

South Carolina Certification  
Clean Air Act Section 110(a)(1) and (2)  
2012 PM<sub>2.5</sub> NAAQS Requirements

Each of the basic or infrastructure requirements enumerated in the CAA Section 110(a)(1) and (2) is listed below along with the corresponding State statute granting the Department the necessary authority to implement each State Implementation Plan (SIP) element.

**Emission limits and other control measures:** Section 110(a)(2)(A) of the Clean Air Act (CAA) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters. South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 1, *Emissions form Fuel Burning Operations*; Standard No. 2, *Ambient Air Quality Standards*; and Standard No. 4, *Emission from Process Industries* serve to establish emission limits for particulate matter (PM), while Regulation 61-62.1, *Definitions and General Requirements*; Regulation 61-62.2, *Prohibition of Open Burning*; and Regulation 61-62.6, *Control of Fugitive Particulate Matter* address required control measures, means, and techniques for reducing PM. Section 48-1-50(23) of the 1976 South Carolina Code of Laws, as amended (hereinafter referred to as S.C. Code Ann.) provides the Department with the statutory authority to, “Adopt emission and effluent control regulations standards and limitations that are applicable to the entire State, that are applicable only within specified areas or zones of the State, or that are applicable only when a specified class of pollutant is present.”

**Ambient air quality monitoring/data system:** Section 110(a)(2)(B) of the CAA requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and presentation of these data available to EPA upon request. Regulation 61.62.5, Standard No. 7, *Prevention of Significant Deterioration*, along with the *South Carolina Network Description and Ambient Air Network Monitoring Plan* (the 2012 plan, submitted to EPA on July 18, 2011, as revised and superseded), provide for an ambient air quality monitoring system in the State. S.C. Code Ann. § 48-1-50(14) provides the Department with the necessary statutory authority to “Collect and disseminate information on air and water control.”

**Program for enforcement of control measures:** Section 110(a)(2)(C) of the CAA requires States to include a program that provides for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment new source review (NSR) requirements. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, and Regulation 61-62.5, Standard 7.1, *Nonattainment New Source Review*, apply to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable. Additionally, South Carolina’s PSD permitting program includes the necessary structural permitting requirements covering all regulated NSR Pollutants including: NO<sub>x</sub> as an ozone precursor - SIP approved- June 23, 2011, NSR PM<sub>2.5</sub> and PM<sub>2.5</sub> increments - SIP-approved April 12, 2013. R. 61-62.1, Section II, *Permit Requirements* also establishes guidelines for minor source permitting which requires “any person who plans to construct, alter, or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement

of construction” and demonstrate that the project will not contribute to a violation of the NAAQS. S.C. Code Ann. § 48-1-50(10) provides the Department with the statutory authority to, “Require to be submitted to it and consider for approval plans for disposal system or source or any parts thereof and inspect the construction thereof for compliance with the approved plans.” Further, S.C. Code Ann. § 48-1-50(11) provides the Department with the statutory authority to “Administer penalties as otherwise provided herein for violations of this chapter, including any order, permit, regulation or standards.”

**Interstate transport:** Section 110(a)(2)(D) of the CAA requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment of the NAAQS in another State. States are required to submit 110(a)(2)(D)(i) plans to demonstrate compliance with these provisions. On June 25, 2007, South Carolina submitted its 110(a)(2)(D)(i) plan to EPA. This plan was published as proposed by EPA on May 22, 2008, however, final approval was delayed due to the Clean Air Interstate Rule (CAIR) remand. In the 2007 plan submittal, South Carolina made a demonstration that it met the required four-pronged set of criteria, as is now addressed in this new submittal section below.

State SIPs must contain adequate provisions prohibiting any source or other type of emissions activity within the State from emitting any air pollutants in amounts that will:

1. Contribute significantly to nonattainment of NAAQS for areas in another state (Prong 1), or interfere with maintenance of NAAQS by any other State. (Prong 2).

CSAPR Better than BART – Final Rule 77 FR 33642 June 7, 2012; Effective August 6, 2012: Some states are addressing interstate transport by recognizing CSAPR allowances that are lower than that allowed them under CAIR. South Carolina does not have this option as its CSAPR allowances are greater than those under CAIR. However, the EME Homer City decision (EME Homer City Generation, LP v. EPA, 696 F.3d 7 (D.C. Cir. 2012), cert. granted 133 U.S. 2857 (2013)) addressed the states’ obligation under Section 110(a)(2)(D)(i)(I) for these requirements.

