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Document No. 4130

**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

61-86.1 Standards of Performance for Asbestos Projects

**Synopsis:**

The Department has amended R. 61-62.1, Definitions and General Requirements, and the SIP to update and correct definitions and permit requirements; R. 61-62.5, Standard 1, Emissions From Fuel Burning Operations, to exclude the requirement for natural gas fired units to maintain a log of periods of startup and shutdown; R. 61-62.5, Standard 2, Ambient Air Quality Standards*,* to remove the standard for Total Suspended Particle (TSP) and update the exceedance limitation for the carbon monoxide (CO) standard; R. 61-62.5, Standard No. 4, Emissions from Process Industries, to modify the regulatory strategy for cotton gins; and clarify the definition for major source threshold throughout R. 61-62. The Department has also deleted R. 61-62.5, Standard 6, Alternative Emission Limitation Options (“Bubble”); and updated the entirety of R. 61-62 to correct typographical errors, provide clarification, and delete or update obsolete requirements.

Based on concerns brought up during legislative approval of previous amendments, the Department also has amended R. 61-86.1, Standards of Performance for Asbestos Projects, to revise Section XX.A.4, and add Section XX.J.3, to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from 3 years to 5 years.

The Department has met with stakeholders to develop these amendments. Based on comments received, the obsolete requirement of stack testing for Total Reduced Sulfur (TRS) at facilities that are already required to have a continuous emissions monitoring system (CEMS) installed was removed from R. 61-62.5 Standard 4, Section XII(B).

Notices of Drafting were published in the South Carolina *State Register* on September 26, 2008, in Volume 32, Issue No. 9; and on February 26, 2010, in Volume 34, Issue No. 2. The purpose of the second Notice of Drafting was to extend the drafting period initially established by the September 26, 2008, drafting notice. A Notice of Proposed Regulation was published in the *State Register* on June 25, 2010 (Document No. 4130).

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

**S.C. Regulation 61-62.1 Definitions and General Requirements**

R. 61-62.1, Section I – Definitions

Added definition “15. CAA - The Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*. Also referred to as “the Act.”

R. 61-62.1, Section I – Definitions:

Amended definition for “Conditional major source” to replace, “in S.C. Regulation 61-62.70, Title V Operating Permit Program” with “by applicable Federal and State regulations” in order to take into account all federal requirements for major sources.

R. 61-62.1, Section I Definitions:

Clarified definition for “Department” to include reference to the “South Carolina” Department of Health and Environmental Control.

R. 61-62.1, Section I – Definitions:

Included “40 CFR sections 61, 63, and 70” in definition for “federally enforceable” in order to clarify applicability of Federal NESHAP and Title V regulations.

R. 61-62.1, Section I Definitions:

Changed the definition of “Fugitive Emissions” to be consistent with 40 CFR 51.166.

R. 61-62.1, Section I – Definitions:

Renamed definition of “Major Plant” to “Major source” for consistency and amended the definition to replace “one hundred tons per year or more of any regulated air pollutant” with “greater than or equal to the major source threshold as defined by applicable Federal and State regulations” in order to take into account all federal requirements for major sources.

R. 61-62.1, Section I - Definitions

Moved and renumbered definitions for “PM10” and “PM10 Emissions” to appropriate alphabetic place in definitions. Also deleted an unnecessary date reference in “PM10.”

R. 61-62.1, Section I – Definitions:

Added definition: “64. PM2.5 – Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method based on Appendix L of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method designated in accordance with 40 CFR 53.”

R. 61-62.1, Section I – Definitions:

Added definition: “65. PM2.5 Emissions - Finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method approved by the Department, with concurrence of the U. S. Environmental Protection Agency.”

R. 61-62.1, Section I – Definitions:

Amended definition for “Secondary Emissions” to replace instances of word “plant” with “source” to maintain consistency throughout all regulations.

R. 61-62.1, Section I – Definitions:

Renamed definition “Synthetic minor plant” to “Synthetic minor source” for consistency and amended the definition to replace “as defined in S.C. Regulation 61-62.5, Standard No. 7, Section I, Prevention of Significant Deterioration (“PSD”)” with “by applicable Federal and State regulations” in order to take into account all federal requirements for major sources.

R. 61-62.1, Section I – Definitions:

Renumbered definitions in alpha-numeric order from definition 15 to end as needed for consistency.

R. 61-62.1, Section II – Permit Requirements:

Added introductory paragraph before subsection II.A: “The following regulation will not supersede any State or Federal requirements nor special permit conditions, unless this regulation would impose a more restrictive emission limit. The owner or operator shall comply with all terms, conditions, and limitations of any Department-issued permit for sources or activities at its facility. A source’s permit status may change upon promulgation of new regulatory requirements” and deleted sections (A)(1)(a) and (A)(4) to clarify terms that apply to all permits.

R. 61-62.1, Section II.A.1.a:

Section deleted and information included in the aforementioned new Section II introductory paragraph.

R. 61-62.1, Section II.A.4:

Section deleted and information included in the aforementioned new Section II introductory paragraph.

R. 61-62.1, Section II.A.5:

Reformatted the requirements necessary to extend construction permits and renumbered as necessary.

R. 61-62.1, Section II.A(1):

Enumerated last paragraph for section outline codification.

R. 61-62.1, Section II.A:

Enumerated last paragraph for section outline codification.

R. 61-62.1, Section II.B.2.h:

Added provision: “emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request” to require facilities to keep pertinent information for this exemption on site.

R. 61-62.1, Section II.B.3:

Changed the wording with regard to sources placed on a list of sources that are exempt without further review from the requirement to obtain a construction permit from “to have total uncontrolled emissions less than the thresholds in Section II (B)(2)(h)” to “will not interfere with the attainment or maintenance of any State or Federal Standard.”

R. 61-62.1, Section II.B.4:

Changed wording from “whose only emissions are fugitive” to “with only fugitive emissions” for simplicity.

R. 61-62.1, Section II.B.6:

Added the sentence “The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.” to allow for the requirement of construction permits for facilities where other avenues of compliance are ineffective.

R. 61-62.1, Section II.C.3.c:

Corrected to specify that a facility’s Federal “Employer” Identification is necessary and added “Federal Tax ID Number” for clarity.

R. 61-62.1, Section II.C.3.d:

Amended to require applications include Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes.

R. 61-62.1, Section II.G.4:

Added “or modified” to the title.

R. 61-62.1, Section II.H.4.c:

Corrected to specify that a facility’s Federal “Employer” Identification is necessary and added “Federal Tax ID Number” for clarity.

R. 61-62.1, Section II.I.1.b:

Corrected typographical and punctuation errors.

