

AIR QUALITY – Final Regulation

R.61-62, Air Pollution Control Regulations and Standards

State Register Document 4750

Summary:

Pursuant to the South Carolina Pollution Control Act, S.C. Code Section 48-1-10 et seq. (2008), along with the federal Clean Air Act (“CAA”), 42 U.S.C. Sections 7410, 7413, and 7416, the S.C. Department of Health and Environmental Control 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.

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 50, 51, 52, 60, 61, 63, and 70 include clarification, guidance and technical amendments regarding state implementation plan (“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”) for Source Categories mandated by 42 U.S.C. Section 7412, and Prevention of Significant Deterioration (“PSD”) and Title V Operating Program provisions promulgated under title I and title V of the CAA.

The Department proposes to amend the following, as well as the South Carolina SIP to adopt the federal amendments to these standards, promulgated from January 1, 2016, through December 31, 2016:

R.61-62.1	Definitions and General Requirements
R.61-62.5, Standard No.7	Prevention of Significant Deterioration
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 (NESHAP)
R.61-62.63	National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories
R.61-62.70	Title V Operating Permit Program

The Department also proposes to add R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO_x (Annual) and SO₂ (Annual), as published in the Federal Register on August 8, 2011 (76 FR 48208) and subsequently amended on June 12, 2012 (77 FR 34830), December 3, 2014 (79 FR

71663), and October 26, 2016 (81 FR 74504). This regulation will address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

The Department is also proposing other changes to R.61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the State or its political subdivisions resulting from codification of these amendments to federal law. The state of South Carolina is already reaping the environmental benefits of these amendments.

In accordance with S.C. Code Section 1-23-120(H) (Supp. 2016), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

History and Status:

Notice of Drafting published:	January 27, 2017
Drafting comment period closed:	February 27, 2017
Board approval of proposed regulation notice:	May 11, 2017
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Public Hearing scheduled for:	August 10, 2017
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