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# SOUTH CAROLINA STATE REGISTER

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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.

## **2017 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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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>

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>
4735			Chapter Revisions	1/15/18	Workers' Compensation Commission
4678			Investigation Procedures	1/18/18	South Carolina Human Affairs Commission
4665			Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	1/19/18	Department of Revenue
4746			Articles 4, 5, 7 and 8 of Chapter 126	5/02/18	Department of Health and Human Services
4740			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/09/18	Department of Health and Envir Control
<b>Committee Request Withdrawal</b>					
4729			Determination of Rates of Tuition and Fees	Tolled	Commission on Higher Education



## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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>

<b>DOC. No.</b>	<b>SUBJECT</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4746	Articles 4, 5, 7 and 8 of Chapter 126	Regulations and Admin. Procedures	Medical Affairs
4740	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
<b>Committee Request Withdrawal</b>			
4729	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education

## STATE BOARD OF EDUCATION

## NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Board of Education (SBE) submitted a drafting notice to amend Regulation 43-240, Summer School Programs, which was published in the *State Register*, Volume 41, Issue 7, on July 28, 2017.

The SBE has withdrawn this regulation.

## 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 August 25, 2017 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

**Affecting Charleston County****North Charleston Post Acute, LLC d/b/a North Charleston Post Acute**

Construction of a 70 bed skilled nursing facility in Charleston County at a total project cost of \$19,234,196.

**Affecting Georgetown County****Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Georgetown County at a total project cost of \$36,500.

**Affecting Horry County****Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Horry County at a total project cost of \$36,500.

**Affecting Lexington County****Lake Murray Post Acute, LLC d/b/a Lake Murray Post Acute**

Construction of a 70 bed skilled nursing facility in Lexington County at a total project cost of \$18,590,102.

**Affecting Marion County****Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Marion County at a total project cost of \$36,500.

**Affecting Williamsburg County****Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Williamsburg County at a total project cost of \$36,500.

#### 4 NOTICES

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 August 25, 2017. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 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) 545-3495.

##### Affecting Berkeley County

###### **Roper St. Francis Hospital - Berkeley, Inc. d/b/a Roper St. Francis Hospital – Berkeley**

Establishment of radiation therapy services with the addition of a Varian True Beam LINAC at a total project cost of \$11,608,014.

##### Affecting Charleston County

###### **North Charleston Post Acute, LLC d/b/a North Charleston Post Acute**

Construction of a 70 bed skilled nursing facility in Charleston County at a total project cost of \$19,234,196.

##### Affecting Greenville County

###### **Greenville Behavioral Health, LLC d/b/a Grove Point Behavioral Health Hospital**

Construction of a psychiatric hospital to replace GHS Marshall I Pickens Hospital at a total project cost of \$35,631,735.

##### Affecting Lexington County

###### **Lake Murray Post Acute, LLC d/b/a Lake Murray Post Acute**

Construction of a 70 bed skilled nursing facility in Lexington County at a total project cost of \$18,590,102.

###### **Lexington Treatment Specialists, LLC**

Establishment of an Outpatient Substance Abuse facility in Lexington County at a total project cost of \$114,400.

##### Affecting Richland County

###### **Palmetto Health d/b/a Palmetto Health Baptist Parkridge Hospital**

Renovation of existing space for the establishment of a diagnostic cardiac catheterization and interventional radiology special procedures room at a total project cost of \$2,486,666.

#### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### ERRATA

August 25, 2017

Regulation 61-92, *Underground Storage Tank Control Regulations*, was last amended by publication of Document No. 4706 in *South Carolina State Register* Volume 41 Issue 5 on May 26, 2017. At Section 61-92.280.33(a), between 33(a)D and E, the following language appears: "Request to correct typo by removing hyphen between of and Underground below. Hyphen not in federal regulation." This language is not part of the official text of these amendments; it was an editing note made in the final draft and was inadvertently not removed as intended. This errata corrects Section 61-92.280.33(a) to remove this unofficial language in error. Section 61-92.280.33(a) is corrected to read:

**SECTION 280.33. REPAIRS ALLOWED.**

Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

(a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

[Note to paragraph (a). The following codes of practice may be used to comply with paragraph (a) of this section:

(A) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(B) American Petroleum Institute Recommended Practice RP 2200, "Repairing Hazardous Liquid Pipelines";

(C) American Petroleum Institute Recommended Practice RP 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks";

(D) National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair";

(E) National Leak Prevention Association Standard 631, Chapter A, "Entry, Cleaning, Interior Inspection, Repair, and Lining of Underground Storage Tanks";

(F) Steel Tank Institute Recommended Practice R972, "Recommended Practice for the Addition of Supplemental Anodes to STI-P3<sup>®</sup> Tanks";

(G) NACE International Standard Practice SP 0285, "External Control of Underground Storage Tank Systems by Cathodic Protection"; or

(H) Fiberglass Tank and Pipe Institute Recommended Practice T-95-02, "Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks."]

## 6 DRAFTING NOTICES

**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

### **Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James T. Miller, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than September 22, 2017, the close of the drafting comment period.

### **Synopsis:**

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27**

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

### **Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James T. Miller, Director, State Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than September 22, 2017 the close of the drafting comment period.

### **Synopsis:**

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

**STATE BOARD OF EDUCATION**

**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60 and 59-18-900

**Notice of Drafting:**

The South Carolina Board of Education proposes to add a new regulation, Regulation 43-301, Data Collection Compliance and Quality.

Interested persons may submit their comments in writing to Daniel Ralyea, Director, Office of Research and Data Analysis, Division of Innovation and Effectiveness, 1429 Senate Street, Columbia South Carolina 29201 or by e-mail to [dralyea@ed.sc.gov](mailto:dralyea@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on September 25, 2017.

**Synopsis:**

The Education Accountability Act directs the State Board of Education to develop regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required to participate in the accountability system. The South Carolina Department of Education funds the data collection systems required to participate in the accountability system as well as data quality tools to facilitate the accuracy of the data collected. The proposed regulations would govern the participation in those systems, the identification and formatting of the required elements and the consequences of omissions and errors in the data populating those systems.

Legislative review is required.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

**CHAPTER 65**

Statutory Authority: 1976 Code Section 1-13-70

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-2, Complaint. Interested persons may submit their comments in writing to Emma Bennett-Williams, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201.

**Synopsis:**

Regulation 65-2, Manner of Filing, should be amended to allow the filing of charges by email and fax.

Legislative review is required.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

**CHAPTER 65**

Statutory Authority: 1976 Code Section 1-13-70

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-3, Investigation and Production of Evidence. Interested persons may submit their comments in writing to Emma Bennett-Williams, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201.