R. 61-62.1, Section II.I.2.a:

Revised to add “The Department reserves the right to require a construction or operating permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.” after the first sentence to allow for Department discretion in requiring a construction permit.

R. 61-62.1, Section II.I.3.a:

Reworded to specify that Registration Permits should contain any “applicable” conditions to simplify permit process as the department finds appropriate.

R. 61-62.1, Section II.J.1:

Specified that the permit conditions apply to “construction and operating” permits

R. 61-62.1, Section II.J.1.b:

Added “Any false information or misrepresentation in the application for a construction or operating permit may be grounds for permit revocation.” to provide for penalties for providing false information.

R. 61-62.1, Section II.J.1:

Added section: “g. A copy of the Department issued construction and/or operating permit must be kept readily available at the facility at all times. The permittee shall maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require. All records required to demonstrate compliance with the limits established under this permit shall be maintained on site for a period of at least five (5) years” To allow for record retention and availability clause in permits.

R. 61-62.1, Section II.N.5:

Removed reference to operating permits since the section only refers to construction permits.

R. 61-62.1, Section II:

Added new section: “O. Inspection and Entry,” which allows for inspection and entry of regulated facilities pursuant to the Pollution Control Act.

**S.C. Regulation 61-62.3, Air Pollution Episodes**

R. 61-62.3, Sections I.2 through 3:

Corrected grammar by adding “or” for clarification.

R. 61-62.3, Section I.4:

Corrected typographical error in units of PM10, SO2, and O3 by changing to μg/m3.

**S.C. Regulation 61-62.5 Standard 1, Emissions From Fuel Burning Operations**

R. 61-62.5 Standard 1, Section I.C:

Excluded the requirement for natural gas fired units to maintain a log of periods of startup and shutdown.

**S.C. Regulation 61-62.5 Standard 2, Ambient Air Quality Standards**

Amended table to delete TSP standard. Also included exceedence limitation footnote for CO standard and reference for rolling 3-month average calculation for lead.

**S.C. Regulation 61-62.5 Standard 4, Emissions From Process Industries**

61-62.5 Standard 4, Section V – Cotton Gins:

Amending entirety of section to go from a process rate based regulation to control based regulation.

61-62.5 Standard 4, Section XII.B – Total Reduced Sulfur:

Amended such that the obsolete requirement for TRS stack testing will not be required for facilities that are already required to have CEMs installed.

**S.C. Regulation 61-62.5 Standard 6, Alternative Emission Limitation Options (“Bubble”)**

Based on the United States Environmental Protection Agency (EPA) disapproval of this regulation in the SC State Implementation Plan (SIP), the entirety of this regulation is being removed and reserved.

**S.C. Regulation 61-62.5 Standard 7, Prevention of Significant Deterioration**

R. 61-62.5 Standard 7.q.2:

Replaced instances of “plant” with “source” to maintain consistency throughout the regulations.

R. 61-62.5 Standard 7.q.3:

Replaced “Review of Major Stationary Sources and Major Modifications” with “Exemptions” to correct reference error.

R. 61-62.5 Standard 7.r.4:

Replaced (s) with (r) to correct reference error.

R. 61-62.5 Standard 7.w.1:

Removed reference to “paragraph (s)” due to reference error.

**S.C. Regulation 61-62.5 Standard 7.1, Non Attainment New Source Review**

R. 61-62.5 Standard 7.1.c.7.A:

Expanded definition of “Major Stationary Source” to account for ozone designations under subpart 2 of the Clean Air Act.

**S.C. Regulation 61-86.1, Standards of Performance for Asbestos Projects**

R. 61-86.1, Section XX.A.4:

Added exemption for building inspection frequency for industrial manufacturing and electrical generating facilities.

R. 61-86.1, Section XX.J.3:

Added text to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from 3 years to 5 years.

**Instructions:**

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, and 61-86.1, Standards of Performance for Asbestos Projects, pursuant to each individual instruction provided below with the text of the amendments.

**Text:**

**R. 61-62.1, Definitions and General Requirements:**

**SECTION I - DEFINITIONS**

**Regulation 61-62.1, Section I(15)-(100), shall be revised as follows, to include new definitions at 15, 64, and 65; move definitions 57 and 58; make changes to definitions 19, 23, 27, 30, 45, and 85; delete definition 86; and reenumerate definition section from 15 to end as necessary:**

 15. CAA - The Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*. Also referred to as “the Act.”

 16. Chemotherapeutic Waste - All waste resulting from the production or, use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic waste shall not include any waste containing antineoplastic agents that are listed as hazardous waste under S.C. Hazardous Waste Management Regulation 61-79.261.

 17. Clean Wood - Untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include yard waste, which is defined elsewhere in this Section, or construction, renovation, and demolition waste (including but not limited to railroad ties and telephone poles).

 18. Commercial Incinerator - An incinerator that burns non-hazardous waste from commercial activities with a design capacity of no more than 1250 lb/hr and which burns no more than 6 tons/day. Incinerators of this type not meeting these limits are considered municipal waste combustors. This definition does not include retail and industrial incinerators nor does it include waste from maintenance activities at commercial establishments.

 19. Commissioner - Commissioner means the Commissioner of the Department of Health and Environmental Control.

 20. Conditional major source - A stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source’s potential to emit to avoid being defined as a major source as defined by applicable Federal and State regulations.

 21. Continuous emission monitoring system or CEMS - a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

 22. “Continuous program of physical on-site construction” - Means significant and continuous site preparation work such as major clearing or excavation followed by placement of footings, pilings, and other materials of construction, assembly, or installation of unique facilities or equipment at the site of the source. With respect to a change in the method of operating, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

 23. Crematory Incinerator - Any incinerator designed and used solely for the burning of human remains or animal remains.

 24. Department - Department means the South Carolina Department of Health and Environmental Control.

 25. Dioxins/furans - the combined emissions of tetra- through octa-chlorinated dibenzo-paradioxins and dibenzofurans, as measured by EPA Reference Method 23.

 26. Emission Data - The definition contained in 40 CFR 2.301(a)(2), July 1, 1986, is incorporated by reference.

 27. Emission Limitation (and emission standard) - A requirement established by the State or by the Administrator of the Environmental Protection Agency which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

 28. Federally enforceable - All limitations and conditions which are enforceable by the Administrator of the U.S. Environmental Protection Agency (EPA) and citizens under the Act, including those requirements developed pursuant to 40 CFR 60 , 61, 63, and 70, requirements within the South Carolina State Implementation Plan (SIP), and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

 29. Fuel Burning Operation - Use of furnace, boiler, device or mechanism used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

 30. Fugitive Dust - A type of particulate emission that becomes air­borne by forces of wind, man’s activity or both, including but not limited to, construction sites, tilled land, materials storage piles, and materials handling.