In accordance with the EME Homer City decision, a state is not required to submit a SIP pursuant to Section 110(a) which addresses Section 110(a)(2)(D)(i)(I) until EPA has defined a state’s contribution to nonattainment or interference with maintenance in another state. Unless the EME Homer City decision is reversed or otherwise modified by the Supreme Court of the United States, states such as South Carolina are not required to submit Section 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. At this time, EPA has not quantified any obligation for South Carolina.

All air quality monitors in South Carolina meet the 2012 NAAQS for PM<sub>2.5</sub>. On December 12, 2013, South Carolina recommended to the USEPA that all of South Carolina be designated attainment for the 2012 PM<sub>2.5</sub> NAAQS, based on ambient monitoring and the evaluation of impacts on neighboring states. On January 15, 2015, the USEPA designated (80 FR 2266) nearly every county in the State “unclassifiable/attainment;” it deferred designation for Aiken County due to insufficient

data associated with neighboring Georgia. On April 7, 2015, the USEPA designated (80 FR 18535) the Aiken County area unclassifiable/attainment based on 2012-2014 data.

Furthermore, South Carolina does not have any PM<sub>2.5</sub> nonattainment or maintenance areas nor is the state within close proximity to any PM<sub>2.5</sub> nonattainment or maintenance areas.<sup>1</sup> Due to the lack of PM<sub>2.5</sub> nonattainment areas in or within close proximity to South Carolina, the Department has concluded that no revisions to the state's SIP are necessary at this time.

In addition, the 2012 base case emissions reported in Table IV.C-4 and C-5 of the proposed rule<sup>2</sup> overestimated the SO<sub>2</sub> and NO<sub>x</sub> emissions reported for South Carolina's sources in 2012 by 3.3 and 2.7 times, respectively. The 2012 base case emissions were 149,515 tons per year for SO<sub>2</sub>, and 47,462 tons per year for NO<sub>x</sub>. The actual SO<sub>2</sub> emissions, reported in the Acid Rain Program, in 2012 totaled 44,958 tons per year<sup>3</sup> and the actual NO<sub>x</sub> emissions in 2012 totaled 17,351 tons per year<sup>4</sup>. A comparison of the 2012 base case emissions results in an overestimation by a factor of 3.3 for SO<sub>2</sub>, and 2.7 for NO<sub>x</sub>. These actual contributions to downwind maintenance or nonattainment are well below the one percent threshold.

Finally, no CAA Section 126(b) findings have been made by the Administrator for any counties in South Carolina.

2. Interfere with measures required to meet the implementation plan for any other State related to Prevention of Significant Deterioration (PSD). (Prong 3)

South Carolina's participation in the CAIR trading program and the state collaborative process; implementation of Regulation 61-62.5, Standard No. 7, and Regulation 61-62.5, Standard No. 7.1 (both of which provide for a preconstruction review and permitting program for major sources of air pollutants) collectively satisfy this criterion. Regarding CAA Section 110(a)(2)(D)(i), relating to PSD, Prong 3 South Carolina has a federally approved PSD and Nonattainment NSR program (R. 61-62.5 Standards 7 and 7.1) which provide for new and modified source preconstruction review and permitting.

3. Interfere with measures required to meet the implementation plan for any other State related to Regional Haze and Visibility. (Prong 4)

South Carolina has a federally approved Region Haze SIP (June 28, 2012, 77 FR 38509) and has submitted to the EPA a periodic update on December 18, 2012, demonstrating that we meet the visibility requirements of the program.

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<sup>1</sup> <http://www.epa.gov/pmdesignations/2012standards/state.htm>

<sup>2</sup> Federal Register, August 2, 2010, pp 45210-45465

<sup>3</sup> [ampd.epa.gov/ampd/](http://ampd.epa.gov/ampd/) Acid Rain Air Markets Program Data; Unit Level Data Emissions

<sup>4</sup> [ampd.epa.gov/ampd/](http://ampd.epa.gov/ampd/) Acid Rain Air Markets Program Data; Unit Level Data Emissions