## **8 DRAFTING NOTICES**

### **Synopsis:**

Regulation 65-3, Investigation and Production of Evidence should be changed to provide the Respondent's 'position statement' to the charging party so that the charging party can rebut the Respondent's defenses. Currently, the position statement is made available to the charging party at the conclusion of the agency's investigation only if a lawsuit has been filed. This proposed amendment will grant both parties access to the charge filed by the complainant, the Respondent's position statement and non-confidential attachments to the position statement, during the investigation.

Legislative review is required.

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**  
**CHAPTER 65**  
Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

### **Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to amend Regulation 65-223, Investigation Procedures. Interested persons may submit their comments in writing to Emma Bennett-Williams, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 23, 2017.

### **Synopsis:**

Regulation 65-223, Investigation Procedures, should be updated to permit closure of an investigation when a complainant wishes to withdraw the matter. The request will be subject to the Commission's approval. Additionally, the regulation should be updated to permit closure of an investigation when a complainant is offered full relief under the law and fails to accept it, or when the complainant fails to provide information necessary for the proper filing or processing of a complaint. The proposed amendment will provide housing discrimination complaints with the same withdrawal and dismissal provisions that are currently found in employment discrimination investigation procedures.

Legislative review is required.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, and 38-9-200 et seq.

### **Notice of Drafting:**

The South Carolina Department of Insurance proposes to amend Regulation 69-53. The proposed amendments to this regulation are based upon a recently approved NAIC model law and regulation. *See* NAIC Credit for Reinsurance Model Law (#785) and Regulation (#786). To be considered, comments must be received no later than September 22, 2017, the close of the drafting comment period. Comments regarding this notice should be directed to the attention of: G. Lee Hill, Deputy Director, Financial Regulation and Solvency, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201, (803) 737-6221.

**Synopsis:**

The amendments are a part of a larger effort to modernize reinsurance regulation in the United States. The reinsurance framework is based on federal legislation. On July 21, 2010, Congress and the President signed related federal legislation, the Non-admitted and Reinsurance Reform Act which became effective on July 21, 2011. While this Act does not implement the NAIC framework, it does preempt extraterritorial application of state credit for reinsurance law and permits states of domicile to proceed forward with reinsurance collateral on an individual basis if the state is accredited. The federal legislation also does not prohibit states from acting together to achieve reinsurance modernization. The proposed changes would allow the director or his designee to adopt additional requirements relating to 1) the valuation of assets or reserve credits; 2) the amount and forms of security supporting reinsurance arrangements; and 3) the circumstances under which reinsurance credit can be reduced or eliminated. The amendments are a part of a national framework based, in part, upon federal legislation. Accordingly, most states must adopt regulations that are substantially similar in material aspects to the NAIC model regulation in the handling and treatment of such reinsurance arrangements. Conforming to the NAIC's credit for reinsurance models is necessary for a state to maintain NAIC accreditation.

Legislative review of this regulation may be required. The proposed effective date of this regulation is January 1, 2019.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-37(B)(4) to reduce the fee for licensees whose license is in an inactive status. Interested persons may submit comments to Roderick Atkinson, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-37(B)(4) to reduce the fee for licensees whose license is in an inactive status. Currently the fee of \$120 is greater than that charged for any active licenseholder who renews.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
CONTRACTOR'S LICENSING BOARD**

**CHAPTER 29**

Statutory Authority: 1976 Code Section 40-11-60

**Notice of Drafting:**

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish terms for compliance with and enforcement of 2016 Act No. 193. Interested persons may submit comments to Roger Lowe, Administrator, Contractor's Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1139.



## 10 DRAFTING NOTICES

### Synopsis:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish the terms for compliance with and enforcement of 2016 Act No. 193 which requires that each person holding a license in the mechanical contractor sub-classification of air conditioning, heating, or packaged equipment display the mechanical contractor's license in a conspicuous manner at his principal place of business. Additionally, the Act requires that all commercial vehicles, used by mechanical contractors licensed in the sub-classification of air conditioning, heating, or packaged equipment exclusively in the daily operation of their business, prominently display on them the mechanical contractor license number issued by the Department of Labor, Licensing and Regulation. Finally, the Act requires that each invoice and proposal form also shall contain the mechanical contractor license number.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF ELEVATORS AND AMUSEMENT RIDES  
CHAPTER 71**

Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

### Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to modify the fee schedules for amusement ride inspections contained in Regulations 71-4700 and 71-4800. Interested persons may submit comments to: Duane Scott, Sr., Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211.

### Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to modify the fee schedules for amusement ride inspections contained in Regulations 71-4700 and 71-4800.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF ELEVATORS AND AMUSEMENT RIDES  
CHAPTER 71**

Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

### Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides, proposes to modify the fee schedules for elevator inspections contained in Regulation 71-5600. Interested persons may submit comments to: Duane Scott, Sr., Office of Elevators and Amusement Rides, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Elevators and Amusement Rides proposes to modify the fee schedules for elevator inspections contained in Regulation 71-5600.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
RESIDENTIAL BUILDERS COMMISSION  
CHAPTER 106  
Statutory Authority: 1976 Code Section 40-59-70**

**Notice of Drafting:**

The South Carolina Residential Builders Commission proposes to amend the types of work that may be performed within certain residential specialty contractor classifications in Regulation 106-1. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Residential Builders Commission proposes to amend the types of work that may be performed within certain residential specialty contractor classifications in Regulation 106-1.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
RESIDENTIAL BUILDERS COMMISSION  
CHAPTER 106  
Statutory Authority: 1976 Code Section 40-59-70**

**Notice of Drafting:**

The South Carolina Residential Builder's Commission proposes to amend Regulation 106-2 to comport with statutory language. Interested persons may submit comments to Janet Baumberger, Administrator, Residential Builders Commission, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Residential Builder's Commission proposes to amend Regulation 106-2 to comport with statutory language.

Legislative review of this amendment is required.

## 12 DRAFTING NOTICES

### DEPARTMENT OF SOCIAL SERVICES

#### CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-11-30

#### **Notice of Drafting:**

The Department of Social Services proposes to add regulations that address wilderness therapeutic camps for children. Interested persons may submit comments to Jacqueline Lowe, Child Placing Agency and Group Home Licensing & Regulatory Services, South Carolina Department of Social Services, P.O. Box 1520, Columbia, SC 29202. To be considered, comments must be received no later than 5:00 p.m. on Friday, September 8, 2017, the close of the drafting comment period.

#### **Synopsis:**

The Department of Social Services is charged with administering the provisions of the law relating to child welfare agencies and with making and promulgating such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of the laws relating to child welfare agencies. (S.C. Code § 63-11-30). The Department of Social Services shall enforce these regulations. The proposed regulations shall establish standards that protect the health, safety and well-being of children residing at or receiving services through wilderness therapeutic camps.

Legislative review of this proposal will be required.

Document No. 4753  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 30-4-10 et seq., 59-13-60, 59-13-70, 59-13-80, 59-13-90, 59-13-140, 59-17-100, 59-20-10 et seq., 59-21-510 et seq., 59-25-130, 59-25-140, and 59-33-10 et seq.