 31. Fugitive Emissions - Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

 32. Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

 33. Hazardous Air Pollutant - A pollutant which is the subject of National Emission Standards for Hazardous Air Pollutants promulgated by the United States Environmental Protection Agency by publication in the Federal Register.

 34. Hazardous Waste - Any waste identified as such by South Carolina Hazardous Waste Management Regulation 61-79.

 35. Hazardous Waste Fuel - Hazardous waste that has a heat value greater than 5000 BTU/lb. and is burned in an industrial or utility boiler or industrial furnace for energy recovery, except for hazardous wastes exempted by Section 266.30(b) of South Carolina Hazardous Waste Management Regulation 61‑79.

 36. Hazardous Waste Incinerator - An incinerator whose primary function is to combust hazardous waste, except for devices which have qualified for exemption as provided in Sections 264.340(b) or 265.340(b) of South Carolina Hazardous Waste Management Regulation 61-79.

 37. Hospital - any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

 38. Hospital/medical/infectious waste incinerator or HMIWI or HMIWI unit - any device that combusts any amount of hospital waste and/or medical/infectious waste.

 39. Hospital waste - discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

 40. Incinerator - Any engineered device used in the process of controlled combustion of waste for the purpose of reducing the volume, removing the contamination and/or reducing or removing the hazardous potential of the waste charged by destroying combustible matter leaving the noncombustible ashes, material and/or residue and which does not meet the criteria nor classification as a boiler nor is listed as an industrial furnace.

 41. Industrial Boiler - A boiler that produces steam, heated air, or other heated fluids for use in a manufacturing process.

 42. Industrial Furnace - Any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

 a. Cement kilns

 b. Lime kilns

 c. Aggregate kilns

 d. Phosphate kilns

 e. Coke ovens

 f. Blast furnaces

 g. Smelting, melting and refining furnaces (including pyrometallurgical devices such as tray furnaces, cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)

 h. Titanium dioxide chloride process oxidation reactors

 i. Methane reforming furnaces

 j. Pulping liquor recovery furnaces

 k. Combustion devices used in the recovery of sulfur values from spent sulfuric acid

 l. Such other devices as the Department may determine on a case by case basis using one or more of the following factors:

 i. The design and use of the device primarily to accomplish recovery of material products;

 ii. The use of the device to burn or reduce raw materials to make a material product;

 iii. The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

 iv. The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

 v. The use of the device in common industrial practice to produce a material product; and,

 vi. Other factors, as appropriate.

 43. Industrial Incinerator - Any incinerator utilized in an industrial plant that does not meet the definition for any other type incinerator or an incinerator used to combust Type 5 or 6 waste at any site.

 44. In Existence - Means that the owner or operator has obtained all necessary construction permits required by this Bureau and either has (a) begun, or caused to begin, a continuous program of physical on-site construction of the source or (b) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time, or that the owner or operator possesses a valid operating permit for the source prior to the effective date of a regulation or standard.

 45. Kraft pulp mill - Any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at a high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

 46. Major Source - Except as otherwise provided, this term refers to any plant which directly emits, or has the potential to emit greater than or equal to the major source threshold as defined by applicable Federal and State regulations.

 47. Malfunction - any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

 48. Mass Emission Rate - The weight discharged per unit of time.

 49. Medical/infectious waste - any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals listed below, and any waste defined as infectious waste in R.61-105, *Infectious Waste Management*. The definition of medical/infectious waste does not include hazardous waste identified or listed in R.61-79.261, *Hazardous Waste Management*; household waste, as defined in R.61-79.261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in R.61-79.261.4(a)(1).

 a. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

 b. Human pathological waste - tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

 c. Human blood and blood products including:

 i. Liquid waste human blood;

 ii. Products of blood;

 iii. Items saturated and/or dripping with human blood; or

 iv. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

 d. Sharps - instruments used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

 e. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

 f. Isolation wastes - biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

 g. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

 50. Multiple-Chamber Incinerator - An incinerator consisting of at least two refractory lined combustion chambers (primary and secondary) in series, physically separated by refractory walls, interconnected by gas passage ports or ducts.

 51. Municipal Solid Waste, MSW or Municipal-type Solid Waste - Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional wastes include:

 a. Yard waste;

 b. Refuse‑derived fuel; and

 c. Motor vehicle maintenance materials limited to vehicle batteries and tires.

 Household, commercial/retail, and institutional waste (MSW) does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes (including type 5 or 6 waste); medical waste; radioactive contaminated waste; hazardous waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

 52. Municipal Waste Combustor, MWC, or Municipal Waste Combustor Unit - Any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field‑erected incinerators (with or without heat recovery), modular incinerators (starved‑air or excess‑air), boilers (i.e., steam generating units) and furnaces (whether suspension‑fired, grate‑fired, mass‑fired, or fluidized bed‑fired, etc.), air curtain incinerators, and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at a plastics/rubber recycling unit**s**. Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

 For the purpose of determining reconstruction or modification, as defined in 40 CFR 60, Subpart A or Regulation 62.5, Standard 3, to a municipal waste combustor the following applies:

 a. The boundaries of a municipal solid waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste pit or hopper and extends through:

 i. The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;

 ii. The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and

 iii. The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

 b. The municipal waste combustor unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine‑generator set.

 53. Non-Industrial Boiler - Any boiler not classified as an industrial boiler.

 54. Non-Industrial Furnace - Any furnace not classified as an industrial furnace.

 55. Non-Spec. Oil (Off-Spec. Oil) - See definition of used oil.

 56. Opacity - The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

 57. Open Burning - Any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high temperature processing unit, incinerator or flare, or in any other such equipment primarily designed for the combustion of fuel or waste material.

 58. Part 70 permit - Any permit or group of permits covering a source subject to the permitting requirements of S.C. Regulation 61-62.70. The use of the term “Title V Permit” shall be construed to mean “Part 70 Permit.”

 59. Particulate Matter - Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

 60. Particulate Matter Emissions - All finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method described in 40 CFR 60, July 1, 1987, or an equivalent or alternative method approved by the Department, with the concurrence of the U. S. Environmental Protection Agency.

 61. Pathological waste - waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

 62. Plant - Except as otherwise provided, any stationary source or combination of stationary sources, which is located on one or more contiguous or adjacent properties and owned or operated by the same person(s) under common control.

 63. Plastics/Rubber Recycling Unit - An integrated processing unit where plastics, rubber, and/or rubber tires are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock, where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than 70 percent of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, and/or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or industrial solid waste, and may include manufacturing scraps, trimmings, and off‑specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (e.g., paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

 64. PM2.5 – Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method based on Appendix L of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method designated in accordance with 40 CFR 53.

