subparagraphs (r)(6)(i), (r)(6)(ii), and (r)(6)(iii) through (r)(6)(v) are recodified as (R)(6)(a), (R)(6)(b), and (R)(6)(d) through (R)(6)(f), for internal consistency.

Regulation 61-62.5, Standard No. 7, Section (AA), Actuals PALs:

Former (aa)(1)(ii)(b) is recodified (AA)(1)(b)(ii), and amended to add the phrase “the change” to the second sentence to read “However, the change will be reviewed” for clarity and grammatical correctness, and amended to correct the internal reference in the second sentence to read “Regulation 61-62.1 Section II, Permit Requirements” for clarity and consistency.

Regulation 61-62.5, Standard No. 7, Section (AA), Actuals PALs:

Former (aa)(2), Definitions, is recodified (AA)(2), and amended to remove quotation marks from each definition for consistency with other regulations throughout Regulation 61-62.

Regulation 61-62.5, Standard No. 7, Section (AA), Actuals PALs:

Former (aa)(5) is recodified (AA)(5), and amended to change “section” to “Section” and add “This includes the requirement that the Department provide the public with notice of the proposed approval of a PAL permit and at least a thirty (30)-day period for submittal of public comment.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7, Section (AA), Actuals PALs:

Former (aa)(14), (aa)(14)(i)(g), and (aa)(14)(ii)(d) are recodified (AA)(14), (AA)(14)(a)(vii), and (AA)(14)(b)(iv), and amended to strike the phrase “the applicable title V operating permit program” and replace with the phrase “Regulation 61-62.70” for clarity.

**Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR)**

Amended codification and internal citations throughout to update alphanumeric characters for consistency with the 2014 South Carolina Legislative Council’s Standards Manual, and to reflect repositioning of various provisions for improved organization and clarity.

Amended throughout to strike the word “paragraph” and replace with “Section” when citing sections for clarity and consistency.

Amended throughout to strike the phrase “oxides of nitrogen” and add the phrase “nitrogen oxides” for clarity and consistency.

Amended throughout to strike the abbreviation “(tpy)” and replace it with the phrase “tons per year” for clarity and consistency.

Amended throughout to add the word “Part” or “Parts” to citations of parts in the Code of Federal Regulation citations for clarity and consistency.

Amended throughout to write out the numbers such as “twenty-four” and place parentheses around the numerals to provide number denotation consistency throughout the text of the regulation.

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Former Section (a) is recodified Section (A), and amended to include former paragraphs (b)(1) through (b)(7) recodified as paragraphs (A)(4) through (A)(9) in alphanumeric order, and strike the section title “(b) Applicability procedures.” Section (A) is also amended to add the language formerly codified at Section (e), “Exemptions”, to the newly codified paragraph (A)(10) and subparagraphs (A)(10)(a) through (A)(10)(aa). These revisions are to ensure clarity, improved organization, and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Former (b)(1) is recodified (A)(4), and amended to strike the word “contained” and replace it with “as defined” for consistency throughout the regulation, and amended to strike the citation “(15)” and replace it with the citation “(B)(37)” to correct a typographical error with the citation of the definition of “Significant.”

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Former (b)(4) is recodified (A)(7), and amended to strike the phrase “(b)(37) of Regulation 61-62.5 Standard 7, “Prevention of Significant Deterioration” (“Standard 7”)” and replace it with the citation “(B)(27)” to properly cite the definition within the regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Section (c) is recodified Section (B), and amended to revise codification and citations in alphanumeric order and to remove quotation marks from each defined term for consistency with other regulations throughout Regulation 61-62.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B) (former Paragraph (c)) is amended to strike all text after the title and replace with the phrase “For the purposes of this regulation:” for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

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Paragraphs (B)(2), (B)(4), and (B)(6) though (B)(19) are inserted in alpha-numeric order to add definitions for: “Allowable emissions”, “Begin actual construction”, “Building, structure, facility or installation”, “Temporary clean coal technology demonstration project”, “Clean coal technology”, “Clean coal technology demonstration project”, “Commence”, “Construction”, “Continuous emissions monitoring system (CEMS)”, “Continuous emissions rate monitoring system (CERMS)”, “Continuous parameter monitoring system (CPMS)”, “Electric

utility steam generating unit”, “Emissions unit”, “Federal Land Manager”, “Federally enforceable”, and “Fugitive emissions”, to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraphs (c)(2) and (c)(3) are recodified as (B)(3) and (B)(5) respectively to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(4) and the word “[Reserved]” are stricken to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraphs (c)(5) through (c)(7) are recodified as (B)(20) through (B)(22) to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(5)(B) is recodified (B)(20)(b), and amended to strike the word “permit” and add the word “allow” to ensure clarity, and amended in two instances to change the word “emissions” to “emission” to ensure consistency with federal regulations, and amended to replace “a stationary source” with “the stationary source” to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(21)(c)(ii) is amended to replace “sections” with “Sections” for internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(21)(c)(iii) is amended to replace “section” with “under Section” for clarity and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraphs (c)(6)(C)(v)(a) and (c)(6)(C)(vi) are recodified (B)(21)(c)(v)(1) and (B)(21)(c)(vi), and amended to add the phrase “pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166” for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(21)(e) is added and reserved to reflect the stay of corresponding federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(7)(A) is recodified (B)(22)(a), and amended to strike the phrase “paragraphs (c)(7)(A)(i)(a) through (e) of this section.” and replace it with “the following table:”. Paragraph (B)(22)(a) is also amended to strike subparagraphs formerly codified (c)(7)(A)(a) through (c)(7)(A)(d) and replace the codified list with an expanded table format for increased comprehensiveness and ease of use. Paragraph (B)(22)(a) is also amended to replace “which” with “that” for correct grammar, and to replace “Act” with “Clean Air Act” for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(22)(c)(xxvii) is amended to replace “section” with “Section” for internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(23) is inserted in alpha-numeric order to add the definition for “Necessary preconstruction approvals or permits”, to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraphs (c)(8) and (c)(9) are recodified as Paragraphs (B)(24) and (B)(25) to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(8)(B) is recodified (B)(24)(b), and amended to strike the phrase “before the date that the increase from the particular change occurs;” and add the word “between:”, and amended to add subparagraphs (i) through (ii) to clarify the timeframe for contemporaneous increases or decreases in actual emissions in the regulation’s definition of net emissions increase.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(8)(C) is recodified (B)(24)(c) and amended to strike former subparagraph (c)(8)(C)(i), and amended to recodify former (c)(8)(C)(ii) as (B)(24)(c)(i), and amended to add “[Reserved]” to the newly codified subparagraph “(B)(24)(c)(ii)” to clarify the criteria for creditable emissions in the regulation’s definition of net emissions increase.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(8)(D) is recodified (B)(24)(d), and amended to strike the period and replace with semicolon for consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(8)(E)(i) is recodified (B)(24)(e)(i), and amended to add an “s” to “emission” to read “actual emissions” and amended to add a comma to read “allowable emissions,” for clarity and consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(8)(E)(ii) is recodified (B)(24)(e)(ii), and amended to strike the word “and” after the semicolon for correct codification.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(8)(E)(iii) is recodified (B)(24)(e)(iii), and amended to add the phrase “under regulations approved pursuant to 40 CFR Part 51, Subpart I” for consistency with federal regulation, and to add the word “and” after the semicolon for correct codification.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(8)(F) is recodified (B)(24)(f), and amended to strike the period at the end of the second sentence and replace with a semicolon for correct codification and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(9) is recodified (B)(25), and amended to strike the lowercase word “appendix” and replace with “Appendix” for consistency.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(10) and the word “[Reserved]” are stricken to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraphs (B)(26) through (B)(30) are inserted in alphanumeric order to add definitions for: “Pollution prevention”, “Potential to emit”, “Predictive emissions monitoring system (PEMS)”, “Prevention of Significant Deterioration (PSD) permit”, and “Project”, to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(11) is recodified as (B)(31) to reflect codification and formatting changes to Section (B).

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Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(11)(B)(iv) is recodified (B)(31)(b)(iv), and amended to strike the phrase “under paragraph (b)(37) of Standard 7” and add the phrase “in paragraph (B)(27) of this section” to properly cite the referenced definition within the regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(12) is stricken in entirety to reflect the provision’s recodification at (B)(29).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(13) is recodified as (B)(32) to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(13)(C) is recodified (B)(32)(c), and amended to add the phrase “identified under this paragraph as” for consistency with federal regulations, and amended to strike the word “a” in “a constituent” and replace with the word “such” for clarity and consistency with federal regulations, and amended to strike former subparagraphs (c)(13)(C)(c) and (c)(13)(C)(d) for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(13)(C)(b) is recodified (B)(32)(c)(ii), and amended to strike the phrase “is a precursor” and add a comma and the phrase “volatile organic compounds, nitrogen oxides, and ammonia are precursors” for consistency with federal regulations, and amended to strike the word “all” and replace with “any” and strike the “s” in “areas” for consistency with federal regulations, and amended to strike the semicolon at the end of the paragraph and replace with a period for correct codification.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(13)(D) is recodified (B)(32)(d), and amended to add the phrase “nonattainment major NSR” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraphs (B)(33) through (B)(36) are inserted in alphanumeric order to add definitions for: “Replacement unit”, “Resource recovery facility”, “Reviewing authority”, and “Secondary emissions”, to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraphs (c)(14) and (c)(15) are recodified as (B)(37) and (B)(38) respectively to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former (c)(14) is recodified (B)(37), and amended to strike the word “as” and replace with the word “a” for consistency with federal regulations, and amended to strike the non-codified list titled “Pollutant Emission Rate” and replace the list with an expanded table format for comprehensiveness and ease of use.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(39) is inserted in alphanumeric order to add a definition for: “Stationary source”, to ensure consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Former Paragraph (c)(16) is recodified as (B)(40) to reflect codification and formatting changes to Section (B).

Regulation 61-62.5, Standard No. 7.1, Section (C), Permitting requirements:

Former Section (d) is recodified Section (C), and amended to revise codification and citations in alphanumeric order to ensure clarity and internal consistency. Former Paragraph (d) is stricken to reflect codification and formatting changes to Section (C).

Regulation 61-62.5, Standard No. 7.1, Section (C), Permitting requirements:

Former (d)(1) is recodified (C)(1), and amended to strike the phrase “Conditions for approval” and replace it with “Permitting requirements.” Former Subparagraph (d)(1)(A) is recodified (C)(1)(a), and amended to identify the meaning of the acronym “LAER.” Former Subparagraph (d)(1)(C) is recodified (C)(1)(c), and amended to strike the phrase “following provisions” and add the phrase “requirements in Section (D), Offset standards” to codify offset standard language into a separate section for clarity and usability. Former Subparagraphs (d)(1)(D) and (d)(1)(E) are recodified (C)(1)(d) and (C)(1)(e) and repositioned to follow in alphanumeric order after subparagraphs (C)(1)(a) through (C)(1)(c) for clarity and usability.