43-172. Accounting and Reporting.

**Preamble:**

State Board of Education Regulation 43-172 governs the requirements for school districts, county boards of education, and career and technical education centers to obtain an annual audit of financial records by a certified or licensed public accountant. Amendments to Regulation 43-172 will revise the due date of the annual audit report from November 15 to December 1 to coincide with the deadline listed in the SC Code of Law 59-17-100. The amendment will also remove the reference to the “Office of School District Auditing” and replace it with the “SC Department of Education” and revise the term “occupational education center” to “career and technical education center” to coincide with current terms. The amendment will also update the Financial Resources to remove the reference to the Staff Accountability Manual which does not exist and replace with the Student Accountability Manual.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on May 26, 2017.

Section-by-Section Discussion

- Section I(B)(3)(e) Changes the wording from State Department of Education to South Carolina Department of Education (SCDE)
- Section I(B)(4)(a) Changes the wording from State Department of Education to SCDE
- Section II Changes the wording from occupational education center to career and technical education center  
 Changes the wording from State Department of Education to SCDE  
 Deletes the reference to Office of School District Auditing  
 Changes the annual audit due date from November 15 to December 1
- Section III Delete the wording Staff Accountability Manual and replace with the Student Accountability Manual

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

A public hearing will be held on November 14, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Melissa A. Myers, Director, Office of Auditing Services, Division of Chief Operating Office, 1429 Senate Street, Suite 403, Columbia, SC 29201 or by e-mail to [mmyers@ed.sc.gov](mailto:mmyers@ed.sc.gov) on or before 5:00 p.m. on September 25, 2017.

**Preliminary Fiscal Impact Statement:**

None.

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### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-172, Accounting and Reporting.

Purpose: Regulation 43-172, Accounting and Reporting, is being amended.

Legal Authority: 1976 Code Sections 30-4-10 et seq., 59-13-60, 59-13-70, 59-13-80, 59-13-90, 59-13-140, 59-17-100, 59-20-10, et seq., 59-21-510, et seq., 59-25-130, 59-25-140, 59-33-10, et seq.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The current due date for the independent audit report as listed in the State Board of Regulation, November 15, is not consistent with the due date in the South Carolina Code of Laws of December 1. All communication and correspondence with the LEAs reference the December 1 date. In addition, the Staff Accountability does not exist and should be removed from the regulation and replaced with the Student Accountability manual. Also, terms should be updated to coincide with current terms as career and technical education centers and "SCDE".

### DETERMINATION OF COSTS AND BENEFITS:

None.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health if this regulation is not implemented.

### Statement of Rationale:

This regulation is based on SC Code of Law 59-17-100 which directs local education entities to submit their annual audit report to the SCDE by December 1 after the close of the fiscal year. The regulation is also for the counting of pupil classifications in the state.

### 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. 4752

**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Section 59-39-100 (to be codified, Supp. 2017)

**Preamble:**

The South Carolina Board of Education is proposing to add a new regulation governing the State's Employability Credential recently enacted by the amended S.C. Code Ann. Section 59-39-100 (to be codified, Supp. 2017). This new regulation will promulgate the program components and criteria for a state-recognized Employability Credential for applicable students with disabilities for whom such a credential is appropriate. This credential is not a state high school diploma.

Notice of Drafting for the proposed new regulation was published in the *State Register* on June 23, 2017.

Section-by-Section Discussion

In Section A of the regulation, the introduction and purpose of the regulation addresses the regulatory requirements that have recently been added to Section 59-39-100; beginning in the 2018–19 school year, students with disabilities entering grade nine may attain a uniform diploma or may attain a uniform Employability Credential.

In Section B, definitions relevant to the regulation are provided for: Employability Credential; work-based learning/training; competitive employment; employability education; and work readiness assessment.

Section C provides minimal course requirements and other requirements.

Section D outlines the monitoring, enforcement, and other program information.

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

A public hearing will be held on November 14, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed new regulation will be posted on the State Board of Education website for review and comment. To review the regulation, click on the attached link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mr. John R. Payne, Director, Office of Special Education Services, Division of College and Career Readiness, 1919 Blanding Street, Columbia, SC 29201 or by email to [jrpayne@ed.sc.gov](mailto:jrpayne@ed.sc.gov) on or before 5:00 p.m. on September 25, 2017.

**Preliminary Fiscal Impact Statement:**

According to the South Carolina Department of Education's, Office of Special Education Services (OSES), the direct fiscal impact will be costs associated with printing and issuing certificates state-wide and with reissuing certificates upon constituent requests. Estimating 20 percent of students with disabilities between the ages of seventeen and twenty-one (or 2,200 out of 11,000 students) at \$.89 per certificate (local level cost) plus an estimated art work fee of \$100 (state level cost) is approximately \$2,100. It is important to note that this cost is based on the current vendor's costs. This current vendor is on state contract for five years and the contract ends 2021, which is prior to the year in which Employability Credentials will be issued.

Possible indirect fiscal impact at the local level may include the need for an increased number of personnel (e.g., transition specialists or coordinators and job coaches to assist with school and community-based work experience/training); an increased number of buses to assist with transporting students to work-site locations;

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and an increase in funds to support school-based work experiences/training (e.g., school-based enterprises) including appropriate curricula and related instructional resources.

### Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Employability Credential for Students with Disabilities

Purpose: The South Carolina Board of Education is proposing to add a new regulation governing the State's Employability Credential recently enacted by the amended Section 59-39-100. This new regulation will promulgate the program components and criteria for a state-recognized Employability Credential for applicable students with disabilities for whom such a credential will be appropriate. This credential is not a state high school diploma. The purpose of the regulation is to provide equitable job-readiness opportunities for applicable students throughout the state, ensure they have evidence of employability skills, and honor the work they have undertaken in our public schools.

Legal Authority: 1976 Code Section 59-39-100.

Plan for Implementation: During the summer and fall of 2017, OSES staff will 1) work with intra-agency offices (e.g., Office of Standards and Learning, Office of Career and Technical Education, Office of Student Intervention Services, and the Office of Educator Services) to ensure the Employability Credential implementation plan is aligned with the State Diploma Pathways implementation plan; and 2) develop and finalize Employability Credential policies and procedures that include guidance documents based on stakeholder input. During the winter, spring, and summer of 2018, statewide training will occur in order to provide relevant guidance to local educational agencies (LEAs) and state-operated programs (SOPs). Training consideration includes differentiating the training based on LEAs or SOPs that have current occupational district credentials as an estimated 50 percent of LEAs currently have a comparable credential.

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

This regulation is responsive to the recently amended Section 59-39-100 that legislates diploma pathway options, and an Employability Credential for appropriate students with disabilities.