 65. PM2.5 Emissions - Finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method approved by the Department, with concurrence of the U. S. Environmental Protection Agency.

 66. PM10 - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR 50 and designated in accordance with 40 CFR 53 or by an equivalent method designated in accordance with 40 CFR 53.

 67. PM10 Emissions - Finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by a reference method approved by the Department, with concurrence of the U. S. Environmental Protection Agency.

 68. Potential to Emit - The maximum capacity of a plant to emit a regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the plant to emit a regulated 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 only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a plant.

 69. Process Industry - Any source engaged in the manufacture, processing, handling, treatment, forming, storing or any other action upon materials except fuel-burning operations.

 70. Process Weight - The total weight of all materials introduced into a source operation, including air and water where these materials become an integral part of the product, and solids used as fuels but excluding liquids and gases used solely as fuels.

 71. Process Weight Rate - A rate established as follows:

 a. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

 b. For cyclical or batch unit operations, or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

 Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this de­finition, the interpretation that results in the minimum value for allowable emission shall apply.

 72. Pyrolysis/Combustion Unit - A unit that produces gases, liquids, or solids through the heating of waste, and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

 73. Refuse - Garbage, rubbish and/or trade waste.

 74. Refuse‑derived Fuel - A type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse‑derived fuel including low‑density fluff refuse‑derived fuel through densified refuse‑derived fuel and pelletized refuse‑derived fuel.

 75. Retail Business Type Incinerator - An incinerator that combusts waste typical of a retail business rather than domestic, commercial, or industrial activities.

 76. Rubbish - Solid wastes from residences and dwellings, commercial establishments, and institutions.

 77. Salvage Operations - Any operation of a business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers, drums or automobiles.

 78. Secondary Emissions - Emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself. Secondary emissions shall be specific, well defined, quantifiable, and shall impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

 a. emissions from ships or trains moving to or from the new or modified source.

 b. emissions from any offsite support operation which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or major modification.

 79. Sludge Incinerator - An incinerator that combusts wastes containing more than 10% (dry weight basis) sludge produced by municipal or industrial waste water treatment plants or each incinerator that charges more than 2205 lb/day (dry weight basis) of sludge produced by municipal or industrial wastewater treatment plants.

 80. Smoke - Small gasborne and airborne particles arising from a pro­cess of combustion in sufficient number to be observable by a person of normal vision under normal conditions.

 81. Solid Fuel - A fuel which is fired as a solid such as coal, lignite and wood.

 82. Spec. Oil - See definition of used oil.

 83. Stack - Any flue, conduit, chimney, or opening arranged to conduct an effluent into the open air.

 84. Stack Height - The vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

 85. Standard Conditions - 760 millimeters of mercury at 25o Centigrade.

 86. Stationary Source - Any building, structure, installation or pro­cess which emits or may emit an air pollutant subject to regulation by any national or state standard. Use of the term “source” is to be construed to mean “stationary source.”

 87. Substantial loss - Generally means a loss which would equal or exceed 10 percent of the total initial project cost.

 88. Synthetic minor source - A stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source’s potential to emit to avoid being defined as a major source or major modification, as defined by applicable Federal and State regulations.

 89. Total reduced sulfur (TRS) - The sum of the sulfur com­pounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and di­methyl disulfide, that are released during the kraft pulping operation.

 90. Total Suspended Particulate (TSP) - Particulate matter as measured by the method described in Appendix B, 40 CFR 50, July 1, 1987.

 91. Trade Waste - All solid, liquid or gaseous material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals and cinders.

 92. Untreated lumber - Wood or wood products that have been cut or shaped and include wet, air‑dried, and kiln‑dried wood products. Untreated lumber does not include wood products that have been painted, pigment‑stained, or “pressure‑treated.” Pressure‑treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

 93. Used Oil - Any oil that has been refined from crude or synthetic oil and as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable. This also includes absorbent material contaminated with used oil such as oily rags or absorbent blankets. Two types of used oil are defined as follows:

 a. Spec. Oil (Specification Oil) - Used oil that meets the following specifications: \*

 i. Arsenic - 5 ppm maximum

 ii. Cadmium - 2 ppm maximum

 iii. Chromium - 10 ppm maximum

 iv. Lead - 100 ppm maximum

 v. Nickel - 120 ppm maximum

 vi. Total halogens - 4000 ppm maximum\*\*

 vii. Flash Point - 100oF (37.8oC) minimum

 \* This specification does not apply to used oil fuel mixed with a hazardous waste.

 \*\* Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste. The burden of proof that this is not true rests with the user.

 b. Non-Spec. Oil (Off-Spec. Oil) - Used oil that does not meet the specification above.

 94. Utility Boiler - A boiler that produces steam, heated air, or other heated fluids for sale or for use in producing electric power for sale.

 95. Virgin Fuel - Unused solid, liquid, or gaseous commercial fuel. Also, clean wood or bark that has not been processed other than for size reduction excluding clean wood or bark burned in an air curtain incinerator.

 96. Volatile Organic Compound (VOC) ‑ Any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This includes compounds other than the following compounds:

acetone;

(CF3)2CFCF2OC2H5 (2-(ethoxydifluoromethyl)-(1,1,1,2,3,3,3-heptafluoropropane);

((CF3)2CFCF2OCH3,) (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);

CFC‑11 (trichlorofluoromethane);

CFC‑12 (dichlorodifluoromethane);

CFC‑113 (1,1,2-trichloro-1,2,2-trifluoroethane);

CFC‑114 (1,2-dichloro-1,1,2,2-tetrafluoroethane);

CFC‑115 (chloropentafluoroethane);

dimethyl carbonate;

ethane;

HCFC‑22 (chlorodifluoromethane);

HCFC-31 (chlorofluoromethane);

HCFC‑123 (1,1,1-trifluoro-2,2-dichloroethane);

HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane);

HCFC‑124 (2‑chloro‑1,1,1,2‑tetra‑fluoroethane);

HCFC‑134a (1,1,1,2-tetrafluoroethane);

HCFC‑141b (1,1-dichloro-1-fluoroethane);

HCFC‑142b (1-chloro-1,1-difluoroethane);

HCFC-151a (1-chloro-1-fluoroethane);

HCFC 225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);

HCFC 225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);

HFC‑23 (trifluoromethane);

HFC-32 (difluoromethane);

HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);

HFC‑125 (pentafluoroethane);

HFC‑134 (1,1,2,2‑tetrafluoroethane);

HFC‑143a (1,1,1‑trifluoroethane);

HFC‑152a (1,1‑difluoroethane);

HFC-161 (ethylfluoride);

HFC 227ea (1,1,1,2,3,3,3-heptafluoroproane);