Regulation 61-62.5, Standard No. 7.1, Section (C), Permitting requirements:

Paragraph (C)(2) is added to read “Exemptions. Temporary emission sources, such as pilot plants and portable facilities which will be relocated outside of the nonattainment area after a short period of time, are exempt from the requirements of paragraphs (C)(1)(c) and (C)(1)(d) of this section.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (C), Permitting requirements:

Paragraph (C)(3) is added to read “Secondary emissions. Secondary emissions need not be considered in determining whether the stationary source or modification is major. However, if a source is subject to this regulation on the basis of the direct emissions from the source, the applicable conditions in paragraph (C)(1) must also be met for secondary emissions. However, secondary emissions may be exempt from paragraphs (C)(1)(a) and (C)(1)(b) of this section.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (C), Permitting requirements:

Paragraph (C)(4) is added to read “The requirements of this regulation applicable to major stationary sources and major modifications of PM<sub>10</sub> shall also apply to major stationary sources and major modifications of PM<sub>10</sub> precursors, except where the Administrator determines that such sources do not contribute significantly to PM<sub>10</sub> levels that exceed the PM<sub>10</sub> ambient standards in the area.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Section (D) is added, and titled “Offset standards.” to incorporate language formerly codified (d)(1)(C)(i) thorough (d)(1)(C)(v)(a)(4)(A)(vii) and (d)(1)(C)(viii) and (d)(1)(C)(xi) into a separate section for clarity and usability. Revised codification and citations in alphanumeric order to ensure clarity and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraph (D)(1) is added to read “All emission reductions claimed as offset credit shall be permanent, quantifiable, federally enforceable and surplus;” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former (d)(1)(C)(i) is recodified (D)(2), and amended to add the phrase “(as when a state has a single particulate emission limit for all fuels)” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former (d)(1)(C)(ii) is recodified (D)(3), and amended to add an “s” to “emission” to read “emissions offset credit” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former (d)(1)(C)(iii)(a) is recodified (D)(4), and amended to strike the phrase “if such reductions are permanent, quantifiable, federally enforceable, occurred on or after the date of the most recent emissions inventory, and if the area has an EPA-approved attainment plan” and add “for offsets if the shutdown or curtailment occurred



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after the last day of the base year for the SIP planning process. For purposes of this paragraph, the Department may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the

emissions from such previously shutdown or curtailed emission units. No credit may be given for shutdowns that occurred before August 7, 1977.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former (d)(1)(C)(iii)(b) is recodified (D)(5), and amended to strike the phrase “Such reductions may be credited if” and replace it with the phrase “Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements on paragraph (D)(4) may be generally credited only if:” for consistency with federal regulations. The remainder of the paragraph is amended to divide the paragraph into subparagraphs (D)(5)(a) and (D)(5)(b) for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraph (D)(5)(a) is amended to strike the word “the” and replace with the word “The” at the beginning of the newly codified paragraph, and amended to strike the comma and replace with a semicolon to read “The shutdown or curtailment occurred on or after the date the new source permit application is filed; or,” for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraph (D)(5)(b) is amended to strike the phrase “if the” and replace with the word “The” at the beginning of the newly codified paragraph, and amended to strike the phrase “cutoff date provision of paragraph (d)(C)(iii)(a) are observed” and replace with the phrase “emission reductions achieved by the shutdown or curtailment met the requirements of paragraph (D)(4)” to read “The applicant can establish that the proposed new source is a replacement for the shutdown or curtailed source, and the emission reductions achieved by the shutdown or curtailment met the requirements of paragraph (D)(4).” for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Paragraph (d)(1)(C)(iv) is recodified (D)(6). Former Paragraph (d)(1)(C)(v) is stricken to reflect recodification at (D)(1). Former Paragraphs (d)(1)(C)(viii) and (d)(1)(C)(xi) are recodified (D)(7) and (D)(8) respectively and repositioned in alphanumeric order.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraph (D)(9) is added to read “If a designated nonattainment area is projected to be an attainment area as part of an approved SIP control strategy by the new source start-up date, offsets would not be required if the new source would not cause a new violation.” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Paragraph (d)(1)(C)(v)(a) is recodified (D)(10), and amended to strike the phrase “Eligibility as Emission Offsets.” for clarity, and amended to strike former subparagraphs (d)(1)(C)(v)(a)(1) and (d)(1)(C)(v)(a)(1)(A). Former subparagraph (d)(1)(C)(v)(a)(1)(B) is recodified (D)(11) for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Paragraph (d)(1)(C)(v)(a)(2) is recodified (D)(12), and amended to strike subparagraphs (d)(1)(C)(v)(a)(2)(D) through (d)(1)(C)(v)(a)(2)(F) for clarity, and amended to recodify subparagraphs (A), (B), (C), and (G) in alphanumeric order as (D)(12)(a) through (D)(12)(d) for consistency in codification. Paragraph (D)(12) is amended to correct grammar and add the missing word “of”. Paragraph (D)(12)(c) is amended to add “or” for clarity. Paragraph (D)(12)(d) is amended to add the word “federally” to read “real, permanent, quantifiable, federally enforceable, and surplus” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Paragraph (d)(1)(C)(v)(a)(3) is recodified as (D)(13).

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Paragraph (d)(1)(C)(v)(a)(4) is recodified (D)(14), and amended to add the phrase “emission reductions that are not considered surplus” from former subparagraph (d)(1)(C)(v)(a)(4)(A), and strike former subparagraph (d)(1)(C)(v)(a)(4)(A) for correct codification.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Former Subparagraphs (d)(1)(C)(v)(a)(4)(A)(i) through (d)(1)(C)(v)(a)(4)(A)(vii) are recodified (D)(14)(a) through (D)(14)(g) for correct codification.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraphs (D)(14)(b) and (D)(14)(c) are amended for improved punctuation. Paragraph (D)(14)(c) is amended to strike the duplicate word “VOCs” to correct a typographical error, and amended to strike “CAA” and replace it with “Clean Air Act” to ensure clarity and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraphs (D)(14)(d), (D)(14)(e), and (D)(14)(g) are amended to add “Emission reductions from” to the beginning of each paragraph, for clarity and consistency. Paragraph (D)(14)(g) is amended to strike “notifying” and replace with “with notification” for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (E), Calculation of Emission Offsets:

Former Paragraph (d)(1)(C)(v)(b) is recodified Section (E) to ensure clarity and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (F), Location of offsetting emissions:

Former Paragraph (d)(1)(C)(vi) is recodified Section (F), and amended to codify (a) and (b) language into subparagraphs (F)(1) and (F)(2) for consistency with federal regulation and clarity.

Regulation 61-62.5, Standard No. 7.1, Section (G), Emission offsetting ratios:

Paragraph (d)(1)(C)(vii) is recodified Section (G).

Regulation 61-62.5, Standard No. 7.1, Section (G), Emission offsetting ratios:

Paragraph (d)(1)(C)(vii)(b) is recodified (G)(2), and amended to add the word “increases” to read “Emissions increases for ozone nonattainment areas shall” for clarity. The table is amended to strike “Subpart I” and “>1 to 1” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (G), Emission offsetting ratios:

Former paragraphs (d)(1)(C)(viii) through (d)(1)(E) are stricken for reorganization of regulatory text.

Regulation 61-62.5, Standard No. 7.1, Section (H), Interpollutant offsetting:

Section (H) is added to provide federal language on interpollutant offsetting, for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (I), Banking of emission offsets:

Section (I) is added to provide language on banking of emission offsets for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (J)

Section (J) is added in alphanumeric order, and the word “[Reserved]” is added.

Regulation 61-62.5, Standard No. 7.1, Section (K)

Section (K) is added in alphanumeric order, and the word “[Reserved]” is added.

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Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Section (L), title, is added to read “Source obligation.” for clarity and usability.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Former Paragraphs (d)(2)(A) through (d)(2)(D) are recodified (L)(1) through (L)(4) in alphanumeric order for consistency. Paragraph (L)(3) is amended to strike “plan” and replace with “State Implementation Plan” for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Former Paragraph (d)(3) is recodified (L)(5), and amended to add the title phrase “Monitoring, Recordkeeping, and Reporting.” for clarity and usability, and amended to strike the word “to” in “apply to” and replace it with the phrase “with respect to any regulated NSR pollutant emitted from” for consistency with federal regulations, and amended to add the phrase “of such pollutant” following the word “increase” for consistency with federal regulations.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Paragraph (L)(5)(c) is added in alphanumeric order to read “If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (L)(5)(b) to the reviewing authority. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the reviewing authority before beginning actual construction.” for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Paragraph (L)(6) is added in alphanumeric order to provide federal language on “reasonable possibility” for consistency with federal regulations. Revised language to ensure clarity and internal consistency.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Former Paragraph (d)(4) is stricken, because this language pertains to PAL requirements, and is covered in the Actuals PALs section.

Regulation 61-62.5, Standard No. 7.1, Section (L), Source obligation:  
Former Paragraph (d)(5) is recodified (L)(7) in alphanumeric order.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:  
Section (M), title, added to read “Public participation.” for clarity and usability.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:  
Former Paragraph (d)(6) is recodified (M)(1), and amended to strike the phrase “Public Participation”

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:  
Former paragraph (d)(7) and subparagraphs (d)(7)(i) through (d)(7)(x) are recodified (M)(2) and subparagraphs (M)(2)(a) through (M)(2)(j). Amended throughout to strike the word “plant” and replace with the word “facility” for clarity and consistency. Revised language to ensure clarity and internal consistency and revised codification and citations in alphanumeric order.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:  
Former (d)(7)(iii) is recodified (M)(2)(c), and amended to add the sentence “This requirement may be met by making these materials available at a physical location or on a public website identified by the Department.” for consistency with federal regulation changes to public noticing methods.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:  
Former (d)(7)(iv) is recodified (M)(2)(d), and amended to read “Notify the public, by posting the notice, for the duration of the public comment period, on a public website identified by the Department. This consistent noticing

method shall be used for all draft permits subject to notice under this section. The public website notice shall include a notice of public comment including notice of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at

a public hearing as well as written public comment. The public website notice shall also include the draft permit, information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit. The Department may use additional means to provide adequate notice to the affected public, including by publishing the notice in a newspaper of general circulation in each region in which the proposed source or modification would be constructed (or in a state publication designed to give general public notice).” to define the Department’s consistent noticing method for public notice, for consistency with federal regulation changes to public noticing methods.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:

Former (d)(7)(vii) is recodified (M)(2)(g), and amended to strike the word “locations” and replace it with the phrase “location or on the same website” for consistency with federal regulation changes to public noticing methods.

Regulation 61-62.5, Standard No. 7.1, Section (M), Public participation:

Former (d)(7)(ix) is recodified (M)(2)(i), and amended to add the phrase “or on the same website” for consistency with federal regulation changes to public noticing methods.

Regulation 61-62.5, Standard No. 7.1, Former Section (e), Exemptions:

Former section (e) is stricken in its entirety for reorganization of regulatory text. Former reserved sections (f) through (h) are stricken in their entirety for clarity.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former section (i) is recodified (N) and amended to revise codification and citations in alphanumeric order. Section (N) is amended throughout to strike citations to Regulation 61-62.5 Standard 7, “Prevention of Significant Deterioration” and replace with citations within Regulation 61-62.5, Standard 7.1, for internal consistency and usability.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(1)(iii)(B) is recodified (N)(1)(c)(ii), and amended to correct the citation to Regulation 61-62.1, Section II, “Permit Requirements.”

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(2)(i) is recodified (N)(2)(a), and amended to change the citation of “(c)(1)” to “(B)(3)” to correctly cite the definition of baseline actual emissions.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(2)(iv)(B) is recodified (N)(2)(d)(ii), and amended to strike “section” and replace it with “Section” for clarity and consistency.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(5) is recodified (N)(5), and amended to add the sentence “This includes the requirement that the Department provide the public with notice of the proposed approval of a PAL permit and at least a thirty (30)-day period for submittal of public comment.” for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(14)(i)(G) is recodified (N)(14)(a)(vii), and amended to strike the phrase “Title V Operating Permit Program” for clarity and consistency.

Regulation 61-62.5, Standard No. 7.1, Section (N), Actuals PALs:

Former (i)(14)(ii)(D) is recodified (N)(14)(b)(iv), and amended to strike the phrase “the applicable Title V operating permit program” and add the citation “Regulation 61-62.70” for clarity and consistency.

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Regulation 61-62.5, Standard No. 7.1, Section (O):

Former Paragraph (j) is recodified (O) to ensure clarity and internal consistency.

### **Regulation 61-62.70, Title V Operating Permit Program**

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:

Paragraph (h)(1) is amended to define the Department's consistent noticing method for public notice, for consistency with federal regulation changes to public noticing methods.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comment(s) on the proposed amendments by mail to Marie Brown in the Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; by fax at 803-898-4117; or by email at brownmf@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on February 25, 2019, the close of the public comment period. Comments received during the write-in public comment period by the deadline set forth above will be submitted to the S.C. Board of Health and Environmental Control ("Board") in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

The Board will conduct a public hearing on the proposed amendments during its March 7, 2019, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

### **Preliminary Fiscal Impact Statement:**

There is no anticipated increased cost to the state or its political subdivisions resulting from this proposed revision. Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP include revisions that will help 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 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

**DESCRIPTION OF REGULATION:** Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan ("SIP").

**Purpose:** The proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, 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 expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; identify the Department's consistent noticing method; improve the regulations' organizational structure; and

provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

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

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to this proposed amendment. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

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

- (1) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits.
- (2) The Department proposes amending the introductory paragraph to R.61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation's text.
- (3) The Department proposes amending R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
- (4) The Department proposes amending R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling.
- (5) The Department proposes amending R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling.
- (6) The Department proposes amending R.61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and R.61-62.70, Title V Operating Permit Program, to update public participation procedures.