DETERMINATION OF COSTS AND BENEFITS:

Costs associated with the Employability Credential are printing and distribution of the credential. Indirect benefits include ensuring students with disabilities leave high school better prepared for competitive employment, postsecondary education and training, and independent/community living.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates at this time.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no known effects on environment and public health at this time.

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

There are no known effects on environment and public health if the regulation is not implemented.

**Statement of Rationale:**

South Carolina has roughly 100,000 students with disabilities serviced under the Individuals with Disabilities Education Act (IDEA) of which the majority are able to earn a state high school diploma. Given the varying levels of student achievement, as well as the inability to complete required high school coursework, there is a need to provide an alternative option for students with disabilities to demonstrate their ability to transition into the work community. The uniform state-recognized Employability Credential will be aligned to a newly created program of study for these students with disabilities whose Individualized Education Program (IEP) team determines this program of study is appropriate.

To align with the State’s Profile of the South Carolina Graduate, an opportunity that will assist these students in acquiring skills necessary to be successful after high school is critical. The purpose of this statute and regulation is to provide equitable job-readiness opportunities for these students throughout the state, ensure they have evidence of employability skills, and honor the work they have undertaken in our public schools.

Some relevant research includes: Students employed at the time of high school exit are 5.1 times more likely to be engaged in post-school employment (NSTTAC, 2011); Students with prior work experience are significantly more likely to get a job than those that did not. In fact, those with paid vocational experience were 35 percent more likely to secure jobs (Fabian, 2007); and according to Cimera’s research (2010), “... supported employment was cost efficient from the workers’ perspective. That is, on average, individuals with intellectual disabilities who became successfully employed within their communities gained greater monetary benefits (i.e., wages earned) than the resulting monetary costs (i.e., forgone wages, taxes paid, reduction in subsidies).”

**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. 4755  
**STATE BOARD OF EDUCATION**  
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-67-240, 59-67-410, 59-67-470, and 59-67-570

43-80. Operation of Public Pupil Transportation Services.

**Preamble:**

South Carolina Code of Laws Section 59-67-470 (Bus drivers; selection; eligibility, training and certificates) establishes criteria for selecting and employing school bus drivers. It also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. Regulation 43-80, Section N further details the training/testing processes and establishes different classifications of school bus driver certificates.

The change to the regulation is proposed to allow greater flexibility in certifying drivers to operate school buses.

Changes will also be made to unify the titling of each certification category and their respective sub-classifications; to clarify the vehicles which may be operated under each certification category; to reflect that all certification categories have multiple sub-classifications; to renumber the regulation to reflect the addition of a sub-classification; and to remove a reference and timeline for changing from a single-category certification program to a multi-category certification program.



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Changes will be made to the Section T, Special Transportation Service section to remove all references to boat to bring this regulation in line with Section 59-67-535.

Clean up will be done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s), in addition to other minor changes, to bring this regulation in line with other agency regulations.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on June 23, 2017.

### Section-by-Section Discussion

Entire Document	Cleanup has been done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s), in addition to other minor changes, to bring this regulation in line with other agency regulations.
Section N	Renumbered as “XIV”, see 4 <sup>th</sup> paragraph, Certificate A: replaces “any school bus” with “school buses”.
Section N	Renumbered as “XIV”, see 6 <sup>th</sup> paragraph, Certificate C: adds the word “only”.
Section N	Renumbered as “XIV”, see 7 <sup>th</sup> paragraph, Certificate C, replaces “Certificate categories B and C are” with “Each certificate category is”.
Section N(1)	Renumber as “XIV(A)” changes “Driver” to “A driver”, and removes the “s” after the word “candidate”.
Section N(8)	Renumbered as “XIV(H)” changes “3 through 7” to “C. through G.”.
Section N(8)(1)	Renumbered as “XIV(H)(1)” adds “Commercial—” after the heading “Certificate-A”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(1)(a)	Renumbered as “XIV(H)(1)(a) replaces “Commercial Driver’s License” with the “CDL” acronym and adds “to qualify for issuance” at the end of the section.
Section N(8)(2)	Renumbered as “XIV(H)(2)” adds new text about the new requirements for a Certificate-A Non-Commercial and adds sub sections (a–b). Old section “N(8)(2)” is renumbered as “XIV(H)(3)”, adds “—” after the heading “Certificate-B Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(3)	Renumbered as “XIV(H)(4)” adds “—” after the heading “Certificate-B Non-Commercial” and replaces the “period” after the word “following” with a “colon”.
Section N(8)(4)	Renumbered as “XIV(H)(5)” adds “—” after the heading “Certificate-C Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N(8)(5)	Renumbered as “XIV(H)(6)” adds “—” after the heading “Certificate-C Non-Commercial”, and replaces the “period” after the word “following” with a “colon”.
Section N	Renumbered as “XIV”, delete final two paragraphs in Section N.
Section O	Renumbered as “XV”, delete last sentence, SC Code Section 59-67-525 was repealed by Act 52, Section 2, eff. May 14, 1993.
Section P	Renumbered “XVI”. In the April 4, 2009, regulation Section P was moved to Section S. The information in Section P should have been deleted and replaced with information concerning operational

Section X stop-arms on all state-owned buses. This deletion and addition will correct this error.  
 Renumbered “XXIV” to change the listing for categories of disabilities to reflect the federal/state categories of disabilities as listed in SBE R.43-243.1.

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

A public hearing will be held on November 14, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the following link [2017–18 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Richard Podmore, Director of Safety and Information, Office of Transportation, 1429 Senate St., Room 1104-A, Columbia, SC 29201 or by e-mail to [rpodmore@ed.sc.gov](mailto:rpodmore@ed.sc.gov) on or before 5:00 p.m. on September 25, 2017.

**Preliminary Fiscal Impact Statement:**

No additional funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-80, Section N.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 43-80. Operation of Public Pupil Transportation Services.

Purpose: Regulation 43-80 establishes the function and operation student transportation services.

Legal Authority: Statutory Authority: 1976 Code Sections 59-5-60, 59-67-240, 59-67-410, 59-67-470, and 59-67-570.

Plan for Implementation: The proposed amendments will be incorporated in 43-80 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner as the existing regulation. District personnel will be informed of the revised regulation through electronic correspondence.

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

South Carolina Code of Laws Section 59-67-470 establishes criteria for selecting and employing school bus drivers and also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. The proposed amendments add an additional certificate classification sub-category which will provide districts with an option for certifying drivers to operate a Full-Functional School Bus which does not require a commercial driver’s license to operate.

South Carolina Code of Laws Section 59-67-535 establishes the criteria for use of the boat operated by the State Department of Education for the purpose of transporting students living on Sandy Island to the mainland as well as use of the boat for non-student transportation. The proposed amendments to Section T, Special Transportation Service will remove all references to boat to bring this regulation in line with Section 59-67-535.

