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Document No. 4085

**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

61-62.1. Definitions and General Requirements

**Synopsis:**

The United States Environmental Protection Agency (EPA) promulgated a final rule referred to as the Air Emissions Reporting Requirements (AERR) in the *Federal Register* on December 17, 2008 [73 FR 76540]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), the EPA has long required State Implementation Plan (SIPs) to provide for the submission by states to the EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors.

The purpose of the AERR is to harmonize reporting requirements under the NOX SIP Call and the Clean Air Interstate Rule (CAIR) which require inventories to be submitted 12 months after the beginning of each calendar year, and Consolidated Emissions Reporting Rule (CERR) which requires inventories to be submitted 17 months after the beginning of each calendar year. It also removes and simplifies some existing emissions reporting requirements which the EPA believes are not necessary or appropriate; allows states to better track changes in source emissions, shutdowns, and startups over time by using the 40 CFR 70 definition of major source for point source reporting (which defines sources based on potential to emit); deletes a requirement for states to report biogenic emissions; and offers states the option of reporting emissions for certain source categories.

Regulation 61-62.1, Definitions and General Requirements, currently specifies facilities emission reporting intervals based on actual emissions rather than potential to emit. The Department has amended this requirement in an effort to be consistent with Federal requirements under the AERR.

Regulation 61-62.1 also previously specified that major hazardous air pollutants (HAP) sources need only submit a summary sheet and calculations showing the source wide emissions of all HAPs emitted in excess of 200 pounds/year. The Department has deleted this specification so that more detailed HAP data can be collected to insure that the National Emissions Inventory (NEI) maintained by the EPA contains the best available data. The Department also specifies that sources with greater than 10 tons per year (tpy) for a single HAP and 25 tpy for combined total HAP emissions will still only need to supply this information every three years.

A Notice of Drafting was published in the *State Register* on April 24, 2009.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation, 61-62.1, Section III – Emissions Inventory:

The entire section has been revised to incorporate the requirements of the AERR and to expand reporting requirements.

Regulation, 61-62.1 Section III (A):

Subsection is expanded to include a definition of point sources as defined by 40 CFR Part 70 and to give the Department flexibility on emissions reporting requirements which was previously included in Section III (B)(2)(i).

Regulation, 61-62.1 Section III (B):

Subsection is revised to delete redundant source specifications that are included in the HAP additions to Table 1.

Regulation, 61-62.1 Section III (C)(1):

The entire subsection is revised to incorporate the requirements of the AERR, delete obsolete or unnecessary text, require reporting requirements by facility’s potential to emit as defined by 40 CFR Part 70, and include reporting requirements for Hazardous Air Pollutant (HAP) emissions.

Regulation, 61-62.1 Section III (C)(3):

Subsection is revised to clarify reporting format and schedules, delete requirements previously involved with HAP reporting, update Federal amendment date for 40 CFR Subpart A, and delete redundant or unnecessary text.

**Instructions:**

Replace Section III of R.61-62.1, Definitions and General Requirements, of R.61-62, Air Pollution Control Regulations and Standards.

**Text:**

**Replace Section III, of R.61-62.1, to read:**

**SECTION III - EMISSIONS INVENTORY**

A. General

Emissions inventory is a study or compilation of pollutant emissions. The purposes of emissions inventories are to locate air pollution sources, to define the type and size of sources, to define the type and amount of emissions from each source, to determine pollutant frequency and duration, to determine the relative contributions to air pollution from classes of sources and of individual sources, to provide a basis for air permit fees, and to determine the adequacy of regulations and standards.

The requirements of this Section notwithstanding, an emissions inventory may be required from any source at any time.

B. Applicability

 The provisions of this Section shall apply to all stationary sources:

 1. that include any point source defined as a major source according to 40 CFR Part 70; or

 2. that are located in a non-attainment area that exceed the specified thresholds.