The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including definitional updates, clarification of certain permitting provisions, and other changes and additions deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62.

In accordance with S.C. Code Section 1-23-120(A) (Supp. 2017), these amendments require General Assembly review.

The intent of these amendments is to simplify, clarify, and correct elements of the Department's air quality regulations 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 or public health if the proposed amendments to R. 61-62 and the SIP are adopted.

**DETERMINATION OF COSTS AND BENEFITS:**

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The Department does not anticipate an increase in costs to the state, its political subdivisions, or the regulated community resulting from these proposed revisions. The proposed amendments ensure consistency with Environmental Protection Agency (“EPA”) regulations, which the Department implements pursuant to the

authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by maintaining state implementation of the federal requirements, as opposed to federal implementation.

Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, will help streamline state requirements related to permitting and other matters to conform to current Prevention of Significant Deterioration, New Source Review, and the Title V Permit Program standards. These revisions may potentially save money for the regulated community by providing clarification on exemptions, permitting, and other requirements, while continuing to ensure environmental protection.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions. These revisions seek to provide clarity to the regulated community.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The Department does not anticipate 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 are 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 proposes amending Regulation 61-62, Air Pollution Control Regulations and Standards, to support the goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; identify the Department’s consistent noticing method; improve the regulations’ organizational structure; and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4874

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE  
AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL  
SPECIALISTS  
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

Chapter 36. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

**Preamble:**

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists proposes to amend its regulations by supplementing the previously-filed proposed regulations to add language stating the requirement for completing a degree program with a minimum of 60 graduate semester hours takes effect two years after the effective date of the regulation and further stating students who have graduated from or are enrolled in a degree program prior to the effective date are licensed pursuant to the 48-hour licensing provisions.

Section-by-Section Discussion

36-04 Strike intern and replace with associate.

36-04(1) No change.

36-04(2) Add clinical mental health to the phrase counseling program and strike Council for Accreditation of Counseling and Related Educational Programs as it was previously referenced.

36-04(3) Restructure paragraph to move master's degree, specialist's degree or doctoral degree to the beginning of the section; replace 48 hours of graduate semester hours with 60; strike related discipline in lieu of counseling; strike college or university in lieu of program; and add a national educational accrediting body such as CACREP or one that follows similar educational standards and from an accredited college or university.

36-04(3)(a)-(k) No change.

36-04(4) No change.

36-04(5) Strike intern and add associate.

36-04(6) New section requiring submission of a disclosure statement as found in Section 40-75-270 of the Code.

36-04(7) New section grandfathering in students currently enrolled in programs and establishing delayed implementation.

36-07 Replace Interns with Associates.

36-07(1)-(2) No change.

36-07(3) Restructure paragraph to move master's degree, specialist's degree or doctoral degree to the beginning of the section; replace 48 hours of graduate semester hours with 60; strike college or university in lieu of program; and add a national educational accrediting body such as COAMFTE or one that follows similar educational standards or from a post-degree program accredited by COAMFTE or from an accredited college or university.

36-07(3)(a)-(h) No change.

36-07(4) No change.

36-07(5) Strike Intern and replace with Associate.

36-07(6) No change.

36-07(7) New section grandfathering in students currently enrolled in programs and establishing delayed implementation.

36-11 New Section. Licensing Provisions for Addiction Counselors.

A Notice of Drafting was published in the *State Register* on December 28, 2018.



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### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on March 14, 2018. Written comments may be directed Marlo Koger-Thomas, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., February 25, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

### **Preliminary Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

### **Statement of Need and Reasonableness:**

These regulations would supplement the previously-filed proposed amendments to include a delayed implementation date and a grandfathering provision for students currently enrolled in a degree program.

### **DESCRIPTION OF REGULATION:**

Purpose: The board has previously filed proposed amendments to its regulation to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations. The proposed regulation herein would supplement the previously-filed proposed amendments to the regulations to include a delayed implementation date and a grandfathering provision for students currently enrolled in a degree program.

Legal Authority: 1976 Code Sections 40-1-70 and 40-75-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The previously-proposed regulations, if promulgated, will add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations. These regulations would supplement those to add in a delayed implementation date and a grandfathering provision for currently-enrolled students.

### **DETERMINATION OF COSTS AND BENEFITS:**

There is no cost incurred by the state for the promulgation of these regulations.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

**Statement of Rationale:**

The board has previously filed proposed amendments to its regulation to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations. The proposed regulation herein would supplement the previously-filed proposed amendments to the regulations to include a delayed implementation date and a grandfathering provision for students currently enrolled in a degree program.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

## 36 EMERGENCY REGULATIONS

Filed: January 4, 2019 11:34am

Document No. 4872  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-204. Additional Regulations Applicable to Specific Properties.

### Emergency Situation:

These emergency regulations establish regulations on Department owned and leased lands that regulate public use to increase recreational opportunities and reduce natural resource impacts. The Department is increasing public use by adding a new observation tower on Sassafras Mountain on our Jocassee Gorges property. Since we are opening the area to public use immediately, we must file these regulations as emergency.

### Text:

#### ARTICLE 5.5

##### REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

123-204. Additional Regulations Applicable to Specific Properties.

N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

(4) Sassafras Overlook Site. These regulations apply to the portion of Jocassee Gorges designated as the overlook site by the Department.

- (a) No camping is allowed on the site.
- (b) No fires are allowed on the site.
- (c) The hours of operation are one hour before official sunrise to one hour after official sunset, except as permitted by the Department.
- (d) No alcohol is allowed on the site.
- (e) No motor vehicles are allowed except on public roads and in the designated parking area. Motorized scooters or similar vehicles designed specifically for use by disabled persons may only be used by disabled persons on the site. No ATVs, UTVs or similar vehicles are allowed on the site.
- (f) No skateboards, hoverboards or similar devices are allowed on the site.
- (g) No exclusive use of the site will be allowed by any party.
- (h) No drones may be allowed on the site.
- (i) No horses, mules, donkeys or other animals may be allowed on the site except pets as defined below.
- (j) No pets will be allowed on the site except for dogs and cats. All pets must be restrained by a leash at all times and may not cause any disruption to other visitors, wildlife or the site. All pet waste must be picked up and removed from the site.
- (k) Commercial vending is prohibited on the site.
- (l) Special permits may be issued by the Department to allow activities prohibited herein.
- (m) All other laws, regulations, and ordinances that apply to the site are also in effect.

(5) Abner Creek Falls Trail

- (a) Human foot traffic only is permitted.
- (b) No horses, mountain bikes or motor conveyance is permitted, except for motorized scooters or similar vehicles designed specifically for use by disabled persons that may only be used by disabled persons on the site.
- (c) No access is allowed from the trail or platform to adjacent areas within 300 feet of the platform.

**Statement of Need and Reasonableness:**

Since existing regulations only apply to specific Wildlife Management Areas and Heritage Preserves, new regulations must be filed to establish public use guidelines on new properties as well as defining and expanding use opportunities on existing properties. Since the properties are available for immediate public use, it is necessary to file these regulations as emergency so they take effect immediately.

**Fiscal Impact Statement:**

This amendment of Regulations 123-204 will result in increased public recreational opportunities which should generate additional State revenue through license sales. Local economies should benefit from sales of food and overnight accommodations, and sales taxes on these items will also directly benefit government.

## 38 FINAL REGULATIONS

Document No. 4870

### 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:

1. Pursuant to the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

2. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include revisions to New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412.

3. The Department amends R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.61, National Emission Standards for Hazardous Air Pollutants; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and the South Carolina State Implementation Plan (SIP), to adopt the federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017.

4. The Department amends R.61-62.68, Chemical Accident Prevention Provisions, which include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary and to maintain compliance with federal law.

5. The Department amends R.61-62.70, Title V Operating Permit Program, by striking paragraph (a)(6) of Section 70.3, Applicability, to maintain state compliance with federal regulations.

6. The Department amends R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA's "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (NO<sub>x</sub> SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department adopted R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, on August 25, 2017. Subparts AA through II, AAA through III, and AAAA through IIII of R.61-62.96 are based on the federal CAIR regulation, which EPA has since replaced with federal CSAPR requirements implemented by R.61-62.97. As a result, federal CAIR requirements implemented by R.61-62.96 are no longer in effect. The NO<sub>x</sub> SIP Call regulations will maintain state compliance with federal NO<sub>x</sub> SIP Call requirements that remain applicable following the sunset and repeal of CAIR.

7. The Department makes further changes to R.61-62 deemed necessary, including, but not limited to, corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of R.61-62.

8. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there is no increased cost to the state or its political subdivisions resulting from codification of these

amendments to federal law. South Carolina is already reaping the environmental benefits of these amendments. There also is no increased cost to the state or its political subdivisions as a result of the repeal of R.61-62.96 Subparts AA through II, AAA through III, and AAAA through IIII, which reflects the sunseting of federal CAIR regulations.

9. The Department had a Notice of Drafting published in the September 28, 2018, *State Register*.

Section-by-Section Discussion of Amendments:

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

Regulation 61-62.60, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 28561, June 23, 2017; and 82 FR 32644, July 17, 2017, by reference.

**Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

Regulation 61-62.61, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 32644, July 17, 2017, by reference.

Regulation 61-62.61, Subpart W, “National Emission Standards for Radon Emissions from Operating Mill Tailings”:

Subpart W, Table, is amended to incorporate federal revisions at 82 FR 5142, January 17, 2017, by reference.

**Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories**

Regulation 61-62.63, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017; 82 FR 47328, October 11, 2017; and 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart AA, “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”:

Subpart AA, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart BB, “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”:

Subpart BB, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart MM, “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills”:

Subpart MM, Table, is amended to incorporate federal revisions at 82 FR 47328, October 11, 2017, by reference.

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:

Subpart LLL, Table, is amended to incorporate federal revisions at 82 FR 28562, June 23, 2017; and 82 FR 39671, August 22, 2017, by reference.

Regulation 61-62.63, Subpart NNN, “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”:

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Subpart NNN, Table, is amended to incorporate federal revisions at 82 FR 60873, December 26, 2017, by reference.

Regulation 61-62.63, Subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”:

Subpart VVV, Table, is amended to incorporate federal revisions at 82 FR 49513, October 26, 2017, by reference.

Regulation 61-62.63, Subpart XXX, “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”:

Subpart XXX, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017, by reference.

Regulation 61-62.63, Subpart CCCC, “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”:

Subpart CCCC, Table, is amended to incorporate federal revisions at 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”:

Subpart UUUUU, Table, is amended to incorporate federal revisions at 82 FR 16736, April 6, 2017, by reference.

### **Regulation 61-62.68, Chemical Accident Prevention Provisions**

Regulation 61-62.68, Section 68.1, Scope:

Section 68.1, Scope, is amended to insert the words "Clean Air" between “section 112(r) of the” and “Act.” for clarity.

Regulation 61-62.68, Section 68.3, Definitions:

Paragraph (e) is amended to strike the word “if” and replace it with the word “is” for consistency with the federal regulation.

Regulation 61-62.68, Section 68.115, Threshold determination:

Paragraph (a) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.126, Exclusion:

Section 68.126, Exclusion, is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.130, List of Substances:

Tables 1, 2, 3 and 4 are amended by correcting errors in chemical nomenclature and an incorrect CAS number in Table 1. Footnote 1 to Tables 3 and 4 is also amended to strike the section symbol “§” and replace it with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (d) is amended to strike the citation “(b)(2)” and replace with “(c)(2)”, and strike the citation “(b)(7)” and replace with “(c)(7)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(1) is amended to strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(2) is amended to strike the citation “(f)(1)” and replace with “(g)(1)” for correct codification, and replace “90” with “ninety (90)” for consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (h) is amended to strike the three citations to paragraph “(f)” and replace each with “(g)”, and strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (i) is amended to strike the citation “(g)” and replace with “(h)” for correct codification, and replace “Thirty” with “Thirty (30)” for consistency.

Appendix A to Part 68 is amended by correcting errors in chemical nomenclature.

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

Regulation 61-62.70, Section 70.3, Applicability:

Paragraph (a)(6) is stricken in its entirety to maintain compliance with federal regulations adopted at 70 FR 75320.