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### DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or on public health if the proposed revisions are not implemented.

### Statement of Rationale:

Regulation 43-80, Section N details the training/testing processes and establishes different classifications of school bus driver certificates. The proposed amendments offer districts greater flexibility in certifying drivers to operate school buses

Regulation 43-80, Sections T and U provide details regarding the use of buses and boats operated by the State Department of Education for purposes other than transporting students to or from school. The proposed amendment will remove references to boats to bring the regulation in line with South Carolina Code of Laws Section 59-67-535.

### 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. 4754

### STATE BOARD OF EDUCATION

#### CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-24-30, and 59-24-40

43-165.1. Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).

### Preamble:

The State Board of Education proposes to amend R.43-165.1 to realign and clarify language for three purposes: (1) to clarify that the evaluation instrument is available from the South Carolina Department of Education, (2) to clarify that approved alternative evaluation instruments can be used as part of the criteria for Tier 2 certification, and (3) to clarify that identified areas of student growth will be included in the Principal's Professional Development Plan. There will be no fundamental changes.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on May 26, 2017.

Section-by-Section Discussion:

Entire document	Consistency with the use of acronyms within the document
Section II(B)	Changes “Office of School Leadership’s (OSL)” to “SCDE’s”
Section II(C)	Changes “Office of School Leadership” to “SCDE”
Section II(C)	Adds “and charter schools”
Section III(A)(1)	Changes “Regulation” to “Reg.”
Section III(A)(2)	Adds “or the approved alternative evaluation instrument”
Section III(B)	Changes “Student Growth” to “Principal’s Professional Development”
Section V(B)	Adds “and identified areas of student growth”
Section VI(A)(3)	Changes “Regulation” to “Reg.” and adds “the” before the acronym “PADEPP”
Section VI(E)	Adds “the” before the acronym “PADEPP”
Section VII(A)	Adds “the” before the acronym “PADEPP”
Section VIII(A)(3)	Changes “Regulation” to “Reg.”

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

A public hearing will be held on November 14, 2017, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment. To review the regulation, click on the following link [2017–18 Regulations Under Review by the State Board of Education](#).

Written comments should be submitted to Dr. Vicki Traufler, PADEPP Coordinator, Office of Educator Effectiveness and Leadership Development, Division of Innovation and Effectiveness, 8301 Parkland Road, Columbia, South Carolina 29223 or by e-mail to [vtraufler@ed.sc.gov](mailto:vtraufler@ed.sc.gov) on or before 5:00 p.m. on September 25, 2017.

**Preliminary Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to Reg. 43-165.1.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).

Purpose: Changes to Reg. 43-165.1 are proposed to clarify that the evaluation instrument is available from the South Carolina Department of Education and to clarify that identified areas of student growth will be included in the Principal’s Professional Development Plan.

Legal Authority: 1976 Code Sections 59-5-60, 59-24-30, and 59-24-40.

Plan for Implementation: The proposed amendments would be incorporated within Reg. 43-165.1 upon publication to the State Register as a final regulation.

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

The changes provide clarity of student growth goals used for principal evaluative purposes.

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### DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the school districts. The proposed amendments will benefit students, schools, districts, and the state.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

### Statement of Rationale:

Student growth will remain a prominent component of the principal evaluation system each year. As a required goal of the Principal's Professional Development Plan, an action plan for identified areas of student growth will be based upon the specific needs of the students and school each year.

### 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. 4750

## 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 Section 48-1-10 et seq. (2008), along with the federal Clean Air Act, 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.
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 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 & 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.
3. The Department has amended Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the South Carolina SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.
4. These amendments also add Regulation 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<sub>x</sub> (Annual) and SO<sub>2</sub> (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 addresses mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.
5. Other changes to Regulation 61-62 were made that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. The citations where these revisions were made are listed within the Section-by-Section Discussion of Amendments.
6. 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.
7. In accordance with S.C. Code Section 1-23-120(H) (Supp. 2016), legislative review is not required for these amendments because the amendments were promulgated to maintain compliance with federal law. As such, neither an assessment report nor a fiscal impact statement is required.

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8. A Notice of Drafting was published in the *State Register* on January 27, 2017.

### Section-by-Section Discussion of Amendments:

#### SECTION CITATION/EXPLANATION OF CHANGE:

#### **Regulation 61-62.1, Definitions and General Requirements**

Regulation 61-62.1, Section I, Definitions:

Definition 100.c. is stricken in its entirety to address the revision to the regulatory definition of volatile organic compounds (VOCs) at 81 FR 9339, February 25, 2016.

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

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Pulverized Coal-Fired Boilers to remove the bold font from the phrase “Selective Catalytic Reduction” for appropriate codification and consistency.

Regulation 61-62.5, Standard No. 5.2, Section III, Table 1:

Table 1 is amended at Internal Combustion Engines to remove the italics font from the phrases “Timing Retard ≤ 4 degrees”, “Turbocharger with Intercooler”, “490 ppmv”, “15”, and “O<sub>2</sub>” for appropriate codification and consistency.

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

Paragraph A(2)(a) is amended to strike the word “or” from the phrase, “greater or permitted for solid fuels” for clarity and accuracy.

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

Paragraph B(5) is amended to strike the word “of” and replace with the word “or” in the phrase “owner of operator,” to read “owner or operator” for clarity and correctness.

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

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

Paragraph (b)(34)(vi)(b) is amended to add the word “and” following the semi-colon, and Paragraph (b)(34)(vi)(c) is amended to strike the semi-colon and the word “and” following the semi-colon, and replace with a period, for correct codification.

Regulation 61-62.5, Standard No. 7, Section (q), Public Participation:

Paragraphs (q)(2)(ii), (iii), (vi), and (viii) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraph (w) is amended to change “(w)” to bold font for consistency in codification.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraphs (w)(1), (2), and (3) are amended to address federal revisions concerning rescission of preconstruction permits issued under the Clean Air Act at 81 FR 78043, November 7, 2016.

Regulation 61-62.5, Standard No. 7, Section (w), Permit Rescission:

Paragraph (w)(4) is amended to address federal revisions to public notice provisions in Clean Air Act Permitting Programs at 81 FR 71613, October 18, 2016.

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

Paragraph (aa) is amended to change “(aa)” to bold font for consistency in codification, and amended to strike the citation “(15)” and replace with “(aa)(15)” for correct codification.

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

Paragraph (aa)(1)(i) is amended to remove the underline from the citation “(aa)(15)” for consistency and appropriate codification.

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

Paragraph (aa)(9) is amended to strike the citation “(aa)(9)(i)(v)” and replace with “(aa)(9)(v)” for correct codification.

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

Paragraph (aa)(11)(i) is amended to strike the citation “(aa)(10)(iv)(d)” and replace with “(aa)(11)(i)(d)” for correct codification.