HFC-236ea (1,1,1,2,3,3-hexafluoropropane);

HFC-236fa (1,1,1,3,3,3-hexafluoropropane);

HFC-245ca (1,1,2,2,3-pentafluoropropane);

HFC-245ea (1,1,2,3,3-pentafluoropropane);

HFC-245eb (1,1,1,2,3-pentafluoropropane);

HFC-245fa (1,1,1,3,3-pentafluoropropane);

HFC-365mfc (1,1,1,3,3-pentafluorobutane);

HFE-7000 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane) or (n-C3F7OCH3);

HFE-7100 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane) or (C4F9OCH3);

HFE-7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or (C4F9OC2H5);

HFE-7300 (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane;

HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane;

methane;

methyl acetate;

methyl chloroform (1,1,1‑trichloroethane);

methylene chloride (dichloromethane);

methyl formate (HCOOCH3);

parachlorobenzotrifluoride (PCBTF);

perchloroethylene (tetrachloroethylene);

perfluorocarbon compounds that fall into these classes:

 (i) cyclic, branched, or linear, completely fluorinated alkanes;

 (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

 (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;

 (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;

propylene carbonate; and

volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes) (VMS).

 These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOC will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

 The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photo-chemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely

identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAc).

 97. Waste - Any discarded material including but not limited to used oil, hazardous waste fuel, hazardous waste, medical waste, municipal solid waste, sludge, waste fuel, and waste classification Types 0 through 6 or any material which as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

 a. Type 0 - Trash, a mixture of highly combustible waste such as paper, cardboard, wood boxes, and combustible floor sweepings, from commercial and industrial activities. The mixture contains up to 10% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps.

 Typical composition: 10% moisture, 5% incombustible solids and has a heating value of approximately 8500 BTU per pound as fired.

 b. Type 1 - Rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings, from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes.

 Typical composition: 25% moisture, 10% incombustible solids and has a heating value of approximately 6500 BTU per pound as fired.

 c. Type 2 - Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy.

 Typical composition: up to 50% moisture, 7% incombustible solids, and has a heating value of approximately 4300 BTU per pound as fired.

 d. Type 3 - Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets, and like installations.

 Typical composition: up to 70% moisture, up to 5% incombustible solids and has a heating value of approximately 2500 BTU per pound as fired.

 e. Type 4 - Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources.

 Typical composition: up to 85% moisture, 5% incombustible solids, and having a heating value of approximately 1000 BTU per pound as fired.

 f. Type 5 - By-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations. BTU values shall be determined by the individual materials to be destroyed.

 g. Type 6 - Solid by-product waste, such as rubber, plastics, wood waste, etc., from industrial operations. BTU values shall be determined by the individual materials to be destroyed.

 98. Waste Fuel - Waste that does not meet hazardous waste criteria but has a heat value greater than 5000 BTU/lb.

 99. Yard waste - Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and/or industrial sources as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of municipal solid waste in this Section. Yard waste does not include clean wood, which is also exempt from the definition of municipal solid waste in this Section.

**SECTION II** - **PERMIT REQUIREMENTS**

**Regulation 61-62.1, Section II will have an introduction added before subsection (A) as follows:**

The following regulation will not supersede any State or Federal requirements nor special permit conditions, unless this regulation would impose a more restrictive emission limit. The owner or operator shall comply with all terms, conditions, and limitations of any Department-issued permit for sources or activities at its facility. A source’s permit status may change upon promulgation of new regulatory requirements.

**Regulation 61-62.1, Section II(A) shall be revised as follows:**

A. Construction Permits

 1. Applicability

 a. Except as allowed under paragraphs (c) and (d) below, any person who plans to construct, alter or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement of construction.

 b. The Department may grant permission to proceed with minor alterations or additions without issuance of a construction permit when the Department determines that the alteration or addition will not increase the quantity and will not alter the character of the source’s emissions.

 c. The owners or operators of sources not requesting to use Federally enforceable construction permit conditions to limit potential to emit, sources not subject to regulations with more stringent start of construction limitations, or sources not otherwise exempt from permit requirements, may undertake the following on-site activities prior to obtaining a construction permit:

 i. Planning;

 ii. Engineering and design;

 iii. Geotechnical investigation;

 iv. Site land clearing and grading;

 v. Setting up temporary trailers to house construction staff and contractor personnel;

 vi. Ordering of equipment and materials;

 vii. Receipt and storing of equipment;

 viii. Pouring of the foundation up to and including the mounting pads and slab on grade;

 ix. Relocation of utilities; and,

 x. For existing sources, relocation/installation of piping, electrical service, and instrumentation.

 d. In the event that the source does not qualify for issuance of a construction permit, the owners or operators accept the financial risk of commencing these activities.

2. No permit to construct or modify a source will be issued if emissions interfere with attainment or maintenance of any State or Federal standard.

3. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked no later than 30 days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date.

4. Approval to construct shall become invalid if construction:

a) Is not commenced within 18 months after receipt of such approval,

b) Is discontinued for a period of 18 months or more, or

c) Is not completed within a reasonable time as deemed by the Department.

5. The Department may extend the construction permit for an additional 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

**Regulation 61-62.1, Section II(B)(2)(h) shall be revised as follows:**

 h. Sources with a total uncontrolled emission rate of less than 1 lb/hr each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of VOC will not require construction permits. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to S.C. Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request

**Regulation 61-62.1, Section II(B)(3) shall be revised as follows:**

 3. The Department will place the exempt sources listed in Section II (B)(2)(a) through (g), and other sources that have been determined will not interfere with the attainment or maintenance of any State or Federal standard, on a list of sources to be exempted without further review. The list of sources that are exempt without further review from the requirement to obtain a construction permit will be maintained by the Department and periodically published in the *South Carolina State Register* for use by the public and the regulated community.

**Regulation 61-62.1, Section II(B)(4) shall be revised as follows:**

 4. Sources with only fugitive emissions must submit source information, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

**Regulation 61-62.1, Section II(B)(6) shall be revised as follows:**

 6. The construction permitting exemptions in Section II (B) do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

**Regulation 61-62.1, Section II(C)(3)(c) and (d) shall be revised as follows:**

 c. The facility's Federal Employer Identification Number or Federal Tax ID Number;

 d. A description and the U. S. Standard Industrial Classification (SIC) Code and North American Industry Classification System (NAICS) Code of the products or product lines to be produced by the proposed sources covered by this application;

**Regulation 61-62.1, Section II(G)(4)’s title shall be revised as follows:**

 4. New or Modified Sources

**Regulation 61-62.1, Section II(H)(4)(c) shall be revised as follows:**

 c. The facility's Federal Employer Identification Number or Federal Tax ID Number;

**Regulation 61-62.1, Section II(I)(1)(b) shall be revised as follows:**

 b. Registration permits will be developed only for specific stationary source groups with uncontrolled potential to emit less than the threshold for major source groups, in accordance with S.C. Regulation 61-62.70, Title V Operating Permit Program; S.C. Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; S.C. Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review; and where equipment similarities and simplicity remove the need for in depth site-specific review.