**Regulation 61-62.96, Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxide (SO<sub>2</sub>) Budget Trading Program**

Regulation 61-62.96, Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxide (SO<sub>2</sub>) Budget Trading Program, is amended by: revising the title of the regulation to “Nitrogen Oxides (NO<sub>x</sub>) Budget Program”, striking two paragraphs of introductory text, adding new Subparts A through I, and striking existing Subparts AA through II, Subparts AAA through III, and Subparts AAAA through IIII.

**Instructions:**

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, in the South Carolina Code of Regulations pursuant to each instruction provided below with the text of the amendments.

**Text:**

**Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards**

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

**Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]



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40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]
Revision	Vol. 80	March 16, 2015	[80 FR 13671]
Revision	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	August 29, 2016	[81 FR 59276, 59332]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	June 23, 2017	[82 FR 28561]
Revision	Vol. 82	July 17, 2017	[82 FR 32644]

**Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)**

## 44 FINAL REGULATIONS

**Regulation 61-62.61, Subpart A, shall be revised as follows:**

### **Subpart A - “General Provisions”**

The provisions of 40 Code of Federal Regulations (CFR) Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 61 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	July 17, 2017	[82 FR 32644]

**Regulation 61-62.61, Subpart W, shall be revised as follows:**

**Subpart W - “National Emission Standards for Radon Emissions from Operating Mill Tailings”**

The provisions of 40 CFR Part 61 Subpart W, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

## 46 FINAL REGULATIONS

40 CFR Part 61 Subpart W			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 54	December 15, 1989	[54 FR 51703]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 82	January 17, 2017	[82 FR 5142]

### Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, Subpart A, shall be revised as follows:

#### Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]

<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]

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<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 80	December 4, 2015	[80 FR 75817]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	January 18, 2017	[82 FR 5401]
Revision	Vol. 82	October 11, 2017	[82 FR 47328]
Revision	Vol. 82	October 16, 2017	[82 FR 48156]

**Regulation 61-62.63, Subpart AA, shall be revised as follows:**

**Subpart AA - “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”**

The provisions of 40 CFR Part 63 Subpart AA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart AA</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 82	September 28, 2017	[82 FR 45193]

**Regulation 61-62.63, Subpart BB, shall be revised as follows:**

**Subpart BB - “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”**

The provisions of 40 CFR Part 63 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart BB</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 82	September 28, 2017	[82 FR 45193]

**Regulation 61-62.63, Subpart MM, shall be revised as follows:**

**Subpart MM - “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills”**

The provisions of 40 CFR Part 63 Subpart MM, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart MM</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 66	January 12, 2001	[66 FR 3180]
Revision	Vol. 66	March 26, 2001	[66 FR 16400]
Revision	Vol. 66	July 19, 2001	[66 FR 37591]
Revision	Vol. 66	August 6, 2001	[66 FR 41086]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	July 18, 2003	[68 FR 42603]
Revision	Vol. 68	December 5, 2003	[68 FR 67953]
Revision	Vol. 69	May 6, 2004	[69 FR 25321]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 82	October 11, 2017	[82 FR 47328]

**Regulation 61-62.63, Subpart LLL, shall be revised as follows:**

**Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”**



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The provisions of 40 CFR Part 63 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart LLL</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31898]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]
Revision	Vol. 80	July 27, 2015	[80 FR 44771]
Revision	Vol. 80	September 11, 2015	[80 FR 54728]
Revision	Vol. 81	July 25, 2016	[81 FR 48356]
Revision	Vol. 82	June 23, 2017	[82 FR 28562]
Revision	Vol. 82	August 22, 2017	[82 FR 39671]

**Regulation 61-62.63, Subpart NNN, shall be revised as follows:**

### **Subpart NNN - “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”**

The provisions of 40 CFR Part 63 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart NNN</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31695]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	July 29, 2015	[80 FR 45279]
Revision	Vol. 82	December 26, 2017	[82 FR 60873]

**Regulation 61-62.63, Subpart VVV, shall be revised as follows:**

### **Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”**

The provisions of 40 CFR Part 63 Subpart VVV, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 82	October 26, 2017	[82 FR 49513]

**Regulation 61-62.63, Subpart XXX, shall be revised as follows:**

**Subpart XXX - “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”**

The provisions of 40 CFR Part 63 Subpart XXX, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart XXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	May 20, 1999	[64 FR 27458]
Revision	Vol. 66	March 22, 2001	[66 FR 16007]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 82	January 18, 2017	[82 FR 5401]

**Regulation 61-62.63, Subpart CCCC, shall be revised as follows:**

**Subpart CCCC - “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”**

The provisions of 40 CFR Part 63 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	May 21, 2001	[66 FR 27876]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 82	October 16, 2017	[82 FR 48156]

**Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:**

**Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”**

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The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777, 68795]
Revision	Vol. 80	March 24, 2015	[80 FR 15510]
Revision	Vol. 81	April 6, 2016	[81 FR 20172]
Revision	Vol. 82	April 6, 2017	[82 FR 16736]

### Regulation 61-62.68, Chemical Accident Prevention Provisions

#### Regulation 61-62.68.1 shall be revised as follows:

This part sets forth the list of regulated substances and thresholds, the requirements for owners or operators of stationary sources concerning the prevention of accidental releases, and the State accidental release prevention programs approved under section 112(r) of the Clean Air Act. The list of substances, threshold quantities, and accident prevention regulations promulgated under this part do not limit in any way the general duty provisions under section 112(r)(1) of the Act.

#### Regulation 61-62.68.3 (e) shall be revised as follows:

(e) "Article" means a manufactured item, as defined under 29 CFR 1910.1200(b), that is formed to a specific shape or design during manufacture, that has end use functions dependent in whole or in part upon the shape or design during end use, and that does not release or otherwise result in exposure to a regulated substance under normal conditions of processing and use.

#### Regulation 61-62.68.115 (a) shall be revised as follows:

(a) A threshold quantity of a regulated substance listed in Section 68.130 is present at a stationary source if the total quantity of the regulated substance contained in a process exceeds the threshold.

#### Regulation 61-62.68.126 shall be revised as follows:

Flammable substances used as fuel or held for sale as fuel at retail facilities. A flammable substance listed in Tables 3 and 4 of Section 68.130 is nevertheless excluded from all provisions of this part when the substance is used as a fuel or held for sale as a fuel at a retail facility.

#### TABLE 1 to Regulation 61-62.68.130 shall be revised as follows:

<b>TABLE 1 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION [Alphabetical Order - 77 Substances]</b>			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Acrolein [2-Propenal]	107-02-8	5,000	b
Acrylonitrile [2-Propenenitrile]	107-13-1	20,000	b
Acrylyl chloride [2-Propenoyl chloride]	814-68-6	5,000	b
Allyl alcohol [2-Propen-1-ol]	107-18-6	15,000	b
Allylamine [2-Propen-1-amine]	107-11-9	10,000	b
Ammonia (anhydrous)	7664-41-7	10,000	a, b
Ammonia (conc. 20% or greater)	7664-41-7	20,000	a, b
Arsenous trichloride	7784-34-1	15,000	b
Arsine	7784-42-1	1,000	b
Boron trichloride [Borane, trichloro-]	10294-34-5	5,000	b
Boron trifluoride [Borane, trifluoro-]	7637-07-2	5,000	b
Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro[oxybis[methane]], (T-4)-]	353-42-4	15,000	b
Bromine	7726-95-6	10,000	a, b
Carbon disulfide	75-15-0	20,000	b
Chlorine	7782-50-5	2,500	a, b
Chlorine dioxide [Chlorine oxide (ClO <sub>2</sub> )]	10049-04-4	1,000	c
Chloroform [Methane, trichloro-]	67-66-3	20,000	b
Chloromethyl ether [Methane, oxybis[chloro-]	542-88-1	1,000	b
Chloromethyl methyl ether [Methane, chloromethoxy-]	107-30-2	5,000	b
Crotonaldehyde [2-Butenal]	4170-30-3	20,000	b
Crotonaldehyde, (E)- [2-Butenal, (E)-]	123-73-9	20,000	b
Cyanogen chloride	506-77-4	10,000	c
Cyclohexylamine [Cyclohexanamine]	108-91-8	15,000	b
Diborane	19287-45-7	2,500	b
Dimethyldichlorosilane [Silane, dichlorodimethyl-]	75-78-5	5,000	b
1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	57-14-7	15,000	b

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<b>TABLE 1 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 77 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Epichlorohydrin [Oxirane, (chloromethyl)-]	106-89-8	20,000	b
Ethylenediamine [1,2-Ethanediamine]	107-15-3	20,000	b
Ethyleneimine [Aziridine]	151-56-4	10,000	b
Ethylene oxide [Oxirane]	75-21-8	10,000	a, b
Fluorine	7782-41-4	1,000	b
Formaldehyde (solution)	50-00-0	15,000	b
Furan	110-00-9	5,000	b
Hydrazine	302-01-2	15,000	b
Hydrochloric acid (conc. 37% or greater)	7647-01-0	15,000	d
Hydrocyanic acid	74-90-8	2,500	a, b
Hydrogen chloride (anhydrous) [Hydrochloric acid]	7647-01-0	5,000	a
Hydrogen fluoride/ Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid]	7664-39-3	1,000	a, b
Hydrogen selenide	7783-07-5	500	b
Hydrogen sulfide	7783-06-4	10,000	a, b
Iron, pentacarbonyl- [Iron carbonyl (Fe(CO) <sub>5</sub> ), (TB-5-11)-]	13463-40-6	2,500	b
Isobutyronitrile [Propanenitrile, 2-methyl-]	78-82-0	20,000	b
Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]	108-23-6	15,000	b
Methacrylonitrile [2-Propenenitrile, 2-methyl-]	126-98-7	10,000	b
Methyl chloride [Methane, chloro-]	74-87-3	10,000	a
Methyl chloroformate [Carbonochloridic acid, methyl ester]	79-22-1	5,000	b
Methyl hydrazine [Hydrazine, methyl-]	60-34-4	15,000	b
Methyl isocyanate [Methane, isocyanato-]	624-83-9	10,000	a, b
Methyl mercaptan [Methanethiol]	74-93-1	10,000	b
Methyl thiocyanate [Thiocyanic acid, methyl ester]	556-64-9	20,000	b
Methyltrichlorosilane [Silane, trichloromethyl-]	75-79-6	5,000	b

<b>TABLE 1 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 77 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Nickel carbonyl	13463-39-3	1,000	b
Nitric acid (conc. 80% or greater)	7697-37-2	15,000	b
Nitric oxide [Nitrogen oxide (NO)]	10102-43-9	10,000	b
Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] <sup>1</sup>	8014-95-7	10,000	e
Peracetic acid [Ethaneperoxoic acid]	79-21-0	10,000	b
Perchloromethylmercaptan [Methanesulfonyl chloride, trichloro-]	594-42-3	10,000	b
Phosgene [Carbonic dichloride]	75-44-5	500	a, b
Phosphine	7803-51-2	5,000	b
Phosphorus oxychloride [Phosphoryl chloride]	10025-87-3	5,000	b
Phosphorus trichloride [Phosphorous trichloride]	7719-12-2	15,000	b
Piperidine	110-89-4	15,000	b
Propionitrile [Propanenitrile]	107-12-0	10,000	b
Propyl chloroformate [Carbonochloridic acid, propyl ester]	109-61-5	15,000	b
Propyleneimine [Aziridine, 2-methyl-]	75-55-8	10,000	b
Propylene oxide [Oxirane, methyl-]	75-56-9	10,000	b
Sulfur dioxide (anhydrous)	7446-09-5	5,000	a, b
Sulfur tetrafluoride [Sulfur fluoride (SF <sub>4</sub> ), (T-4)-]	7783-60-0	2,500	b
Sulfur trioxide	7446-11-9	10,000	a, b
Tetramethyllead [Plumbane, tetramethyl-]	75-74-1	10,000	b
Tetranitromethane [Methane, tetranitro-]	509-14-8	10,000	b
Titanium tetrachloride [Titanium chloride (TiCl <sub>4</sub> ), (T-4)-]	7550-45-0	2,500	b
Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-] <sup>1</sup>	584-84-9	10,000	a
Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-] <sup>1</sup>	91-08-7	10,000	a
Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-] <sup>1</sup>	26471-62-5	10,000	a

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<b>TABLE 1 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 77 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Trimethylchlorosilane [Silane, chlorotrimethyl-]	75-77-4	10,000	b
Vinyl acetate monomer [Acetic acid ethenyl ester]	108-05-4	15,000	b