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

Paragraph (aa)(14)(i) is amended to add a close parenthesis to the citation “(aa)(14)(i)(g)” to read, “(aa)(14)(i)(g)” for correct codification.

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

Paragraph (bb) is amended to change “(bb)” to bold font for consistency in codification.

**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 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; 81 FR 59276 and 59332, August 29, 2016; and 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart Cf, “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”:

Subpart Cf, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59276, August 29, 2016 by reference.

Regulation 61-62.60, Subpart Da, “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”:

Subpart Da, Table, is amended to incorporate federal revisions at 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.60, Subpart Ja, “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”:

Subpart Ja, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.60, Subpart GG, “Standards of Performance for Stationary Gas Turbines”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart BBB, “Standards of Performance for the Rubber Tire Manufacturing Industry”:

Subpart BBB, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.



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Regulation 61-62.60, Subpart DDD, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”:

Subpart DDD, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart III, “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”:

Subpart III, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart LLL:

Subpart LLL is retitled “Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011” for consistency with federal regulations, and Subpart LLL, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016, and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart NNN, “Standards of Performance for Volatile Organic Compounds (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”:

Subpart NNN, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart XXX, “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”:

Subpart XXX, Table, is added to incorporate newly promulgated federal regulations at 81 FR 59332, August 29, 2016 by reference.

Regulation 61-62.60, Subpart CCCC:

Subpart CCCC is retitled “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart CCCC, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart DDDD:

Subpart DDDD is retitled “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units” for consistency with federal regulations, and Subpart DDDD, Table, is amended to incorporate federal revisions at 81 FR 40956, June 23, 2016 by reference.

Regulation 61-62.60, Subpart IIII, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”:

Subpart IIII, Table, is amended to incorporate federal revisions at 81 FR 44212, July 7, 2016 by reference.

Regulation 61-62.60, Subpart JJJJ, “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”:

Subpart JJJJ, Table, is amended to incorporate federal revisions at 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.60, Subpart KKKK, “Standards of Performance for Stationary Combustion Turbines”:

Subpart KKKK, Table, is amended to incorporate federal revisions at 81 FR 42542, June 30, 2016 by reference.

Regulation 61-62.60, Subpart OOOO:

Subpart OOOO is retitled “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015” for consistency with federal regulations, and Subpart OOOO, Table, is amended to incorporate federal revisions at 81 FR 35824, June 3, 2016; 81 FR 42542, June 30, 2016; and 81 FR 43950, July 6, 2016 by reference.

Regulation 61-62.60, Subpart OOOOa, “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”:

Subpart OOOOa, Table, is added to incorporate newly promulgated federal regulations at 81 FR 35824, June 3, 2016 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 81 FR 59800, August 30, 2016 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 81 FR 59800, August 30, 2016 by reference.

Regulation 61-62.63, Subpart CC, “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”:

Subpart CC, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 by reference.

Regulation 61-62.63, Subpart GG, “National Emission Standards for Aerospace Manufacturing and Rework Facilities”:

Subpart GG, Table, is amended to incorporate federal revisions at 81 FR 51114, August 3, 2016 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 81 FR 48356, July 25, 2016 by reference.

Regulation 61-62.63, Subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”:

Subpart RRR, Table, is amended to incorporate federal revisions at 81 FR 38085, June 13, 2016 by reference.

Regulation 61-62.63, Subpart UUU, “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”:

Subpart UUU, Table, is amended to incorporate federal revisions at 81 FR 45232, July 13, 2016 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 81 FR 20172, April 6, 2016 by reference.

Regulation 61-62.63, Subpart EEEEE, “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”:

Subpart EEEEE is amended to add the phrase “and as subsequently amended upon publication in the *Federal Register*” for clarity.

Regulation 61-62.63, Subpart JJJJJ:

Subpart JJJJJ is retitled “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources” for consistency with federal regulations, and Subpart JJJJJ, Table, is amended to incorporate federal revisions at 81 FR 63112, September 14, 2016 by reference.

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

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

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Paragraph (e)(2)(ii)(C) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

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

Paragraphs (h)(1) and (2) are amended to address federal revisions to public notice provisions for Clean Air Act permitting programs at 81 FR 71613, October 18, 2016.

Regulation 61-62.70, Section 70.9, Fee determination and certification:

Paragraph (b)(2)(ii)(A) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

### **Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

Regulation 61-62.97 is added to incorporate the EPA’s CSAPR trading program for South Carolina in 40 CFR Part 97 for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (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.

**Instructions:** Amend Regulation 61-62 pursuant to each individual instruction provided with the text below.

**Text:**

### **Regulation 61-62.1, Section I, Definitions**

**Regulation 61-62.1.I.100.c. shall be deleted in its entirety.**

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

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Pulverized Coal-Fired Boilers shall be revised as follows:**

<b>Pulverized Coal-Fired Boilers</b>	
< 250 MMBtu/hr	Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions or equivalent technology, shall achieve 0.35 lb/MMBtu
≥ 250 MMBtu/hr	Low-NO <sub>x</sub> Burners + Combustion controls to minimize NO <sub>x</sub> emissions + Selective Catalytic Reduction (SCR) or equivalent technology, shall achieve 0.14 lb/MMBtu

**Regulation 61-62.5, Standard No. 5.2, Section III, Table 1 at Internal Combustion Engines shall be revised as follows:**

<b>Internal Combustion Engines</b>	
Compression Ignition	Timing Retard ≤ 4 degrees + Turbocharger with Intercooler or equivalent technology, shall achieve 490 ppmv at 15 percent O <sub>2</sub> (7.64 gram per bhp-hour (gm/bhp-hr))
Spark Ignition	Lean-Burn Technology or equivalent technology, shall achieve 1.0 gm/bhp-hr
Landfill or Digester Gas-Fired	Lean-Burn Technology or equivalent technology, shall achieve 1.25 gm/bhp-hr

**Regulation 61-62.5, Standard No. 5.2, Section IV.A(2)(a) shall be revised as follows:**

(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

**Regulation 61-62.5, Standard No. 5.2, Section IV.B(5) shall be revised as follows:**

(5) Other Requirements

The owner or operator shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected source; any malfunction of the air pollution control equipment; and any periods during which a continuous monitoring system or monitoring device is inoperative.

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

**Regulation 61-62.5, Standard No. 7, Section (b)(34)(vi) shall be revised as follows:**

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(ii) shall be revised as follows:**

(ii) Make available in at least one location in each region in which the proposed source or modification would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on a public website identified by the Department.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(iii) shall be revised as follows:**

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, 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. Alternatively, these notifications may be made on a public website identified by the Department. However, the Department's selected notification method (i.e., either newspaper or website), known as the "consistent noticing method," shall be used for all permits subject to notice under this section and may, when appropriate, be supplemented by other noticing methods on individual permits. If the Department selects website notice as its consistent noticing method, the notice shall be available for the duration of the public comment period and shall include the notice of public comment, 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.