**Regulation 61-62.1, Section II(I)(2)(a) shall be revised as follows:**

 a. A source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Regulation 61-62.1, Section II (A) and (F). The Department shall grant the registration permit to sources certifying qualification for and agreeing to the conditions and terms of the registration permit applicable to similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the registration permit. The Department reserves the right to require a construction or operating permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

**Regulation 61-62.1, Section II(I)(3)(a) shall be revised as follows:**

 a. Registration Permits shall contain any applicable permit conditions listed in Section II (J) as the Department finds appropriate.

**Regulation 61-62.1, Section II(J)(1) shall be revised as follows**:

 1. Standard Permit Conditions

 All construction and operating permits shall contain the following standard permit conditions.

 a. No applicable law, regulation or standard will be contravened.

 b. All official correspondence, plans, permit applications and written statements are an integral part of the permit. Any false information or misrepresentation in the application for a construction or operating permit may be grounds for permit revocation.

 c. For sources not required to have continuous emission monitors, any malfunction of air pollution control equipment or system, process upset or other equipment failure which results in discharges of air contaminants lasting for one hour or more and which are greater than those discharges described for normal operation in the permit application shall be reported to the Department within twenty-four hours after the beginning of the occurrence and a written report shall be submitted to the Department within thirty (30) days. The written report shall include as a minimum, the following:

 i. The identity of the stack and/or emission point where the excess emissions occurred;

 ii. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the excess emissions;

 iii. The time and duration of the excess emissions;

 iv. The identity of the equipment causing the excess emissions;

 v. The nature and cause of such excess emissions;

 vi. The steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction;

 vii. The steps taken to limit the excess emissions; and,

 viii. Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

 d. Sources required to have continuous emission monitors shall submit reports as specified in applicable parts of the permit, law, regulations, or standards.

 e. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this regulation or with the terms of any approval to construct, or who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to enforcement action.

 f. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

 g. A copy of the Department issued construction and/or operating permit must be kept readily available at the facility at all times. The permittee shall maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require. All records required to demonstrate compliance with the limits established under this permit shall be maintained on site for a period of at least five (5) years.

**Regulation 61-62.1, Section II(N)(5) shall be revised as follows:**

 5. Any proposed new or modified stationary source required to undergo a public comment period shall not commence any construction until all public participation procedures of this section are completed, and the source has received an effective construction permit from the Department.

**Regulation 61-62.1, Section II(O) shall be added to the end of Section II as follows:**

**O. Inspection and Entry**

 Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

 1. Enter the facility where emissions-related activity is conducted, or where records must be kept under the conditions of the permit.

 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit.

 3. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

 4. As authorized by the Federal Clean Air Act and/or the SC Pollution Control Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**R. 61-62.3, Air Pollution Episodes:**

**Regulation 61-62.3, Section I(2)-(4) shall be revised as follows:**

 2. WATCH - This level will be activated when continuous air quality monitoring indicates that one of the following pollutant concentrations has been reached:

 PM10 - 350 µg/m3, 24‑hour average;

 SO2 - 400 µg/m3 (0.15 p.p.m.), 24‑hour average; or

 O3 (Ozone) - 400 µg/m3 (0.2 p.p.m.), 1‑hour average;

and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

 3. ALERT - This level indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An alert will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

 PM10 - 420 µg/m3, 24‑hour average;

 SO2 - 800 µg/m3 (0.3 p.p.m.), 24‑hour average; or

 O3 (Ozone) - 800 µg/m3 (0.4 p.p.m.), 1‑hour average;

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

 4. EMERGENCY - The primary objective of this plan is to prevent this level from ever being reached; however, should this level be reached the most stringent control actions are necessary. An emergency will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

 PM10 - 500 µg/m3, 24-hour average;

 SO2 - 1600 µg/m3 (0.6 p.p.m.), 24-hour average; or

 O3 (Ozone) - 1000 µg/m3 (0.5 p.p.m.), 1-hour average;

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

**R. 61-62.5 Standard 1, Emissions From Fuel Burning Operations:**

**Regulation 61-62.5 Standard 1, Section I(C) shall be revised as follows:**

**SECTION I - VISIBLE EMISSIONS**

C.Special Provisions

 The opacity standards set forth above do not apply during startup or shutdown. Owners and operators shall, to the extent practicable, maintain and operate any source including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. In addition, the owner or operator of fuel burning sources except natural gas fired units, shall maintain a log of the time, magnitude, duration and any other pertinent information to determine periods of startup and shutdown and make available to the Department upon request.

**R. 61-62.5 Standard 2, Ambient Air Quality Standards:**

**Regulation 61-62.5 Standard 2 shall be revised as follows:**

 The following table constitutes the ambient air quality standards for the State of South Carolina. The analytical methods to be used will be those applicable Federal Reference Methods published in 40 CFR 50, Appendices A-Nas revised July 18, 1997. In the case of fluorides either the double paper tape sampler methods (ASTM D‑3266‑79) or the sodium bicarbonate‑coated glass tube and particulate filter method (ASTM D3268‑78) may be used.

|  **Pollutant** | **Measuring Interval** | **Micrograms Per Cubic Meter****Unless Noted Otherwise (1) (2)** |
| --- | --- | --- |
|  |  |  |
| Sulfur Dioxide |  3 hours 24 hours annual |  1300 (4) 365 (4) 80 |
|  |  |  |
| PM10 |  24 hours annual |  150 (3) 50 (3) |
|  |  |  |
| PM 2.5 (Primary and Secondary Standards) |  24 hours annual |  35 (3) 15 (3) |
|  |  |  |
| Carbon Monoxide |  1 hour 8 hour |  40 mg per cubic meter(4) 10 mg per cubic meter(4) |
|  |  |  |
| Ozone |  8 hours 8 hours |  0.08 ppm (3) (5) 0.075 ppm (3) |
|  |  |  |
| Gaseous Fluorides (as HF) |  12 hr. avg. 24 hr. avg. 1 wk. avg. 1 mo. avg. |  3.7 2.9 1.6 0.8 |
|  |  |  |
| Nitrogen Dioxide |  annual |  100 |
|  |  |  |
| Lead |  Rolling 3-month Average(6) | 0.15 |

 (1) Arithmetic Average except in case of total suspended particulate matter

 (2) At 250 C and 760 mm Hg.