<sup>1</sup> The mixture exemption in Section 68.115(b)(1) does not apply to the substance

NOTE: Basis for Listing:

- a Mandated for listing by Congress
- b On EHS list, vapor pressure 10 mmHg or greater
- c Toxic gas
- d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents
- e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents

**TABLE 2 to Regulation 61-62.68.130 shall be revised as follows:**

<b>TABLE 2 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 77 Substances]			
CAS Number	Chemical Name	Threshold Quantity (lbs)	Basis for Listing
50-00-0	Formaldehyde (solution)	15,000	b
57-14-7	1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	15,000	b
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	15,000	b
67-66-3	Chloroform [Methane, trichloro-]	20,000	b
74-87-3	Methyl chloride [Methane, chloro-]	10,000	a
74-90-8	Hydrocyanic acid	2,500	a, b
74-93-1	Methyl mercaptan [Methanethiol]	10,000	b
75-15-0	Carbon disulfide	20,000	b
75-21-8	Ethylene oxide [Oxirane]	10,000	a, b
75-44-5	Phosgene [Carbonic dichloride]	500	a, b
75-55-8	Propyleneimine [Aziridine, 2-methyl-]	10,000	b
75-56-9	Propylene oxide [Oxirane, methyl-]	10,000	b
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	10,000	b
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	10,000	b

<b>TABLE 2 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 77 Substances]			
CAS Number	Chemical Name	Threshold Quantity (lbs)	Basis for Listing
75-78-5	Dimethyldichlorosilane [Silane, dichlorodimethyl-]	5,000	b
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	5,000	b
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	20,000	b
79-21-0	Peracetic acid [Ethaneperoxoic acid]	10,000	b
79-22-1	Methyl chloroformate [Carbonochloridic acid, methyl ester]	5,000	b
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-] <sup>1</sup>	10,000	a
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	20,000	b
107-02-8	Acrolein [2-Propenal]	5,000	b
107-11-9	Allylamine [2-Propen-1-amine]	10,000	b
107-12-0	Propionitrile [Propanenitrile]	10,000	b
107-13-1	Acrylonitrile [2-Propenenitrile]	20,000	b
107-15-3	Ethylenediamine [1,2-Ethanediamine]	20,000	b
107-18-6	Allyl alcohol [2-Propen-1-ol]	15,000	b
107-30-2	Chloromethyl methyl ether [Methane, chloromethoxy-]	5,000	b
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	15,000	b
108-23-6	Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]	15,000	b
108-91-8	Cyclohexylamine [Cyclohexanamine]	15,000	b
109-61-5	Propyl chloroformate [Carbonochloridic acid, propyl ester]	15,000	b
110-00-9	Furan	5,000	b
110-89-4	Piperidine	15,000	b
123-73-9	Crotonaldehyde, (E)- [2-Butenal, (E)-]	20,000	b
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	10,000	b
151-56-4	Ethyleneimine [Aziridine]	10,000	b
302-01-2	Hydrazine	15,000	b
353-42-4	Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro[oxybis[methane]], (T-4)-]	15,000	b



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<b>TABLE 2 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 77 Substances]			
CAS Number	Chemical Name	Threshold Quantity (lbs)	Basis for Listing
506-77-4	Cyanogen chloride	10,000	c
509-14-8	Tetranitromethane [Methane, tetranitro-]	10,000	b
542-88-1	Chloromethyl ether [Methane, oxybis[chloro-]	1,000	b
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	20,000	b
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-] <sup>1</sup>	10,000	a
594-42-3	Perchloromethylmercaptan [Methanesulphenyl chloride, trichloro-]	10,000	b
624-83-9	Methyl isocyanate [Methane, isocyanato-]	10,000	a, b
814-68-6	Acrylyl chloride [2-Propenoyl chloride]	5,000	b
4170-30-3	Crotonaldehyde [2-Butenal]	20,000	b
7446-09-5	Sulfur dioxide (anhydrous)	5,000	a, b
7446-11-9	Sulfur trioxide	10,000	a, b
7550-45-0	Titanium tetrachloride [Titanium chloride (TiCl <sub>4</sub> ), (T-4)-]	2,500	b
7637-07-2	Boron trifluoride [Borane, trifluoro-]	5,000	b
7647-01-0	Hydrochloric acid (conc. 37% or greater)	15,000	d
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	5,000	a
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid]	1,000	a, b
7664-41-7	Ammonia (anhydrous)	10,000	a, b
7664-41-7	Ammonia (conc. 20% or greater)	20,000	a, b
7697-37-2	Nitric acid (conc. 80% or greater)	15,000	b
7719-12-2	Phosphorus trichloride [Phosphorous trichloride]	15,000	b
7726-95-6	Bromine	10,000	a, b
7782-41-4	Fluorine	1,000	b
7782-50-5	Chlorine	2,500	a, b
7783-06-4	Hydrogen sulfide	10,000	a, b
7783-07-5	Hydrogen selenide	500	b

<b>TABLE 2 - LIST OF REGULATED TOXIC SUBSTANCES AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 77 Substances]			
CAS Number	Chemical Name	Threshold Quantity (lbs)	Basis for Listing
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF <sub>4</sub> ), (T-4)-]	2,500	b
7784-34-1	Arsenous trichloride	15,000	b
7784-42-1	Arsine	1,000	b
7803-51-2	Phosphine	5,000	b
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide] <sup>1</sup>	10,000	e
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	5,000	b
10049-04-4	Chlorine dioxide [Chlorine oxide (ClO <sub>2</sub> )]	1,000	c
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	10,000	b
10294-34-5	Boron trichloride [Borane, trichloro-]	5,000	b
13463-39-3	Nickel carbonyl	1,000	b
13463-40-6	Iron, pentacarbonyl- [Iron carbonyl (Fe(CO) <sub>5</sub> ), (TB-5-11)-]	2,500	b
19287-45-7	Diborane	2,500	b
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-diisocyanatomethyl-] <sup>1</sup>	10,000	a

<sup>1</sup> The mixture exemption in Section 68.115(b)(1) does not apply to the substance

NOTE: Basis for Listing:

a Mandated for listing by Congress

b On EHS list, vapor pressure 10 mmHg or greater

c Toxic gas

d Toxicity of hydrogen chloride, potential to release hydrogen chloride, and history of accidents

e Toxicity of sulfur trioxide and sulfuric acid, potential to release sulfur trioxide, and history of accidents

**TABLE 3 to Regulation 61-62.68.130 shall be revised as follows:**

<b>TABLE 3 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 63 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Acetaldehyde	75-07-0	10,000	g
Acetylene [Ethyne]	74-86-2	10,000	f
Bromotrifluorethylene [Ethene, bromotrifluoro-]	598-73-2	10,000	f

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<b>TABLE 3 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 63 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
1,3-Butadiene	106-99-0	10,000	f
Butane	106-97-8	10,000	f
1-Butene	106-98-9	10,000	f
2-Butene	107-01-7	10,000	f
Butene	25167-67-3	10,000	f
2-Butene, cis-	590-18-1	10,000	f
2-Butene, trans- [2-Butene, (E)-]	624-64-6	10,000	f
Carbon oxysulfide [Carbon oxide sulfide (COS)]	463-58-1	10,000	f
Chlorine monoxide [Chlorine oxide]	7791-21-1	10,000	f
2-Chloropropylene [1-Propene, 2-chloro-]	557-98-2	10,000	g
1-Chloropropylene [1-Propene, 1-chloro-]	590-21-6	10,000	g
Cyanogen [Ethanedinitrile]	460-19-5	10,000	f
Cyclopropane	75-19-4	10,000	f
Dichlorosilane [Silane, dichloro-]	4109-96-0	10,000	f
Difluoroethane [Ethane, 1,1-difluoro-]	75-37-6	10,000	f
Dimethylamine [Methanamine, N-methyl-]	124-40-3	10,000	f
2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	463-82-1	10,000	f
Ethane	74-84-0	10,000	f
Ethyl acetylene [1-Butyne]	107-00-6	10,000	f
Ethylamine [Ethanamine]	75-04-7	10,000	f
Ethyl chloride [Ethane, chloro-]	75-00-3	10,000	f
Ethylene [Ethene]	74-85-1	10,000	f
Ethyl ether [Ethane, 1,1'-oxybis-]	60-29-7	10,000	g
Ethyl mercaptan [Ethanethiol]	75-08-1	10,000	g
Ethyl nitrite [Nitrous acid, ethyl ester]	109-95-5	10,000	f
Hydrogen	1333-74-0	10,000	f

<b>TABLE 3 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 63 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Isobutane [Propane, 2-methyl-]	75-28-5	10,000	f
Isopentane [Butane, 2-methyl-]	78-78-4	10,000	g
Isoprene [1,3-Butadiene, 2-methyl-]	78-79-5	10,000	g
Isopropylamine [2-Propanamine]	75-31-0	10,000	g
Isopropyl chloride [Propane, 2-chloro-]	75-29-6	10,000	g
Methane	74-82-8	10,000	f
Methylamine [Methanamine]	74-89-5	10,000	f
3-Methyl-1-butene	563-45-1	10,000	f
2-Methyl-1-butene	563-46-2	10,000	g
Methyl ether [Methane, oxybis-]	115-10-6	10,000	f
Methyl formate [Formic acid, methyl ester]	107-31-3	10,000	g
2-Methylpropene [1-Propene, 2-methyl-]	115-11-7	10,000	f
1,3-Pentadiene	504-60-9	10,000	f
Pentane	109-66-0	10,000	g
1-Pentene	109-67-1	10,000	g
2-Pentene, (E)-	646-04-8	10,000	g
2-Pentene, (Z)-	627-20-3	10,000	g
Propadiene [1,2-Propadiene]	463-49-0	10,000	f
Propane	74-98-6	10,000	f
Propylene [1-Propene]	115-07-1	10,000	f
Propyne [1-Propyne]	74-99-7	10,000	f
Silane	7803-62-5	10,000	f
Tetrafluoroethylene [Ethene, tetrafluoro-]	116-14-3	10,000	f
Tetramethylsilane [Silane, tetramethyl-]	75-76-3	10,000	g
Trichlorosilane [Silane, trichloro-]	10025-78-2	10,000	g
Trifluorochloroethylene [Ethene, chlorotrifluoro-]	79-38-9	10,000	f

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<b>TABLE 3 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [Alphabetical Order - 63 Substances]			
Chemical Name	CAS Number	Threshold Quantity (lbs)	Basis for Listing
Trimethylamine [Methanamine, N,N-dimethyl-]	75-50-3	10,000	f
Vinyl acetylene [1-Buten-3-yne]	689-97-4	10,000	f
Vinyl chloride [Ethene, chloro-]	75-01-4	10,000	a, f
Vinyl ethyl ether [Ethene, ethoxy-]	109-92-2	10,000	g
Vinyl fluoride [Ethene, fluoro-]	75-02-5	10,000	f
Vinylidene chloride [Ethene, 1,1-dichloro-]	75-35-4	10,000	g
Vinylidene fluoride [Ethene, 1,1-difluoro-]	75-38-7	10,000	f
Vinyl methyl ether [Ethene, methoxy-]	107-25-5	10,000	f

<sup>1</sup>A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this part (see Section 68.126).