C. Emissions Inventory Reporting Requirements

 1. Beginning with the effective date of this regulation, these sources will submit an emissions inventory in a frequency specified by Table 1 by March 31st for the previous calendar year.

a. Type A Sources - Title V sources with potential annual emissions greater than or equal to any of the emission thresholds listed for Type A Sources in Table 1 of this Section. Beginning with the effective date of this regulation, these sources will submit an emissions inventory by March 31 of every year for the previous calendar year. Beginning on March 31, 2012 (with 2011 calendar year data) these sources will submit TAP and HAP data with their annual emissions inventory every third year for the previous calendar year.

 b. Type B Sources - Title V sources with potential annual emissions during any year of the three year cycle greater than or equal to any of the emission thresholds listed for Type B Sources in Table 1 of this Section. Beginning on March 31, 2012 (with calendar year 2011 data), these sources will submit emissions inventories every 3 years for the previous calendar year.

 c. NAA Sources - Sources located in a non-attainment area with actual annual emissions during any year of the three year cycle greater than or equal to any of the emission thresholds listed for NAA Sources in Table 1 of this Section. Beginning on March 31, 2012 (with calendar year 2011 data), these sources that are not also Type A Sources will submit emissions inventories every 3 years for the previous calendar year .

|  |
| --- |
| **Table 1 - Minimum Point Source Reporting Thresholds by Pollutant (tpy potential to emit1)** |
|  Pollutant | Annual cycle | Three-year cycle |
| Type A Sources2 | Type B Sources2 | NAA3 Sources |
| SOx | ≥2500 | ≥100 | ≥100 |
| VOC | ≥250 | ≥100 | ≥100 (moderate O3 NAA) |
| ≥50 (serious O3 NAA) |
| ≥25 (severe O3 NAA) |
| ≥10 (extreme O3 NAA) |
| NOX | ≥2500 | ≥100 | ≥100 (all O3 NAA) |
| CO | ≥2500 | ≥1000 | ≥100 (all O3 NAA) |
| ≥100 (all CO NAA) |
| Pb |  | ≥5 | ≥5 |
| PM10 | ≥250 | ≥100 | ≥100 (moderate PM10 NAA) |
| ≥70 (serious PM10 NAA) |
| PM2.5 | ≥250 | ≥100 | ≥100 |
| NH3 | ≥250 | ≥100 | ≥100 |
| HAP4 |  | ≥10 Single HAP |  |
| ≥25 Combined HAPs |
| 1 tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Federal Administrator and included in the sources permit prior to the end of the reporting year.2 Type A Sources are a subset of the Type B Sources and are the larger emitting sources by pollutant.3 NAA = Non-Attainment Area. Special point source reporting thresholds apply for certain pollutants by type of non-attainment area. The pollutants by non-attainment area are:  Ozone: VOC, NOX, CO;  Carbon Monoxide: CO;  Particulate matter less than 10 microns: PM10.4 Hazardous Air Pollutant. |

 2. Other Requirements

 a. Unless otherwise indicated, all emissions inventories shall be submitted to the Department by March 31 following the year of inventory. All applicable information will be recorded on the current format for reporting emissions data as provided by the Department.

 b. All newly permitted and constructed Title V sources and/or NAA Sources will complete and submit to the Department initial emissions inventories including the partial year when operation first began and the first full calendar year of operation. These sources shall then submit future emissions inventories on the schedule as described in Table 1 of this Section.

 c. Any existing sources that are newly identified as Title V sources and/or NAA Sources will complete and submit to the Department an emissions inventory for the previous calendar year within 90 days of learning of applicability. These sources shall then submit future emissions inventories on the schedule as described in Table 1 of this Section.

 d. Submittal of emissions inventories outside of the schedules in this Section will be accepted and reviewed only if a modification has occurred that required issuance of an air quality permit since the last emissions inventory submittal by the source. This modification must alter the quantity or character of the sources emissions. These sources may submit a new emissions inventory following the first full calendar year of operation after the modification. These sources shall then submit future emissions inventories on the schedule described in Table 1 of this Section.

 e. Information required in an emissions inventory submittal to the Department will include the following:

 i. Information on fuel burning equipment;

 ii. Types and quantities of fuel used;

 iii. Fuel analysis;

 iv. Exhaust parameters;

 v. Control equipment information;

 vi. Raw process materials and quantities used;

 vii. Design, normal, and actual process rates;

 viii. Hours of operation;

 ix. Significant emission generating points or processes as discussed on the current form for reporting emissions data as provided by the Department;

 x. Any desired information listed in 40 CFR 51, Subpart A (December 17, 2008) that is requested by the Department;

 xi. Emissions data from all regulated pollutants. Beginning on March 1, 2012 (with 2011 calendar year data) sources will submit TAP and HAP data with their annual emissions inventory every third year for the previous calendar year;

 xii. Any additional information reasonably related to determining if emissions from an air source are causing standards of air quality to be exceeded.