### **Adequate resources:**

- Section 110(a)(2)(E)(i) of the CAA requires states to provide for adequate personnel, funding and legal authority under State Law to carry out its SIP and related issues. The Department is provided its legal authority to establish a SIP and implement related plans, in general, under S.C. Code Ann. Section 48, Title 1. Specifically, S.C. Code Ann. § 48-1-50(12) grants the Department the statutory authority to, “Accept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the purposes of this chapter; accept, receive and receipt for Federal money given by the Federal government under any Federal law to the State of South Carolina for air or water control activities, surveys or programs.” S.C. Code Ann. Section 48, Title 2 grants the Department statutory authority to establish environmental protection funds. Additionally, Regulation 61-30, *Environmental Protection Fees*, provides the Department with the ability to assess fees for environmental permitting programs. The Department implements the SIP in accordance with the provisions on S.C. Code Ann. § 1-23-40 and S.C. Code Ann. Section 48, Title 1.
- Section 110(a)(2)(E)(ii) of the CAA requires that state SIPs include conflict of interest provisions for state boards that oversee CAA permits and enforcement orders. As per the South Carolina Ethics Reform Act of 1991, S.C. Code Ann. Section 8-13-700(B)(1)-(5) provides for disclosure of any conflicts of interest by public official, public members or public employee, which meets the requirement of CAA Section 128(a)(2) that "any potential conflicts of interest ... be adequately disclosed." S.C. Code Ann. Section 8-13-700(B)(1)-(5) provides for disclosure of any conflicts of interest by public official, public members or public employee, which meets the requirement of CAA Section 128(a)(2) that "any potential conflicts of interest ... be adequately disclosed."
- Section 110(a)(2)(E)(iii) of the CAA requires that state SIPs include necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision. Since SC does not have any local or regional governments responsible for implementing any portion of the CAA, no statutes or regulations are necessary to meet this requirement.

**Stationary source monitoring system:** Section 110(a)(2)(F) of the CAA requires states to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports. Regulation 61-62.1, *Definitions and General Requirements*, provides for an emission inventory plan that establishes reporting requirements. R. 61-62.1, Section III, *Emission Inventory*, provides for an emission inventory plan that establishes reporting requirements for various pollutants from permitted facilities on annual or three year cycles, depending on emission levels and nonattainment area status. Further, S.C. Code Ann. § 48-1-22 provides the Department with the necessary authority to “Require the owner or operator of any source or disposal system to establish and maintain such operational records; make reports; install, use and maintain monitoring equipment or methods; samples and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require.” On June 14, 2010, the Department submitted a SIP revision to EPA for amendments to R. 61-62.1 that incorporated the provisions of the rule known as the Air Emissions Reporting Requirements (AERR) (73 FR 76540, December 17, 2008). In addition, R. 61-62.1, Section IV,

*Source Tests*, also outlines the plan, method, and procedures by which a source should conduct and submit source tests. S.C. Code Ann. § 48-1-22 provides the Department with the necessary statutory authority to “Require the owner of operator of any source or disposal system to establish and maintain such operational records; make reports; install, use and maintain monitoring equipment or methods; samples and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require.”

**Emergency power:** Section 110(a)(2)(G) of the CAA requires state to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs. Regulation 61-62.3, *Air Pollution Episodes* requires that the Department provide for contingency measures when air pollution episode or exceedance that may lead to substantial threat to the health or persons in the State or region. S.C. Code Ann. § 48-1-290 grants the Department the statutory authority as follows:

“Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or property, the Department, with concurrent notice to the Governor, may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as the Department deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but an application to the Department or by direction of the Governor shall be afforded a hearing within forty-eight hours. On the basis of such hearing the Department shall continue such order in effect, revoke it or modify it. Regardless of whether a hearing is held, the Department shall revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists.”

S.C. Code Ann. § 1-23-130 provides the Department with the statutory authority to establish emergency regulations.

**Future SIP revisions:** Section 110(a)(2)(H) of the CAA requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate. S.C. Code Ann. Section 48, Title 1 provides the Department the necessary statutory authority to revise the SIP to accommodate changes in the NAAQS.

**Consultation with government officials:** Section 110(a)(2)(J) of the CAA requires States to provide a process for consultation with local governments and Federal Land Managers (FLMs) carrying out NAAQS implementation requirements pursuant to Section 121 of the CAA relating to consultation. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* as well as provisions in separate implementation plans (such as the five-year review process under the Regional Haze Implementation Plan, which allows for consultation between appropriate state, local, and tribal air pollution control agencies as well as the corresponding FLMs) provide for continued consultation with government officials. Additionally, S.C. Code § 48-1-50(8)

provides the Department with the necessary statutory authority to “Cooperate with the governments of the United States or other states or state agencies or organizations, officials, or unofficial, in respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements.”