**Regulation 61-62.5, Standard No. 7, Section (q)(2)(vi) shall be revised as follows:**

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing in making a final decision on the approvability of the application.

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No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same location or on the same website where the Department made available preconstruction information relating to the proposed source or modification.

#### **Regulation 61-62.5, Standard No. 7, Section (q)(2)(viii) shall be revised as follows:**

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same website where the Department made available preconstruction information and public comments relating to the source or modification.

#### **Regulation 61-62.5, Standard No. 7, Section (w) shall be revised as follows:**

##### **(w) Permit rescission.**

#### **Regulation 61-62.5, Standard No. 7, Section (w)(1) shall be revised as follows:**

(1) Any permit issued under this section or a prior version of this regulation shall remain in effect, unless and until it expires or is rescinded under this paragraph (w).

#### **Regulation 61-62.5, Standard No. 7, Section (w)(2) shall be revised as follows:**

(2) Any owner or operator of a stationary source or modification who holds a permit issued under this section for the construction of a new source or modification that meets the requirement in paragraph (w)(3) of this section may request that the Department rescind the permit or a particular portion of the permit.

#### **Regulation 61-62.5, Standard No. 7, Section (w)(3) shall be revised as follows:**

(3) The Department may grant an application for rescission if the application shows that this section would not apply to the source or modification.

#### **Regulation 61-62.5, Standard No. 7, Section (w)(4) shall be revised as follows:**

(4) If the Department rescinds a permit under this paragraph, the Department shall post a notice of the rescission determination on a public website identified by the Department within 60 days of the rescission.

#### **Regulation 61-62.5, Standard No. 7, Section (aa) shall be revised as follows:**

**(aa) Actuals PALs.** The provisions in paragraphs (aa)(1) through (aa)(15) govern actuals PALs.

#### **Regulation 61-62.5, Standard No. 7, Section (aa)(1)(i) shall be revised as follows:**

(i) The Department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs (aa)(1) through (aa)(15). The term "PAL" shall mean "actuals PAL" throughout paragraph (aa).

#### **Regulation 61-62.5, Standard No. 7, Section (aa)(9) shall be revised as follows:**

**(9) Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through (aa)(9)(v) shall apply.

**Regulation 61-62.5, Standard No. 7, Section (aa)(11)(i) shall be revised as follows:**

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through (aa)(11)(i)(d).

**Regulation 61-62.5, Standard No. 7, Section (aa)(14)(i) shall be revised as follows:**

(i) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (aa)(14)(i)(g).

**Regulation 61-62.5, Standard No. 7, Section (bb) shall be revised as follows:**

(bb) If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

**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]
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]

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<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
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]
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]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
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]

**Regulation 61-62.60, Subpart Cf, shall be added in alpha-numeric order as follows:**

**Subpart Cf - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”**

The provisions of 40 CFR Part 60 Subpart Cf, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Cf			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 81	August 29, 2016	[81 FR 59276]

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

**Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”**

The provisions of 40 CFR Part 60 Subpart Da, 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 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]



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40 CFR Part 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777]
Revision	Vol. 81	April 6, 2016	[81 FR 20172]

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

**Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”**

The provisions of 40 CFR Part 60 Subpart Ja, 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 60 Subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]

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

**Subpart GG - “Standards of Performance for Stationary Gas Turbines”**

The provisions of 40 CFR Part 60 Subpart GG, 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 60 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 71	February 24, 2006	[71 FR 9453]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]

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

**Subpart BBB - “Standards of Performance for the Rubber Tire Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart BBB, 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 60 Subpart BBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	September 15, 1987	[52 FR 34874]
Revision	Vol. 52	October 9, 1987	[52 FR 37874]
Revision	Vol. 54	September 19, 1989	[54 FR 38635]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

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

**Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”**

The provisions of 40 CFR Part 60 Subpart DDD, 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 60 Subpart DDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	December 11, 1990	[55 FR 51035]
Revision	Vol. 56	March 5, 1991	[56 FR 9178]
Revision	Vol. 56	March 22, 1991	[56 FR 12299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 64	March 9, 1999	[64 FR 11541]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

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40 CFR Part 60 Subpart DDD			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 81	June 30, 2016	[81 FR 42542]

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

**Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”**

The provisions of 40 CFR Part 60 Subpart III, 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 60 Subpart III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

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

**Subpart LLL - “Standards of Performance for SO<sub>2</sub> Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011”**

The provisions of 40 CFR Part 60 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.

40 CFR Part 60 Subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

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

**Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”**

The provisions of 40 CFR Part 60 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.

40 CFR Part 60 Subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 74	June 24, 2009	[74 FR 29948]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

**Regulation 61-62.60, Subpart XXX, shall be added in alpha-numeric order as follows:**

**Subpart XXX - “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”**

The provisions of 40 CFR Part 60 Subpart XXX, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart XXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 81	August 29, 2016	[81 FR 59332]

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

**Subpart CCCC - “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units”**

The provisions of 40 CFR Part 60 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 60 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]

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

**Subpart DDDD - “Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”**

The provisions of 40 CFR Part 60 Subpart DDDD, 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.

**38 FINAL REGULATIONS**

<b>40 CFR Part 60 Subpart DDDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]

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

**Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart IIII, 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 IIII</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	July 7, 2016	[81 FR 44212]

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

**Subpart JJJJ - “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”**

The provisions of 40 CFR Part 60 Subpart JJJJ, 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 JJJJ</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]

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

**Subpart KKKK – “Standards of Performance for Stationary Combustion Turbines”**

The provisions of 40 CFR Part 60 Subpart KKKK, 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 60 Subpart KKKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 74	March 20, 2009	[74 FR 11858]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]

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

**Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOO, 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 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]
Revision	Vol. 79	December 31, 2014	[79 FR 79018]
Revision	Vol. 80	August 12, 2015	[80 FR 48262]
Revision	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]

**Regulation 61-62.60, Subpart OOOOa, shall be added in alpha-numeric order as follows:**

**Subpart OOOOa - “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”**

The provisions of 40 CFR Part 60 Subpart OOOOa, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOOa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 81	June 3, 2016	[81 FR 35824]

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

**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.

40 FINAL REGULATIONS

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
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]
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]

<b>40 CFR Part 61 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
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]

**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.

<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
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]



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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
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]
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]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
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]
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]

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

**Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”**

The provisions of 40 CFR Part 63 Subpart CC, 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.