 f. A source may submit a written request to the Department for approval of an alternate method for estimating emissions outside of those methods prescribed by the Department. Such requests will be reviewed by the Department's emissions inventory staff on a case-by-case basis to determine if the alternate method better characterizes actual emissions for the reporting period than the Department's prescribed methods.

 g. Emission estimates from insignificant activities listed on a source’s permit shall be required only in the initial emissions inventory submitted by the source. If emissions from these insignificant activities have not been included in a past emissions inventory submitted to the Department, the source shall include these emissions in their next required emissions inventory submittal.

 h. Copies of all records and reports relating to emissions inventories as required in this Section shall be retained by the owner/operator at the source for a minimum of five years.

**Fiscal Impact Statement:**

There will be no increased cost to the State or its political subdivisions.

**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:

 Purpose: Regulation 61-62.1, Definitions and General Requirements, was revised to make necessary revisions for consistency with the new Federal emissions reporting requirements. In addition, the Department amended the State level reporting requirements to facilitate the collection of more detailed process level emissions inventory data (to include hazardous air pollutants (HAP) data) to insure that the National Emissions Inventory (NEI) maintained by the United States Environmental Protection Agency (EPA) contains the best available data.

 Legal Authority: The legal authority for Regulation 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

 Plan for Implementation: The amendments were approved by the Board of Health and Environmental Control and will take effect upon approval by the General Assembly and publication in the State Register. The amendments will be implemented by providing the regulated community with copies of the regulation.

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

The EPA promulgated a final rule referred to as the Air Emissions Reporting Requirements (AERR) in the *Federal Register* on December 17, 2008 [73 FR 76540]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), the EPA has long required State Implementation Plans (SIPs) to provide for the submission by states to the EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors.

The purpose of the AERR is to harmonize reporting requirements under the NOX SIP Call and Clean Air Interstate Rule (CAIR) which requires inventories to be submitted 12 months after the beginning of each calendar year, and Consolidated Emissions Reporting Rule (CERR), which requires inventories to be submitted 17 months after the beginning of each calendar year. The AERR also removes and simplifies some existing emissions reporting requirements, which the EPA believes are not necessary or appropriate; allows states to better track changes in source emissions, shutdowns, and startups over time by using the 40 CFR 70 definition of major source for point source reporting (which defines sources based on potential to emit); deletes a requirement for states to report biogenic emissions; and offers states the option of reporting emissions for certain source categories.

Regulation 61-62.1, Definitions and General Requirements, currently specifies facilities emission reporting intervals based on actual emissions rather than potential to emit. The Department has revised this requirement in an effort to be consistent with Federal requirements under the AERR. Specifying a facility’s reporting frequency based on potential to emit rather than actual emissions will reduce the uncertainty in which sources report emissions year to year which is common under current rules. Approximately 15 of the 282 current Title V sources will be required to increase their emissions inventory reporting from a three year reporting frequency to an annual frequency based on this change, and approximately 50 facilities will go from one time reporting to a three year reporting frequency. Many facilities can avoid annual reporting; however, by taking limits in their federally enforceable permits.

Regulation 61-62.1, Definitions and General Requirements, alsocurrently specifies that major HAP sources need only submit a summary sheet and calculations showing the source wide emissions of all HAPs emitted in excess of 200 pounds/year. The Department has deleted this specification so that more detailed HAP data can be collected to insure that NEI maintained by the EPA contains the best available data. The Department is also requiring that sources with greater than 10 tons per year (tpy) for a single HAP and 25 tpy for combined total HAP emissions report their emissions information every three years.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this revision. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. This action will reduce the number of times the Department will need to submit emissions inventory data to the EPA by harmonizing the 17 month schedule under the CERR with the 12 month schedule under CAIR. This reduced number of reporting times will result in a more efficient use of staff time and will allow staff more time to work on other emissions inventories like mobile sources.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions. The EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

By implementing this rule, the Department will be able to more effectively track emissions of HAPs from large facilities in South Carolina. The Department will thereby improve the State’s emission inventories to more effectively protect public health.

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

There will be no detrimental effect on the environment and/or public health associated with these revisions.

**Statement of Rationale**:

The bulk of these revisions are being made to comply with the Federal mandate. The additional revisions will facilitate the collection of more detailed process level emissions inventory data. These revisions will change the reporting requirements for some facilities that are required to obtain a Title V permit issued by the Department.