

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

State Register Document No. 5056

Exempt from General Assembly review

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/5056.docx

Status

NPR published; comment period closed

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Summary

Pursuant to the Pollution Control Act 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.

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 60 and 63 include revisions to New Source Performance Standards (NSPS) and Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. 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), and the State Implementation Plan (SIP), 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, as published in the Federal Register on July 19, 2021 (86 FR 37918), 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 also proposes additional changes to R.61-62, Air Pollution Control Regulations and Standards, for overall quality of regulatory text 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.

History |

NOD published; comment period started:	March 26, 2021
NOD comment period closed:	April 26, 2021
Board approval to publish NPR:	August 12, 2021
NPR published; comment period started:	August 27, 2021
NPR comment period closed:	September 27, 2021
Public hearing (scheduled):	November 10, 2021