**Public notification:** Section 110(a)(2)(J) of the CAA further requires States to notify the public in NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. The Department has several public notice mechanisms in place to notify the public of PM and other pollutant forecasting and has an extensive outreach program to educate the public and promote voluntary emission reduction measures. Regulation 61-62.3, *Air Pollution Episodes* requires that the Department notify the public of any air pollution episode or exceedance. S.C. Code Ann. § 48-1-60 established that, “Classification and standards of quality and purity of the environment [are] authorized after notice and hearing.”

**PSD and visibility protection:** Section 110(a)(2)(J) of the CAA also requires State to meet applicable requirements of Part C related to PSD and visibility protection. Regulation 61.62.5, Standard No. 7, *Prevention of Significant Deterioration*, as well as the Regional Haze SIP together address visibility protection. Our discussion of PSD and visibility under prongs 3 and 4 of Section 110(a)(2)(D) also applies to this section.

**Air quality modeling/data:** Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to EPA can be made. Regulations 61-62.5, Standards No. 2, *Ambient Air Quality Standards* and R. 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* (as adopted in the SIP) require that air modeling be conducted to determine permit applicability.

**Permitting fees:** Section 110(a)(2)(L) of the CAA requires SIPs to require each major stationary source to pay permitting fees to cover the costs of reviewing, approving, implementing, and enforcing a permit. Pursuant to S.C. Code Ann. § 48-2-50 (1993), the Department shall charge fees for environmental programs it administers pursuant to federal and state law and regulations including those that govern the costs to review, implement and enforce PSD and NNSR permits. Regulation 61-30, *Environmental Protection Fees*, prescribes fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations as well as establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process for refuting fees. This regulation may be amended as needed to meet the funding requirements of the state’s permitting program.

The state currently has Title V program, R. 61-62.70, *Title V Operating Permit Program*, which implements and enforces the requirements of PSD and NNSR for facilities once they begin operating.

**Consultation/participation by affected local entities:** Section 110(a)(2)(M) of the CAA requires States to provide for consultation and participation in SIP development by local political subdivision affected by the SIP. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* (as adopted by the SIP) requires that the Department notify the public of the

application, preliminary determination, degree of incremental consumption, and the opportunity for comment prior to making a final permitting decision. Likewise, S.C. Code Ann. § 48-1-50(8) allows the Department to “Cooperate with the governments of the United States or other states or State agencies or organizations, officials, or unofficial, in respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements.” Other provisions regarding public hearings and the regulation development process are included in S.C. Code Ann. Section 48, Title 1 in general, and S.C. Code Ann. § 1-23-40 (the Administrative Procedures Act). The Department has worked closely with local political subdivisions in developing the Transportation Conformity SIP, the Regional Haze Implementation Plan, the Early Action Compacts, and the 8-hour Ozone Attainment Demonstration for the York, County, South Carolina, portion of the Metrolina nonattainment area.

Together these submissions, along with South Carolina's existing Air Quality State Implementation Plan, address the necessary elements of section 110(a)(1) and (2) of the CAA for the 2012 PM<sub>2.5</sub> NAAQS.

## ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST

SIP Submitted by: South Carolina  
 Date Submitted: October 23, 2015  
 Subject: Confirmation of 110(a)(2)(A)-(M) PM<sub>2.5</sub> Infrastructure Elements of South Carolina SIP

