

## R.61-62, Air Pollution Control Regulations and Standards – Proposed Amendment

Exempt from General Assembly review

Link to published Notice of Drafting (“NOD”): [State Register Volume 45, Issue 3 \(Page 58\)](#)

### Status |

NOD comment period open:  
March 26, 2021 – April 26, 2021

### Submit Comments To |

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### Summary |

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 51, 52, 60, 63, and 70 include revisions to New Source Performance Standards (NSPS) and Emission Guidelines, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NSR), and the Title V Operating Program.

The Department proposes amending R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference federal amendments promulgated from January 1, 2020, through December 31, 2020.

The Department also proposes amending R.61-62.5, Standard No. 7, *Prevention of Significant Deterioration (PSD)*, and R.61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR)*, to incorporate EPA’s clarification of Project Emissions Accounting, as published in the *Federal Register* on November 24, 2020 (85 FR 74890), to incorporate EPA’s corrections to NSR regulations (publication in the *Federal Register* forthcoming), and to make other amendments, as necessary, to maintain compliance with federal law.

The Department further proposes amending R.61-62.70, *Title V Operating Permit Program*, to codify relevant federal amendments to Title V provisions, as published in the *Federal Register* on February 5, 2020 (85 FR 6431), to ensure compliance with federal law.

The Department may also propose other changes to R.61-62, *Air Pollution Control Regulations and Standards*, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.