 (3) Attainment determinations will be made based on the criteria contained in 40 CFR 50 Appendices H, I, K and N.

 (4) Not to be exceeded more than once a year.

 (5) The 1997 standard – and the implementation rules for that standard – will remain in place for implementation purposes as EPA undertakes rulemaking to address transition from the 1997 ozone standard to the 2008 ozone standard.

 (6) Detailed explanation of the rolling 3-month average calculation can be found in 40 CFR 50.16

**R. 61-62.5 Standard 4, Emissions From Process Industries:**

**Regulation 61-62.5 Standard 4, Section V shall be revised in its entirety as follows:**

**SECTION V - COTTON GINS**

A. Definitions

 1. 1D-3D cyclone – Any cyclone-type collector of the 1D-3D configuration. This designation refers to the ratio of the cylinder to cone length, where D is the diameter of the cylinder portion. A 1D-3D cyclone has a cylinder length of 1xD and a cone length of 3xD.

 2. 2D-2D cyclone – Any cyclone-type collector of the 2D-2D configuration. This designation refers to the ratio of the cylinder to cone length, where D is the diameter of the cylinder portion. A 2D-2D cyclone has a cylinder length of 2xD and a cone length of 2xD.

 3. Bale – A compressed package of cotton lint weighing nominally 500 lbs.

 4. Gin Yard - the land upon which a cotton gin is located and all contiguous land having common ownership or use.

 5. Ginning operation – Any facility or plant that separates cotton lint from cotton seed. This process typically includes cleaning (removing plant material, dirt and other foreign matter) and packaging the lint into bales.

 6. Ginning season – The period of time during which the gin is in operation; usually between (but not limited to) September of the current year and January of the following year.

 7. High pressure exhausts – The exhaust air systems at a cotton gin preceding the gin stand (including unloading, drying, extracting, cleaning, and overflow handling systems) in which material is conveyed by a higher pressure air and is typically controlled by cyclones.

 8. Low pressure exhausts – The exhaust air systems at a cotton gin following the gin stand (including lint cotton cleaning and battery formation process) in which material is conveyed by low pressure air and is typically controlled by condensers.

 9. Removal efficiency – Percent of total particulate matter removed from the gas stream between a cyclone’s inlet and outlet.

B. Applicability

 1. This rule applies to all existing, new, and modified cotton ginning operations in South Carolina. These facilities will be subject to registration permit conditions as specified in SC Regulation 61-62.1 Section II(I).

 2. Existing facilities with a maximum gin stand rated capacity (or documented equipment limitation) of less than twenty (20) bales per hour that do not have cyclones on lint cleaning system exhausts and battery condenser exhausts as of promulgation date of this rule, will not be required to add the emission control devices in Paragraph (C)(2) to lint cleaning exhausts or battery condenser exhausts if emissions from these exhausts are controlled by fine mesh screens.

C. Emission Control Requirements

 1. New facilities will be required to apply for a registration permit before commencement of construction. Existing facilities will be required to apply for a registration permit within 90 days of the promulgation date of this rule. Until such time that a registration permit is issued by the Department, existing cotton ginning operations should operate with existing permits.

 2. Each cotton ginning operation shall install and operate a particulate emission control system on all high and low pressure exhausts and lint cleaning system exhausts that includes one or more 1D-3D or 2D-2D cyclones meeting the cylinder diameter requirements to produce a 3.5 to 6.0 or 3.0 to 5.5 inches of water pressure drop (respectively) as illustrated in Figure 6-20 and 6-21 of the Agricultural Handbook Number 503, *Cotton Ginners Handbook*, dated December 1994. Exiting facilities shall comply with these control equipment requirements by August 31, 2012.

 3. Air pollutant emissions shall not exceed 20 percent opacity.

 4. Stacks shall not be equipped with raincaps or other devices that deflect the emissions downward or outward.

 5. Trash stacker areas shall contain one of the following:

a. A three sided enclosure with a roof whose sides are high enough above the opening of the dumping device to prevent wind from dispersing dust or debris; or

b. A device to provide wet suppression at the dump area of the trash cyclone and minimize free fall distance of waste material exiting the trash cyclone.

 6. The owner or operator shall ensure that all trucks transporting gin trash material are covered and that the trucks are cleaned of over-spill material before trucks leave the trash hopper dump area.

 7. Reasonable precautions should be taken when operating or maintaining storage piles, materials, equipment, or vehicles in order to prevent any substance from being scattered by the wind or air in order to prevent fugitive dust emissions in accordance with SC Regulation 61-62.6, Section II.

D. Alternative Control Measures

 The owner or operator of a cotton ginning operation may petition the Department to use alternative control measures to those specified in this rule. The petition shall include:

 1. The name and address of the petitioner;

 2. The location and description of the cotton ginning operation;

 3. A description of the alternative control measure; and

 4. A demonstration that the alternative control measure is at least as effective as the control device or method specified in this rule.

 5. Once approved, repairs and maintenance of such devices will not require notification to the Department.

E. Monitoring

 1. To ensure that the minimum required removal efficiency is maintained, the owner or operator shall establish, based on manufacturers recommendations or industry standards, an inspection and maintenance schedule for the control devices, other emission processing equipment, and monitoring devices that are used pursuant to this rule. The inspection and maintenance schedule shall be followed throughout the ginning season. The results of the inspections and any maintenance performed on the control equipment, emission processing equipment, or monitoring devices shall be documented in an on-site log book and made available to the Department upon request. The owner or operator should keep a copy of the manufacturer’s specifications for each type of control device installed.

 2. On a weekly basis, the owner or operator shall measure and calculate the pressure drops across all cyclones. Measurements shall be made using a manometer, a Magnahelic® gauge, or other device that the Department has approved as being equivalent to a manometer. These measurements should be recorded in the log book referred to in (E)(1). If the owner or operator measures a static pressure out of the range indicated in (C)(2) of this regulation, the owner or operator shall initiate corrective action. Corrective action shall be recorded in the logbook. If corrective action will take more than 48 hours to complete, the owner or operator shall notify the Department no later than the end of the day such static pressure is measured.

 3. During the ginning season, the owner or operator shall weekly inspect for structural integrity of the control devices and other emissions processing systems and shall ensure that the control devices and emission processing systems conform to normal and proper operation of the gin. Fine mesh screens should be inspected daily throughout the ginning season and any clogs should be removed. If a problem is found, corrective action shall be taken and recorded in the logbook required in (E)(1) of this rule.

 4. If control devices are repaired or replaced with equivalent control equipment, the facility must maintain on-site documentation showing compliance with the conditions specified in Section V (C) or previously allowed for under Section V (D).