### 110(a)(2)(A)-(M) Requirements Checklist – South Carolina

Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
<b>§110(a)(2)(A)</b>	Emissions limits and other control measures  “...include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.”	<i>Pollution Control Act</i> , S.C. Code Ann. § 48-1-50(23) ( <i>et seq.</i> )	Regulation 61-62.1, <i>Definitions and General Requirements</i> (Initial EPA approval: 5/31/72)  Regulation 61-62.2, <i>Prohibition of Open Burning</i> (Initial EPA approval: 5/31/72)  Regulation 61-62.5, Standard No. 1, <i>Emissions form Fuel Burning Operations</i> (Initial EPA approval: 5/31/72)  Regulation 61-62.5, Standard No. 2, <i>Ambient Air Quality and General Requirements</i> (Initial EPA approval: 12/28/78)  Regulation 61-62.5, Standard No. 4, <i>Emission from Process Industries</i> (Initial EPA approval: 5/31/72)  Regulation 61-62.6, <i>Control of Fugitive Particulate Matter</i>  State only Regulation 61-30, <i>Environmental Protection Fees</i> (Promulgated June 23, 1995)
<b>§110(a)(2)(B)</b>	Ambient air quality monitoring/data system  “...provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to the Administrator”	S.C. Code Ann. § 48-1-50(14) ( <i>et seq.</i> )	Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i> (Initial EPA approval: 2/10/82)  The South Carolina monitoring network



Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
§110(a)(2)(C)	<p>Program for enforcement and control measures</p> <p>“...include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;”</p> <p>“any person who plans to construct, alter, or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement of construction” ...and “no permit to construct or modify a source will be issued if emissions interfere with attainment or maintenance of any state or federal standard.”</p>	S.C. Code Ann. § 48-1-50(10) ( <i>et seq.</i> )	<p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i> (Initial EPA approval: 2/10/82)</p> <p>Regulation 61-62.5, Standard No. 7.1, <i>Nonattainment New Source Review</i> (Initial EPA approval: 1/14/77)</p> <p>Regulation 61-62.1, Section II, <i>Permit Requirements</i></p>
§110(a)(2)(D)	<p>Interstate transport</p> <p>“contain adequate provisions—</p> <p>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</p> <p>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</p> <p>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</p> <p>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”</p>	S.C. Code Ann. § 48-1-10 ( <i>et seq.</i> )	<p>Regulation 61-62.96, <i>Nitrogen Oxides (NO<sub>x</sub>) Budget Trading Program</i> {SC CAIR RULE}</p> <p>CSAPR: “Better than BART” determination 6/07/2012, 77 FR 33642</p> <p>Per the EME Homer City decision (U.S. Court of Appeals for the D.C. Circuit) the EPA has not quantified an obligation for South Carolina to address any interstate nonattainment or interference with a maintenance area.</p> <p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i> (Initial EPA approval: 2/10/82)</p> <p>Regulation 61-62.5, Standard No. 7.1, <i>Nonattainment New Source Review</i> (Initial EPA approval: 1/14/77)</p> <p>Regional Haze SIP (Initial EPA approval: 6/28/2012), periodic update submitted on 12/18/2012</p>

Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
<b>§110(a)(2)(E)(i)</b>	<p>Adequate resources</p> <p>“...provide</p> <p>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);”</p>	<p>S.C. Code Ann. § 48-1-50(12) (<i>et seq.</i>)</p> <p><i>Environmental Protection Fund Act of 1993, S.C. Code Ann. § 48-1-50 (et seq.)</i></p>	<p>These elements, 110(a)(2)(E)(i-iii), are met when EPA does a completeness determination for each SIP submittal. Each submittal provides for adequate personnel, funding, and legal authority under State Law to carry out their SIPs and related issues.</p> <p>This information is understood and contained in all prehearing and final SIP submittal packages in the historical record of the rule.</p> <p>State only Regulation 61-30, <i>Environmental Protection Fees</i> (Promulgated 6/23/95 S.C. State Register Document No. 1822).</p>
<b>§110(a)(2)(E)(ii)</b>	<p>“(ii) requirements that the state comply with the requirements respecting state boards under section 128, and”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	
<b>§110(a)(2)(E)(iii)</b>	<p>“(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;”</p>		<p>SC does not have any local agencies that would be affected by these requirements.</p>
<b>§110(a)(2)(F)</b>	<p>Stationary source monitoring system</p> <p>“...require, as may be prescribed by the Administrator—</p> <p>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</p> <p>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</p> <p>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection; “</p>	<p>S.C. Code Ann. § 48-1-50 (22) (<i>et seq.</i>)</p>	<p>Regulation 61-62.1, <i>Definitions and General Requirements</i> (Initial EPA approval: 5/31/72)</p> <p>R. 61-62.1, Section IV, <i>Source Tests</i></p> <p>On June 14, 2010, the Department submitted a SIP revision to EPA for amendments to R. 61-62.1 that incorporated the provisions of the rule known as the Air Emissions Reporting Requirements (AERR) (73 FR 76540, December 17, 2008).</p>

Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
<b>§110(a)(2)(G)</b>	<p>Emergency power</p> <p>“...provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;”</p>	<p>S.C. Code Ann. § 48-1-290 (<i>et seq.</i>)</p> <p><i>Administrative Procedures Act</i>, S.C. Code Ann. § 1-23-130 (<i>et seq.</i>)</p>	<p>Regulation 61-62.3, <i>Air Pollution Episodes</i> (Initial EPA approval: 5/31/72)</p>
<b>§110(a)(2)(H)</b>	<p>Future SIP revisions</p> <p>“...provide for revision of such plan—</p> <p>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</p> <p>(iii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	<p>This information typically comes in the cover letter of each SIP submission and is verified under the completeness criteria for SIP submittals.</p>
<b>§110(a)(2)(I)</b>	<p>Nonattainment</p> <p>“...in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	<p>The State Implementation Plan(s) meet this requirement. It is accomplished through (1) the SIP submittals and subsequent approval of those plans redesignating areas to attainment and (2) updates to maintenance plans; these are collectively contained in Table E - Nonregulatory Provisions of the SIP.</p>
<b>§110(a)(2)(J) (§ 121 consultation)</b>	<p>Consultation with government officials</p> <p>“...meet the applicable requirements of section 121 (relating to consultation);”</p>	<p>S.C. Code Ann. § 48-1-50(8) (<i>et seq.</i>)</p>	<p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i> (Initial EPA approval: 2/10/82)</p> <p>The SC Regional Haze Implementation Plan</p>

Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
<p><b>§110(a)(2)(J)</b> <b>(§ 127 public notification)</b></p>	<p>Public notification “...meet the applicable requirements of section 127 of this title;”</p>	<p>S.C. Code Ann. § 48-1-60 (<i>et seq.</i>)</p>	<p>Regulation 61-62.3, <i>Air Pollution Episodes</i></p>
<p><b>§110(a)(2)(J)</b> <b>(PSD)</b></p>	<p>PSD and visibility protection “...meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	<p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i> The SC Regional Haze Implementation Plan</p>
<p><b>§110(a)(2)(K)</b></p>	<p>Air quality modeling/data “...provide for: (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	<p>Regulation 61-62.5, Standard No. 2, <i>Ambient Air Quality Standards</i> Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i></p>
<p><b>§110(a)(2)(L)</b></p>	<p>Permitting fees “...require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover— (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;”</p>	<p>S.C. Code Ann. § 48-2-50 (<i>et seq.</i>)</p>	<p>State only Regulation 61-30, <i>Environmental Protection Fees</i></p>

Section 110(a) element	Element/CAA Text	Statute	How Addressed in Submittal
<b>§110(a)(2)(M)</b>	<p>Consultation/participation by affected local entities</p> <p>“...provide for consultation and participation by local political subdivisions affected by the plan.”</p>	<p>S.C. Code Ann. § 48-1-50(8) (<i>et seq.</i>)</p> <p>S.C. Code Ann. § 1-23-40 (<i>et seq.</i>)</p>	<p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i></p> <p>SIP Items contained in or to be contained in Table e – Nonregulatory Provisions</p> <ul style="list-style-type: none"> <li>-Transportation Conformity SIP (updated November 19, 2008)</li> <li>-Early Action Compacts and Attainment Demonstration</li> <li>-The Regional Haze Implementation Plan (submitted December 21, 2007)</li> <li>-Charlotte-Gastonia-Rock Hill, NC-SC (York County, SC portion of Metrolina Area) Attainment Demonstration (to be submitted November 30, 2009)</li> <li>-Cherokee County 110 (a) (1) Maintenance Plan</li> </ul>
<b>§§110(a)(2)(C) &amp; 110(a)(2)(J)</b>	<p>§110(a)(2)(J) “meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);”</p> <p>§110(a)(2)(C) ... “regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;”</p>	<p>S.C. Code Ann. § 48-1-10 (<i>et seq.</i>)</p>	<p>Regulation 61-62.5, Standard No. 7, <i>Prevention of Significant Deterioration</i></p> <p>Regulation 61-62.5, Standard No. 7.1 Nonattainment New Source Review (NSR)</p> <p>Regulation 61-62.3, <i>Air Pollution Episodes</i></p> <p>The SC Regional Haze Implementation Plan</p>