NOTE: Basis for Listing:

a Mandated for listing by Congress

f Flammable gas

g Volatile flammable liquid

**TABLE 4 to Regulation 61-62.68.130 shall be revised as follows:**

<b>TABLE 4 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 63 Substances]			
CAS No	Chemical name	Threshold Quantity (lbs)	Basis for listing
60-29-7	Ethyl ether [Ethane, 1,1'-oxybis-]	10,000	g
74-82-8	Methane	10,000	f
74-84-0	Ethane	10,000	f
74-85-1	Ethylene [Ethene]	10,000	f
74-86-2	Acetylene [Ethyne]	10,000	f
74-89-5	Methylamine [Methanamine]	10,000	f
74-98-6	Propane	10,000	f
74-99-7	Propyne [1-Propyne]	10,000	f
75-00-3	Ethyl chloride [Ethane, chloro-]	10,000	f

<b>TABLE 4 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 63 Substances]			
CAS No	Chemical name	Threshold Quantity (lbs)	Basis for listing
75-01-4	Vinyl chloride [Ethene, chloro-]	10,000	a, f
75-02-5	Vinyl fluoride [Ethene, fluoro-]	10,000	f
75-04-7	Ethylamine [Ethanamine]	10,000	f
75-07-0	Acetaldehyde	10,000	g
75-08-1	Ethyl mercaptan [Ethanethiol]	10,000	g
75-19-4	Cyclopropane	10,000	f
75-28-5	Isobutane [Propane, 2-methyl-]	10,000	f
75-29-6	Isopropyl chloride [Propane, 2-chloro-]	10,000	g
75-31-0	Isopropylamine [2-Propanamine]	10,000	g
75-35-4	Vinylidene chloride [Ethene, 1,1-dichloro-]	10,000	g
75-37-6	Difluoroethane [Ethane, 1,1-difluoro-]	10,000	f
75-38-7	Vinylidene fluoride [Ethene, 1,1-difluoro-]	10,000	f
75-50-3	Trimethylamine [Methanamine, N,N-dimethyl-]	10,000	f
75-76-3	Tetramethylsilane [Silane, tetramethyl-]	10,000	g
78-78-4	Isopentane [Butane, 2-methyl-]	10,000	g
78-79-5	Isoprene [1,3-Butadiene, 2-methyl-]	10,000	g
79-38-9	Trifluorochloroethylene [Ethene, chlorotrifluoro-]	10,000	f
106-97-8	Butane	10,000	f
106-98-9	1-Butene	10,000	f
106-99-0	1,3-Butadiene	10,000	f
107-00-6	Ethyl acetylene [1-Butyne]	10,000	f
107-01-7	2-Butene	10,000	f
107-25-5	Vinyl methyl ether [Ethene, methoxy-]	10,000	f
107-31-3	Methyl formate [Formic acid, methyl ester]	10,000	g
109-66-0	Pentane	10,000	g
109-67-1	1-Pentene	10,000	g

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<b>TABLE 4 - LIST OF REGULATED FLAMMABLE SUBSTANCES<sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION</b> [CAS Number Order - 63 Substances]			
CAS No	Chemical name	Threshold Quantity (lbs)	Basis for listing
109-92-2	Vinyl ethyl ether [Ethene, ethoxy-]	10,000	g
109-95-5	Ethyl nitrite [Nitrous acid, ethyl ester]	10,000	f
115-07-1	Propylene [1-Propene]	10,000	f
115-10-6	Methyl ether [Methane, oxybis-]	10,000	f
115-11-7	2-Methylpropene [1-Propene, 2-methyl-]	10,000	f
116-14-3	Tetrafluoroethylene [Ethene, tetrafluoro-]	10,000	f
124-40-3	Dimethylamine [Methanamine, N-methyl-]	10,000	f
460-19-5	Cyanogen [Ethanedinitrile]	10,000	f
463-49-0	Propadiene [1,2-Propadiene]	10,000	f
463-58-1	Carbon oxysulfide [Carbon oxide sulfide (COS)]	10,000	f
463-82-1	2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	10,000	f
504-60-9	1,3-Pentadiene	10,000	f
557-98-2	2-Chloropropylene [1-Propene, 2-chloro-]	10,000	g
563-45-1	3-Methyl-1-butene	10,000	f
563-46-2	2-Methyl-1-butene	10,000	g
590-18-1	2-Butene, cis-	10,000	f
590-21-6	1-Chloropropylene [1-Propene, 1-chloro-]	10,000	g
598-73-2	Bromotrifluoroethylene [Ethene, bromotrifluoro-]	10,000	f
624-64-6	2-Butene, trans- [2-Butene, (E)-]	10,000	f
627-20-3	2-Pentene, (Z)-	10,000	g
646-04-8	2-Pentene, (E)-	10,000	g
689-97-4	Vinyl acetylene [1-Buten-3-yne]	10,000	f
1333-74-0	Hydrogen	10,000	f
4109-96-0	Dichlorosilane [Silane, dichloro-]	10,000	f
7791-21-1	Chlorine monoxide [Chlorine oxide]	10,000	f
7803-62-5	Silane	10,000	f

TABLE 4 - LIST OF REGULATED FLAMMABLE SUBSTANCES <sup>1</sup> AND THRESHOLD QUANTITIES FOR ACCIDENTAL RELEASE PREVENTION [CAS Number Order - 63 Substances]			
CAS No	Chemical name	Threshold Quantity (lbs)	Basis for listing
10025-78-2	Trichlorosilane [Silane,trichloro-]	10,000	g
25167-67-3	Butene	10,000	f

<sup>1</sup>A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this part (see Section 68.126).

Note: Basis for Listing:  
 a Mandated for listing by Congress  
 f Flammable gas  
 g Volatile flammable liquid

**Regulation 61-62.68.220 (d) shall be revised as follows:**

(d) Exemption from audits. A stationary source with a Star or Merit ranking under OSHA's voluntary protection program shall be exempt from audits under paragraph (c)(2) and (c)(7) of this section.

**Regulation 61-62.68.220 (g) shall be revised as follows:**

(g) Written response to a preliminary determination.

(1) The owner or operator shall respond in writing to a preliminary determination made in accordance with paragraph (f) of this section. The response shall state the owner or operator will implement the revisions contained in the preliminary determination in accordance with the timetable included in the preliminary determination or shall state that the owner or operator rejects the revisions in whole or in part. For each rejected revision, the owner or operator shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

(2) The owner or operator shall provide written response in accordance with paragraph (g)(1) to the Department, or the agency designated by delegation or agreement, within ninety (90) days of issuance of the preliminary determination or a shorter period of time as the Department, or the agency designated by delegation or agreement, specifies in the preliminary determination as necessary to protect public health and the environment. Prior to the written response being due and upon written request from the owner or operator, the Department, or the agency designated by delegation or agreement, may provide in writing additional time for the response to be received.

**Regulation 61-62.68.220 (h) shall be revised as follows:**

(h) After providing the owner or operator an opportunity to respond under paragraph (g) of this section, the Department, or the agency designated by delegation or agreement, may issue the owner or operator a written final determination of necessary revisions to the stationary source's RMP. The final determination may adopt or modify the revisions contained in the preliminary determination under paragraph (f) of this section or may adopt or modify the substitute revisions provided in the response under paragraph (g) of this section. A final determination that adopts a revision rejected by the owner or operator shall include an explanation of the basis for the revision. A final determination that fails to adopt a substitute revision provided under paragraph (g) of this section shall include an explanation of the basis for finding such substitute revision unreasonable.



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### Regulation 61-62.68.220 (i) shall be revised as follows:

(i) Thirty (30) days after completion of the actions detailed in the implementation schedule set in the final determination under paragraph (h) of this section, the owner or operator shall be in violation of subpart G of this part and this section unless the owner or operator revises the RMP prepared under subpart G of this part as required by the final determination, and submits the revised RMP as required under Section 68.150.

### Appendix A to part 68 (Regulation 61-62.68) shall be revised as follows:

Appendix A - Table of Toxic Endpoints [As defined in Section 68.22 of this part]		
CAS Number	Chemical Name	Toxic endpoint (mg/L)
107-02-8	Acrolein [2-Propenal]	0.0011
107-13-1	Acrylonitrile [2-Propenenitrile]	0.076
814-68-6	Acrylyl chloride [2-Propenoyl chloride]	0.00090
107-18-6	Allyl alcohol [2-Propen-1-ol]	0.036
107-11-9	Allylamine [2-Propen-1-amine]	0.0032
7664-41-7	Ammonia (anhydrous)	0.14
7664-41-7	Ammonia (conc. 20% or greater)	0.14
7784-34-1	Arsenous trichloride	0.010
7784-42-1	Arsine	0.0019
10294-34-5	Boron trichloride [Borane, trichloro-]	0.010
7637-07-2	Boron trifluoride [Borane, trifluoro-]	0.028
353-42-4	Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro[oxybis[methane]], (T-4)-]	0.023
7726-95-6	Bromine	0.0065
75-15-0	Carbon disulfide	0.16
7782-50-5	Chlorine	0.0087
10049-04-4	Chlorine dioxide [Chlorine oxide (ClO <sub>2</sub> )]	0.0028
67-66-3	Chloroform [Methane, trichloro-]	0.49
542-88-1	Chloromethyl ether [Methane, oxybis[chloro-]	0.00025
107-30-2	Chloromethyl methyl ether [Methane, chloromethoxy-]	0.0018
4170-30-3	Crotonaldehyde [2-Butenal]	0.029
123-73-9	Crotonaldehyde, (E)-, [2-Butenal, (E)-]	0.029
506-77-4	Cyanogen chloride	0.030

Appendix A - Table of Toxic Endpoints [As defined in Section 68.22 of this part]		
CAS Number	Chemical Name	Toxic endpoint (mg/L)
108-91-8	Cyclohexylamine [Cyclohexanamine]	0.16
19287-45-7	Diborane	0.0011
75-78-5	Dimethyldichlorosilane [Silane, dichlorodimethyl-]	0.026
57-14-7	1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]	0.012
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	0.076
107-15-3	Ethylenediamine [1,2-Ethanediamine]	0.49
151-56-4	Ethyleneimine [Aziridine]	0.018
75-21-8	Ethylene oxide [Oxirane]	0.090
7782-41-4	Fluorine	0.0039
50-00-0	Formaldehyde (solution)	0.012
110-00-9	Furan	0.0012
302-01-2	Hydrazine	0.011
7647-01-0	Hydrochloric acid (conc. 37% or greater)	0.030
74-90-8	Hydrocyanic acid	0.011
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	0.030
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (conc. 50% or greater) [Hydrofluoric acid]	0.016
7783-07-5	Hydrogen selenide	0.00066
7783-06-4	Hydrogen sulfide	0.042
13463-40-6	Iron, pentacarbonyl- [Iron carbonyl (Fe(CO) <sub>5</sub> ), (TB-5-11)-]	0.00044
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	0.14
108-23-6	Isopropyl chloroformate [Carbonochloridic acid, 1-methylethyl ester]	0.10
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	0.0027
74-87-3	Methyl chloride [Methane, chloro-]	0.82
79-22-1	Methyl chloroformate [Carbonochloridic acid, methyl ester]	0.0019
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	0.0094
624-83-9	Methyl isocyanate [Methane, isocyanato-]	0.0012
74-93-1	Methyl mercaptan [Methanethiol]	0.049

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<b>Appendix A - Table of Toxic Endpoints</b> [As defined in Section 68.22 of this part]		
CAS Number	Chemical Name	Toxic endpoint (mg/L)
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	0.085
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	0.018
13463-39-3	Nickel carbonyl	0.00067
7697-37-2	Nitric acid (conc. 80% or greater)	0.026
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	0.031
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]	0.010
79-21-0	Peracetic acid [Ethaneperoxoic acid]	0.0045
594-42-3	Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-]	0.0076
75-44-5	Phosgene [Carbonic dichloride]	0.00081
7803-51-2	Phosphine	0.0035
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	0.0030
7719-12-2	Phosphorus trichloride [Phosphorous trichloride]	0.028
110-89-4	Piperidine	0.022
107-12-0	Propionitrile [Propanenitrile]	0.0037
109-61-5	Propyl chloroformate [Carbonochloridic acid, propyl ester]	0.010
75-55-8	Propyleneimine [Aziridine, 2-methyl-]	0.12
75-56-9	Propylene oxide [Oxirane, methyl-]	0.59
7446-09-5	Sulfur dioxide (anhydrous)	0.0078
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF <sub>4</sub> ), (T-4)-]	0.0092
7446-11-9	Sulfur trioxide	0.010
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	0.0040
509-14-8	Tetranitromethane [Methane, tetranitro-]	0.0040
7750-45-0	Titanium tetrachloride [Titanium chloride (TiCl <sub>4</sub> ), (T-4)-]	0.020
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-]	0.0070
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diisocyanato-2-methyl-]	0.0070
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene,1,3-diisocyanatomethyl-]	0.0070

Appendix A - Table of Toxic Endpoints [As defined in Section 68.22 of this part]		
CAS Number	Chemical Name	Toxic endpoint (mg/L)
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	0.050
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	0.26

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

**Regulation 61-62.70.3 (a)(6), shall be deleted.**

**Regulation 61-62.96, Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxide (SO<sub>2</sub>) Budget Trading Program, shall be revised as follows:**

**61-62.96 Nitrogen Oxides (NO<sub>x</sub>) Budget Program**

**Subpart A - NO<sub>x</sub> Budget Program General Provisions**

**Section 96.1 Purpose.**

In accordance with 40 CFR 51.121, this regulation establishes general provisions and the applicability and monitoring provisions for the NO<sub>x</sub> Budget Program as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor. The owner or operator of a unit, or any other person, shall comply with requirements of this regulation as a matter of state and federal law. The state of South Carolina authorizes the EPA to assist the state in implementing the NO<sub>x</sub> Budget Program by carrying out the functions set forth for the EPA in such requirements.