#### 44 FINAL REGULATIONS

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]
Revision	Vol. 76	July 18, 2011	[76 FR 42052]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]

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

#### **Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”**

The provisions of 40 CFR Part 63 Subpart GG, 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 GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15006]
Revision	Vol. 63	September 1, 1998	[63 FR 46526]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	December 7, 2015	[80 FR 76151]
Revision	Vol. 81	August 3, 2016	[81 FR 51114]

**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”**

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]

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

**Subpart RRR - “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”**

The provisions of 40 CFR Part 63 Subpart RRR, 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 RRR</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 81	June 13, 2016	[81 FR 38085]

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

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### Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”

The provisions of 40 CFR Part 63 Subpart UUU, 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 UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]

**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”

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]

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

### Subpart EEEEE - “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources”

The provisions of 40 CFR Part 63 Subpart EEEEE, 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 EEEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 3, 2007	[72 FR 36363]

**Regulation 61-62.63, Subpart JJJJJJ, shall be revised as follows:****Subpart JJJJJJ - "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources"**

The provisions of 40 CFR Part 63 Subpart JJJJJJ, 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 JJJJJJ</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55217]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15554]
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 81	September 14, 2016	[81 FR 63112]

**Regulation 61-62.70, Title V Operating Permit Program****Regulation 61-62.70.7 (e)(2)(ii)(C), shall be revised as follows:**

(C) Certification by a responsible official, consistent with Section 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

**Regulation 61-62.70.7 (h)(1), shall be revised as follows:**

(1) Notice shall be given by one of the following methods: By publishing the notice in a newspaper of general circulation in the area where the source is located (or in a State publication designed to give general public notice) or by posting the notice, for the duration of the public comment period, on a public website identified by the Department, if the Department has selected website noticing as its "consistent noticing method." The consistent noticing method shall be used for all draft permits subject to notice under this paragraph. If website noticing is selected as the consistent noticing method, the draft permit shall also be posted, for the duration of the public comment period, on a public website identified by the Department. In addition, notice shall be given to persons on a mailing list developed by the Department using generally accepted methods (e.g., hyperlink sign-up function or radio button on an agency website, sign-up sheet at a public hearing, etc.) that enable interested parties to subscribe to the mailing list. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Department may delete from the list the name of any person who fails to respond to such a request within a reasonable timeframe. The Department may use other means to provide adequate notice to the affected public;

**Regulation 61-62.70.7 (h)(2), shall be revised as follows:**

(2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person (or an email or website address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any permit application, compliance plan, permit, and

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monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to Section 114(c) of the Act (the contents of a Part 70 permit shall not be entitled to protection under Section 114(c) of the Act), and all other materials available to the Department (except for publicly-available materials and publications) that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

**Regulation 61-62.70.9 (b)(2)(ii)(A), shall be revised as follows:**

(A) The actual emissions of sources for which no fee is required under Section 70.9(b)(4);

### **Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program**

**Regulation 61-62.97 shall be added as follows:**

#### **61-62.97. Cross-State Air Pollution Rule (CSAPR) Trading Program.**

##### **Subpart A - South Carolina CSAPR NO<sub>x</sub> Annual Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.402 through 97.408, 97.411 through 97.418, 97.420 through 97.428, and 97.430 through 97.435 as amended at 81 FR 74604-07 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.411(b)(2) and (c)(5)(iii), 97.412(b), and 97.421(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.404(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina NO<sub>x</sub> Annual trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR NO<sub>x</sub> Annual allowances, and the variability limit for the South Carolina NO<sub>x</sub> Annual trading budget, are as follows:

- a. The NO<sub>x</sub> Annual trading budget is 32,498 tons.
- b. The new unit set-aside is 620 tons.
- c. The Indian country new unit set-aside is 33 tons.
- d. The variability limit is 5,850 tons.
- e. The South Carolina NO<sub>x</sub> Annual trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

##### **Subpart B - South Carolina CSAPR SO<sub>2</sub> Group 2 Trading Program**

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016 edition of 40 CFR 97.702 through 97.708, 97.711 through 97.718, 97.720 through 97.728, and 97.730 through 97.735 as amended at 81 FR 74618-21 (October 26, 2016) are adopted and incorporated by reference.

2. The provisions of 40 CFR 97.711(b)(2) and (c)(5)(iii), 97.712(b), and 97.721(h) and (j) are not adopted or incorporated by reference.

3. For purposes of this subpart, the provisions of 40 CFR 97.704(a)(1) and (b)(1) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian

country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

4. For purposes of this subpart, for the control periods in 2017 and thereafter, the South Carolina SO<sub>2</sub> Group 2 trading budget, new unit set-aside, and Indian country new unit-set aside for allocations of CSAPR SO<sub>2</sub> Group 2 allowances, and the variability limit for the South Carolina SO<sub>2</sub> Group 2 trading budget, are as follows:

- a. The SO<sub>2</sub> Group 2 trading budget is 96,633 tons.
- b. The new unit set-aside is 1,836 tons.
- c. The Indian country new unit set-aside is 97 tons.
- d. The variability limit is 17,394 tons.
- e. The South Carolina SO<sub>2</sub> Group 2 trading budget in this subpart includes any tons in the new unit set-aside or Indian country new unit set-aside but does not include any tons in the variability limit.

**Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 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:**

(1) The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2016. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 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.

(2) These revisions therefore amend Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.70, Title V Operating Permit Program; and the SIP, to adopt the federal amendments to these standards promulgated from January 1, 2016, through December 31, 2016.

(3) These amendments also add Regulation 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<sub>x</sub> (Annual) and SO<sub>2</sub> (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 addresses mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491.

(4) Other changes to Regulation 61-62 were made that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. The citations where these revisions were made are listed within the Section-by-Section Discussion of Amendments.



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### Legal Authority:

The South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq. (“Pollution Control Act”), authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the State the benefits of federal air pollution control laws. Pursuant to the Pollution Control Act, along with 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.

### Plan for Implementation:

The amendments took effect upon approval by the Board of Health and Environmental Control and by 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 40 CFR Parts 50, 51, 52, 60, 61, 63, and 70 throughout each calendar year. Federal amendments in 2016 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories, and amendments to PSD and Title V permitting provisions. The Department is adopting these federal amendments to maintain compliance with federal law. The EPA has also promulgated regulations under 40 CFR Part 97 establishing CSAPR trading provisions for South Carolina for NO<sub>x</sub> (Annual) and SO<sub>2</sub> (Annual). Adoption of the federal CSAPR trading program is necessary to address mandatory transport and regional haze SIP infrastructure elements pursuant to 42 U.S.C. Sections 7410 and 7491. The above amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

### DETERMINATION OF COSTS AND BENEFITS:

The regulations are not subject to the requirements of a fiscal impact statement or a preliminary assessment report. The Department does not anticipate an 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 regulated community has already incurred the cost of these regulations. 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. These amendments will benefit the regulated community by maintaining State implementation of the federal requirements, as opposed to federal implementation.

### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through these amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, will continue State-focused protection of the environment and public health.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:**

The State's authority to implement federal requirements, which is beneficial to the public health and environment of South Carolina, would be compromised if these amendments are not adopted.