**Section 96.2 Definitions.**

The terms used in this regulation shall have the meanings set forth in this section as follows:

(a) Account certificate of representation means the completed and signed submission required by Subpart B of this regulation for certifying the designation of a NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> Budget source or a group of identified NO<sub>x</sub> Budget sources who is authorized to represent the owners and operators of such source or sources and of the NO<sub>x</sub> Budget units at such source or sources with regard to matters under the NO<sub>x</sub> Budget Program.

(b) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) Automated data acquisition and handling system or DAHS means that component of the CEMS, or other emissions monitoring system approved for use under Subpart H of this regulation, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by Subpart H of this regulation.

(f) Boiler means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

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(g) CAA means the Clean Air Act, 42 U.S.C. 7401, *et seq.*, as amended by Pub. L. No. 101-549 (November 15, 1990).

(h) Combined cycle system means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(i) Combustion turbine means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(j) Commence commercial operation means, with regard to a unit that serves a generator, to have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation. Except as provided in Section 96.5, for a unit that is a NO<sub>x</sub> Budget unit under Section 96.4 on the date the unit commences commercial operation, such date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in Section 96.5, for a unit that is not a NO<sub>x</sub> Budget unit under Section 96.4 on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> Budget unit under Section 96.4 shall be the unit's date of commencement of commercial operation.

(k) Commence operation means to have begun any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber. Except as provided in Section 96.5, for a unit that is a NO<sub>x</sub> Budget unit under Section 96.4 on the date of commencement of operation, such date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered. Except as provided in Section 96.5, for a unit that is not a NO<sub>x</sub> Budget unit under Section 96.4 on the date of commencement of operation, the date the unit becomes a NO<sub>x</sub> Budget unit under Section 96.4 shall be the unit's date of commencement of operation.

(l) Common stack means a single flue through which emissions from two or more units are exhausted.

(m) [Reserved]

(n) [Reserved]

(o) Continuous emission monitoring system or CEMS means the equipment required under Subpart H of 40 CFR Part 75 to sample, analyze, measure, and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of nitrogen oxides emissions, expressed in tons per hour for nitrogen oxides. The following systems are component parts included, consistent with 40 CFR Part 75, in a continuous emission monitoring system:

- (1) Flow monitor;
- (2) Nitrogen oxides pollutant concentration monitors;
- (3) Diluent gas monitor (oxygen or carbon dioxide) when such monitoring is required by Subpart H of this regulation;
- (4) A continuous moisture monitor when such monitoring is required by Subpart H of this regulation; and
- (5) An automated data acquisition and handling system.

(p) Control period means for the year 2004, the period beginning on May 31 and ending on September 30 of the same year, inclusive. Thereafter, control period shall mean the period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(q) Department means the South Carolina Department of Health and Environmental Control.

(r) Emissions means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the EPA by the NO<sub>x</sub> authorized account representative and as determined by the EPA in accordance with Subpart H of this regulation.

(s) [Reserved]

(t) EPA means the United States Environmental Protection Agency.

(u) [Reserved]

(v) [Reserved]

(w) Fossil fuel means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

(x) Fossil fuel-fired means, with regard to a unit:

(1) For units that commenced operation before January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis during 1995, or if a unit had not heat input in 1995, during the last year of operation of the unit prior to 1995;

(2) For units that commenced operation on or after January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis during any year.

(3) Notwithstanding the definition set forth in 96.2(x)(1) above, a unit shall be deemed fossil fuel-fired if on any year after January 1, 2001, the fossil fuel actually combusted comprises more than fifty (50) percent of the annual heat input on a Btu basis.

(y) [Reserved]

(z) Generator means a device that produces electricity.

(aa) Heat input means the product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time), as measured, recorded, and reported to the EPA by the NO<sub>x</sub> authorized account representative and as determined by the EPA in accordance with Subpart H of this regulation, and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(bb) Life-of-the-unit, firm power contractual arrangement means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

(1) For the life of the unit;

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(2) For a cumulative term of no less than thirty (30) years, including contracts that permit an election for early termination; or

(3) For a period equal to or greater than twenty-five (25) years or seventy (70) percent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

(cc) [Reserved]

(dd) Maximum design heat input means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

(ee) [Reserved]

(ff) [Reserved]

(gg) Maximum rated hourly heat input means a unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

(hh) Monitoring system means any monitoring system that meets the requirements of Subpart H of this regulation.

(ii) [Reserved]

(jj) Nameplate capacity means the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

(kk) [Reserved]

(ll) [Reserved]

(mm) [Reserved]

(nn) [Reserved]

(oo) [Reserved]

(pp) [Reserved]

(qq) [Reserved]

(rr) NO<sub>x</sub> authorized account representative means, for a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO<sub>x</sub> Budget units at the source, in accordance with Subpart B of this regulation, to represent and legally bind each owner and operator in matters pertaining to the NO<sub>x</sub> Budget Program.

(ss) [Reserved]

(tt) [Reserved]

(uu) [Reserved]

(vv) [Reserved]

(ww) NO<sub>x</sub> Budget source means a source that includes one or more NO<sub>x</sub> Budget units.

(xx) NO<sub>x</sub> Budget Program means a multi-state nitrogen oxides air pollution control and emission reduction program established in accordance with this regulation and pursuant to 40 CFR Part 51 Section 51.121, as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

(yy) NO<sub>x</sub> Budget unit means a unit that is subject to the NO<sub>x</sub> Budget Program emissions limitation under Section 96.4.

(zz) [Reserved]

(aaa) Operator means any person who operates, controls, or supervises a NO<sub>x</sub> Budget unit or a NO<sub>x</sub> Budget source and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.

(bbb) [Reserved]

(ccc) [Reserved]

(ddd) Owner means any of the following persons:

(1) Any holder of any portion of the legal or equitable Title in a NO<sub>x</sub> Budget unit; or

(2) Any holder of a leasehold interest in a NO<sub>x</sub> Budget unit; or

(3) Any purchaser of power from a NO<sub>x</sub> Budget unit under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> Budget unit; or

(4) [Reserved]

(eee) Ozone season means the period of time beginning May 1 of a year and ending on September 30 of the same year, inclusive.

(fff) [Reserved]

(ggg) Receive or receipt of means, when referring to the Department or the EPA, to come into possession of a document, information, or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the Department or the EPA in the regular course of business.

(hhh) [Reserved]

(iii) [Reserved]

(jjj) [Reserved]

(kkk) Source means any governmental, institutional, commercial, or industrial structure, installation, plant, building, or facility that emits or has the potential to emit any regulated air pollutant under the CAA. For purposes



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of Section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.

(lll) State means the state of South Carolina.

(mmm) [Reserved]

(nnn) Submit or serve means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(1) In person;

(2) By United States Postal Service; or

(3) By other means of dispatch or transmission and delivery. Compliance with any submission, service, or mailing deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

(ooo) [Reserved]

(ppp) [Reserved]

(qqq) [Reserved]

(rrr) Unit means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

(sss) [Reserved]

(ttt) Unit operating day means a calendar day in which a unit combusts any fuel.

(uuu) Unit operating hour or hour of unit operation means any hour (or fraction of an hour) during which a unit combusts any fuel.

(vvv) [Reserved]

### **Section 96.3 Measurements, abbreviations, and acronyms.**

Measurements, abbreviations, and acronyms used in this regulation are defined as follows:

Btu-British thermal unit.

hr-hour.

lb-pounds.

mmBtu-million Btu.

MWe-megawatt electrical.

ton-2000 pounds.

CO<sub>2</sub>-carbon dioxide.

NO<sub>x</sub> -nitrogen oxides.

O<sub>2</sub>-oxygen.

### **Section 96.4 Applicability.**

(a) The following units shall be NO<sub>x</sub> Budget units, and any source that includes one or more such units shall be a NO<sub>x</sub> Budget source, subject to the requirements of this regulation:

(1)(i) For units that commenced operation before January 1, 1999, a unit serving a generator that has a nameplate capacity greater than 25 MWe and, except for a unit that has a SIC code of 4911 or 4931, produces an annual average of more than one-third of its potential electrical output capacity for sale to the electric grid during any three calendar year period.

(ii) For units that commenced operation on or after January 1, 1999, a unit serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

(2)(i) For units that commenced operation before January 1, 1999, a unit that has a maximum design heat input greater than 250 mmBtu/hr and does not serve a generator that has a nameplate capacity greater than 25 MWe if any such generator produces an annual average of more than one-third of its potential electrical output capacity for sale to the electric grid during any three calendar year period.

(ii) For units that commenced operation on or after January 1, 1999, a unit that has a maximum design heat input greater than 250 mmBtu/hr that:

(A) At no time served a generator producing electricity for sale; or

(B) At any time served a generator producing electricity for sale, if any such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than fifty (50) percent of the potential electrical output capacity of the unit.

(b)(1) Notwithstanding paragraph (a) of this section, a unit under paragraph (a)(1) or (a)(2) of this section that has a federally enforceable permit restricting the unit to the combustion of only natural gas or fuel oil and includes a NO<sub>x</sub> emission limitation restricting NO<sub>x</sub> emissions during a control period to 25 tons or less and that includes the special provisions in paragraph (b)(4) of this section shall be exempt from the requirements of the NO<sub>x</sub> Budget Program, except for the provisions of this paragraph, Section 96.2, Section 96.3, Section 96.4(a), and Section 96.7. The NO<sub>x</sub> emission limitation under this paragraph (b)(1) shall restrict NO<sub>x</sub> emissions during the control period by limiting unit operating hours. The restriction on unit operating hours shall be calculated by dividing 25 tons by the unit's maximum potential hourly NO<sub>x</sub> mass emissions, which shall equal the unit's maximum rated hourly heat input multiplied by the highest default NO<sub>x</sub> emission rate otherwise applicable to the unit under 40 CFR Part 75 Section 75.19.

(2) The exemption under paragraph (b)(1) of this section shall become effective as follows:

(i) The exemption shall become effective on the date on which the NO<sub>x</sub> emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final; or

(ii) If the NO<sub>x</sub> emission limitation and the special provisions in the permit under paragraph (b)(1) of this section become final during a control period and after the first date on which the unit operates during such control period, then the exemption shall become effective on May 1 of such control period, provided that such NO<sub>x</sub> emission limitation and the special provisions apply to the unit as of such first date of operation. If such NO<sub>x</sub> emission limitation and special provisions do not apply to the unit as of such first date of operation, then the exemption under paragraph (b)(1) of this section shall become effective on October 1 of the year during which such NO<sub>x</sub> emission limitation and the special provisions become final.

(3) The Department will provide the EPA written notice of the issuance of such permit under paragraph (b)(1) of this section for a unit under paragraph (a)(1) or (a)(2) of this section, and, upon request, a copy of the permit.

(4) Special provisions.

(i) A unit exempt under paragraph (b)(1) of this section shall comply with the restriction on unit operating hours described in paragraph (b)(1) of this section during the control period in each year.

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(ii) [Reserved]

(iii) A unit exempt under this paragraph (b) shall report hours of unit operation during the control period in each year to the Department by November 1 of that year.

(iv) For a period of five (5) years from the date the records are created, the owners and operators of a unit exempt under paragraph (b)(1) of this section shall retain, at the source that includes the unit, records demonstrating that the conditions of the federally enforceable permit under paragraph (b)(1) of this section were met, including the restriction on fuel use and unit operating hours. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Department or the EPA. The owners and operators bear the burden of proof that the unit met the restriction on unit operating hours.

(v) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a unit exempt under paragraph (b)(1) of this section shall comply with the requirements of the NO<sub>x</sub> Budget Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(vi) On the earlier of the following dates, a unit exempt under paragraph (b)(1) of this section shall lose its exemption:

(A) The date on which the restriction on fuel use and unit operating hours described in paragraph (b)(1) of this section is removed from the unit's federally enforceable permit or otherwise becomes no longer applicable to any control period starting in 2004; or

(B) The first date on which the unit fails to comply, or with regard to which the owners and operators fail to meet their burden of proving that the unit is complying, with the restriction on fuel use and unit operating hours described in paragraph (b)(1) of this section during any control period starting in 2004.

(vii) A unit that loses its exemption in accordance with paragraph (b)(4)(vi) of this section shall be subject to the requirements of this Part. For the purpose of applying monitoring requirements under Subpart H of this regulation, the unit shall be treated as commencing operation and, if the unit is covered by paragraph (a)(1) of this section, commencing commercial operation on the date the unit loses its exemption.

(viii) [Reserved]

### **Section 96.5 Retired unit exemption.**

(a) This section applies to any NO<sub>x</sub> Budget unit that is permanently retired.

(b)(1) Any NO<sub>x</sub> Budget unit that is permanently retired shall be exempt from the NO<sub>x</sub> Budget Program, except for the provisions of this section, and Sections 96.2, 96.3, 96.4, and 96.7.

(2) The exemption under paragraph (b)(1) of this section shall become effective the day on which the unit is permanently retired. Within thirty (30) days of permanent retirement, the NO<sub>x</sub> authorized account representative (authorized in accordance with Subpart B of this regulation) shall submit a statement to the Department otherwise responsible for administering any permit for the unit. A copy of the statement shall be submitted to the EPA. The statement shall state (in a format prescribed by the Department) that the unit is permanently retired and will comply with the requirements of paragraph (c) of this section.

(3) After receipt of the notice under paragraph (b)(2) of this section, the Department will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraphs (b)(1) and (c) of this section.

## (c) Special provisions.

(1) A unit exempt under this section shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

(2) [Reserved]

(3) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a unit exempt under this section shall comply with the requirements of the NO<sub>x</sub> Budget Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(4) [Reserved]

(5) For a period of five (5) years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Department or the EPA. The owners and operators bear the burden of proof that the unit is permanently retired.

(6) Loss of exemption.

(i) [Reserved]

(ii) For the purpose of applying monitoring requirements under Subpart H of this regulation, a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

**Section 96.6 Standard requirements.**

(a) [Reserved]

(b) Monitoring requirements.

(1) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall comply with the monitoring requirements of Subpart H of this regulation.

(2) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall keep on site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the Department or the EPA.

(i) The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> Budget unit at the source and all documents that demonstrate the truth of the statements in the

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account certificate of representation, in accordance with Section 96.13; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.

(ii) All emissions monitoring information, in accordance with Subpart H of this regulation; provided that to the extent that Subpart H of this regulation provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO<sub>x</sub> Budget Program.

(iv) Copies of all documents used to complete any submission under the NO<sub>x</sub> Budget Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Program.

(2) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Program, including those under Subpart H of this regulation.

(f) Liability.

(1) Any person who knowingly violates any requirement or prohibition of the NO<sub>x</sub> Budget Program or an exemption under Section 96.5 shall be subject to enforcement pursuant to applicable state or federal law.

(2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO<sub>x</sub> Budget Program shall be subject to criminal enforcement pursuant to the applicable state or federal law.

(3) No permit revision shall excuse any violation of the requirements of the NO<sub>x</sub> Budget Program that occurs prior to the date that the revision takes effect.

(4) Each NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit shall meet the requirements of the NO<sub>x</sub> Budget Program.

(5) Any provision of the NO<sub>x</sub> Budget Program that applies to a NO<sub>x</sub> Budget source (including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source) shall also apply to the owners and operators of such source and of the NO<sub>x</sub> Budget units at the source.

(6) Any provision of the NO<sub>x</sub> Budget Program that applies to a NO<sub>x</sub> Budget unit (including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack, the owners and operators and the NO<sub>x</sub> authorized account representative of one NO<sub>x</sub> Budget unit shall not be liable for any violation by any other NO<sub>x</sub> Budget unit of which they are not owners or operators or the NO<sub>x</sub> authorized account representative and that is located at a source of which they are not owners or operators or the NO<sub>x</sub> authorized account representative.

(g) Effect on Other Authorities. No provision of the NO<sub>x</sub> Budget Program or an exemption under Section 96.5 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget source or NO<sub>x</sub> Budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

**Section 96.7 Computation of time.**

- (a) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> Budget Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.
- (b) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> Budget Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.
- (c) Unless otherwise stated, if the final day of any time period, under the NO<sub>x</sub> Budget Program, falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day.

**Subpart B - NO<sub>x</sub> Authorized Account Representative for NO<sub>x</sub> Budget Sources****Section 96.10 Authorization and responsibilities of the NO<sub>x</sub> authorized account representative.**

- (a) Except as provided under Section 96.11, each NO<sub>x</sub> Budget source, including all NO<sub>x</sub> Budget units at the source, shall have one and only one NO<sub>x</sub> authorized account representative, with regard to all matters under the NO<sub>x</sub> Budget Program concerning the source or any NO<sub>x</sub> Budget unit at the source.
- (b) The NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> Budget source shall be selected by an agreement binding on the owners and operators of the source and all NO<sub>x</sub> Budget units at the source.
- (c) Upon receipt by the EPA of a complete account certificate of representation under Section 96.13, the NO<sub>x</sub> authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NO<sub>x</sub> Budget source represented and each NO<sub>x</sub> Budget unit at the source in all matters pertaining to the NO<sub>x</sub> Budget Program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NO<sub>x</sub> authorized account representative by the Department, the EPA, or a court regarding the source or unit.
- (d) [Reserved]
- (e)(1) Each submission under the NO<sub>x</sub> Budget Program shall be submitted, signed, and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> Budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO<sub>x</sub> Budget sources or NO<sub>x</sub> Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."
- (2) The Department and the EPA will accept or act on a submission made on behalf of owner or operators of a NO<sub>x</sub> Budget source or a NO<sub>x</sub> Budget unit only if the submission has been made, signed, and certified in accordance with paragraph (e)(1) of this section.

**Section 96.11 Alternate NO<sub>x</sub> authorized account representative.**

- (a) An account certificate of representation may designate one and only one alternate NO<sub>x</sub> authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative. The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

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(b) Upon receipt by the EPA of a complete account certificate of representation under Section 96.13, any representation, action, inaction, or submission by the alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO<sub>x</sub> authorized account representative.

(c) Except in this section and Sections 96.10(a), 96.12, and 96.13, whenever the term “NO<sub>x</sub> authorized account representative” is used in this regulation, the term shall be construed to include the alternate NO<sub>x</sub> authorized account representative.

### **Section 96.12 Changing the NO<sub>x</sub> authorized account representative and the alternate NO<sub>x</sub> authorized account representative; changes in the owners and operators.**

(a) Changing the NO<sub>x</sub> authorized account representative. The NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the EPA of a superseding complete account certificate of representation under Section 96.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the EPA receives the superseding account certificate of representation shall be binding on the new NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> Budget source and the NO<sub>x</sub> Budget units at the source.

(b) Changing the alternate NO<sub>x</sub> authorized account representative. The alternate NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the EPA of a superseding complete account certificate of representation under Section 96.13. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the EPA receives the superseding account certificate of representation shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> Budget source and the NO<sub>x</sub> Budget units at the source.

(c) Changes in the owners and operators.

(1) In the event a new owner or operator of a NO<sub>x</sub> Budget source or a NO<sub>x</sub> Budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the Department or the EPA, as if the new owner or operator were included in such list.

(2) Within thirty (30) days following any change in the owners and operators of a NO<sub>x</sub> Budget source or a NO<sub>x</sub> Budget unit, including the addition of a new owner or operator, the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

### **Section 96.13 Account certificate of representation.**

(a) A complete account certificate of representation for a NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative shall include the following elements in a format prescribed by the EPA:

(1) Identification of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative.

(3) A list of the owners and operators of the NO<sub>x</sub> Budget source and of each NO<sub>x</sub> Budget unit at the source.

(4) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: I certify that I was selected as the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> Budget Program on behalf of the owners and operators of the NO<sub>x</sub> Budget source and of each NO<sub>x</sub> Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department, the EPA, or a court regarding the source or unit.

(5) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(b) Unless otherwise required by the Department or the EPA, documents of agreement referred to in the account certificate of representation shall not be submitted to the Department or the EPA. Neither the Department nor the EPA shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

**Section 96.14 Objections concerning the NO<sub>x</sub> authorized account representative.**

(a) Once a complete account certificate of representation under Section 96.13 has been submitted and received, the Department and the EPA will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under Section 96.13 is received by the EPA.

(b) Except as provided in Section 96.12(a) or (b), no objection or other communication submitted to the Department or the EPA concerning the authorization, or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative shall affect any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or the finality of any decision or order by the Department or the EPA under the NO<sub>x</sub> Budget Program.

(c) Neither the Department nor the EPA will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO<sub>x</sub> authorized account representative.

**Subpart C - [Reserved]**

**Subpart D - [Reserved]**

**Subpart E - South Carolina NO<sub>x</sub> Ozone Season Budget**

**Section 96.40 State NO<sub>x</sub> Budget.**

For purposes of this regulation, for any control period, the South Carolina NO<sub>x</sub> budgets are as follows:

(a) The NO<sub>x</sub> budget for units specified in Section 96.4(a)(1) is 16,199 tons as approved at 67 FR 43546. The sum of the tons of NO<sub>x</sub> emitted from all such units in each control period beginning after the effective date of this rule may not exceed this budget amount.

(b) The NO<sub>x</sub> budget for units specified in Section 96.4(a)(2) is 3,479 tons as approved at 67 FR 43546. The sum of the tons of NO<sub>x</sub> emitted from all such units in each control period beginning after the effective date of this rule may not exceed this budget amount.

**Subpart F - [Reserved]**

**Subpart G - [Reserved]**



## 82 FINAL REGULATIONS

### Subpart H - Monitoring and Reporting

#### Section 96.70 General Requirements.

The owners and operators, and to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget unit, shall implement a monitoring and reporting system necessary to attribute ozone season NO<sub>x</sub> mass emissions to each unit in accordance with 40 CFR part 75, Subpart H ("Part 75"), except that a NO<sub>x</sub> budget unit that (i) is not required by 40 CFR 51.121, Regulation 61-62.97, or other regulation to comply with Part 75 and (ii) is subject to Subpart D or Subpart Db of 40 CFR Part 60, may instead monitor and report NO<sub>x</sub> mass emissions in accordance with 40 CFR Part 60, Subpart D or Subpart Db, as applicable. NO<sub>x</sub> mass emissions measurements recorded and reported in accordance with the above shall be used to determine compliance with the NO<sub>x</sub> budgets set forth in Section 96.40 of this regulation. For purposes of a source subject to the monitoring and reporting provisions of Part 75, the definitions in Section 96.2 and in 40 CFR Part 72 Section 72.2 shall apply, and the terms affected unit, designated representative, and continuous emission monitoring system (or CEMS) in 40 CFR Part 75 shall be replaced by the terms NO<sub>x</sub> Budget unit, NO<sub>x</sub> authorized account representative, and continuous emission monitoring system (or CEMS), respectively, as defined in Section 96.2.

#### Section 96.76 [Reserved]

#### Subpart I - [Reserved]

#### Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

**DESCRIPTION OF REGULATION:** Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP).

**Purpose:** The EPA promulgated amendments to national air quality standards in 2017. The recent federal amendments include clarification, guidance, and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 and 7413; New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, amends the aforementioned regulations and SIP to codify federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017. Additionally, the Department amends R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA's "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (NO<sub>x</sub> SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department also corrects R.61-62.68 for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary.

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

**Plan for Implementation:** The amendments will take effect upon approval by the South Carolina Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2017 included revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations. The amendments also serve to repeal a regulation that is no longer in force, based on the sunseting of federal CAIR requirements, and reinstate a regulation required by federal law. The amendments also include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary to ensure compliance with federal law.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. The amendments will benefit the regulated community by clarifying and updating the regulations and increasing their ease of use.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

Adoption of the recent changes in federal regulations through the amendments to R.61-62 will provide continued protection of the environment and public health. Changes to R.61-62.96 have no detrimental effect on the environment and public health because the federal rule, the Clean Air Interstate Rule, has sunsetted and is superseded by the Cross-State Air Pollution Rule and the reinstated NO<sub>x</sub> SIP Call. South Carolina's R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, is already state-effective.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.