 5. The owner or operator shall retain all records required by this rule for three (3) years from the date of recording.

**Regulation 61-62.5 Standard 4, Section XII(B) shall be revised as follows:**

**SECTION XII – PERIODIC TESTING**

B. Total Reduced Sulfur (TRS)

 An owner or operator of a source which must comply with Section XI must perform scheduled periodic tests for TRS every two years or on a schedule as stipulated by special permit conditions and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests unless they are subject to TRS continuous monitoring equipment as specified in Section XI(D)(1)(a) of this regulation.

**R. 61-62.5 Standard 6, Alternate Emissions Limitation Options (“Bubble”):**

**Regulation 61-62.5 Standard 6, shall be deleted in its entirety and reserved as follows:**

**SOUTH CAROLINA**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

**REGULATION 61-62.5**

**AIR POLLUTION CONTROL STANDARDS**

**STANDARD NO. 6**

**Reserved**

**R. 61-62.5 Standard 7, Prevention of Significant Deterioration:**

**Regulation 61-62.5 Standard 7, Section (q)(2) shall be revised as follows:**

 (2) In accordance with Regulation 61-30, *Environmental Protection Fees*, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner:

 (i) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

 (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.

 (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.

 (iv) Send a copy of the notice of public comment to the applicant, the Administrator of EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification.

 (v) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.

 (vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 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 locations where the Department made available preconstruction information relating to the proposed source or modification.

 (vii) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

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

 (ix) Notify EPA of every action related to the consideration of the permit.

**Regulation 61-62.5 Standard 7, Section (q)(3) shall be revised as follows:**

 (3) The requirements of Section (q), Public Participation, of this standard shall not apply to any major plant or major modification which Section (i), Exemptions, would exempt from the requirements of Sections (k), (m), and (o), but only to the extent that, with respect to each of the criteria for construction approval under the South Carolina State Implementation Plan and for exemption under Section (i), requirements providing the public with at least as much participation in each material determination as those of Section (q) have been met in the granting of such construction approval.

**Regulation 61-62.5 Standard 7, Section (r)(4) shall be revised as follows:**

 (4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements or paragraphs (j) through (r) shall apply to the source or modification as though construction had not yet commenced on the source or modification.

**Regulation 61-62.5 Standard 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.

**R. 61-62.5 Standard 7.1, Nonattainment New Source Review (NSR):**

**Regulation 61-62.5 Standard 7.1, Section (c)(7)(A)(i) shall be revised as follows; Section (C)(7)(A)(ii) remains the same:**

 (7)(A) **“Major stationary source”** means:

 (i) Any stationary source of air pollutants which emits, or has the potential to emit 100 tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the Act, according to paragraphs (c)(7)(A)(i)(a) through (e) of this section.

 (a) 50 tons per year of volatile organic compounds or oxides of nitrogen in any serious ozone nonattainment area.

 (b) 50 tons per year of volatile organic compounds or oxides of nitrogen in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.

 (c) 25 tons per year of volatile organic compounds or oxides of nitrogen in any severe ozone nonattainment area.

 (d) 10 tons per year of volatile organic compounds or oxides of nitrogen in any extreme ozone nonattainment area. or

**R. 61-86.1, Standards of Performance For Asbestos Projects:**

**Regulation 61-86.1, Section (XX)(A)(4) shall be revised as follows:**

 4. Industries that choose not to obtain a facility group license or who hire companies or individuals not covered under the facility group license shall satisfy all applicable requirements described in other sections of this regulation, except for with regard to the frequency with which building inspections are required, as outlined in Section XX, Jof this regulation.

**Regulation 61-86.1, Section (XX)(J)(3) shall be added at the end of the Section(XX)(J) as follows:**

 3. To be acceptable, a building inspection shall have been performed no earlier than five years prior to the renovation or demolition, or, if more than five years have elapsed since the most recent inspection, the previous inspection shall be confirmed and verified by a person licensed as a building inspector.

**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: The amendments to S.C. Regulation 61-62*,* Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP), will support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will expand and clarify definitions applicable to air pollution control regulations and standards, streamline permitting options, as well as correct problems with the current regulatory strategy applicable to cotton gins.

The amendments to S.C. Regulation 61-86.1, Standards of Performance for Asbestos Projects, will address requests made during the legislative approval of the previous version of this regulation by reducing the frequency of building inspections for industrial manufacturing and electrical generating facilities.

Legal Authority: The legal authority for R. 61-62,Air Pollution Control Regulations and Standards*,* is S.C. Code of Laws, Sections 48-1-10, et seq., 1976, as amended*.*

The legal authority forR. 61-86.1*,* Standards of Performance for Asbestos Projects, is S.C. Code of Laws, Sections 44-1-140, 48-1-30, and 44-87-10 et seq*.*

Plan for Implementation: These amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. These amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THESE REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department has amended R. 61-62 and the SIP. In particular, the Department has amended R. 61-62.1, Definitions and General Requirements, to update and correct definitions and permit requirements; R. 61-62.5, Standard 1, Emissions From Fuel Burning Operations, to exclude the requirement for natural gas fired units to maintain a log of periods of startup and shutdown; R. 61-62.5, Standard 2, Ambient Air Quality Standards, to remove the standard for Total Suspended Particle (TSP) and update the exceedance limitation for the carbon monoxide (CO) standard; R.61-62.5, Standard No. 4, Emissions from Process Industries, to modify the regulatory strategy for cotton gins and remove the obsolete requirement to conduct stack tests for Total Reduced Sulfur (TRS) for facilities that are already required to have continuous emissions monitoring systems (CEMs) installed; and clarify the definition for major source threshold throughout 61-62. The Department has also deleted R. 61-62.5, Standard 6, Alternative Emission Limitation Options (“Bubble”); and update the entirety of R. 61-62 to correct typographical errors, provide clarification, delete or update obsolete requirements.

The Department has also amended R. 61-86.1, Standards of Performance for Asbestos Projects, to revise Section XX.A.4 and add Section XX.J.3 to change the required frequency of building inspections for industrial manufacturing and electrical generating facilities from 3 years to 5 years.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the amendments toR. 61-62, Air Pollution Control Regulations and Standards*,* R. 61-86.1, Standards of Performance for Asbestos Projects*,* and the SIP are adopted, in fact, improvements to the regulatory strategy for cotton gins will enhance air quality in some areas.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions. Some cotton gins may incur added costs due to the addition of required controls, but these costs will be offset by the use of registration permits for cotton gins as indicated in the proposed changes. The amendments to R. 61-62, AirPollution Control Regulations and Standards*,* and R. 61-86.1, Standards of Performance for Asbestos Projects,and the SIP will benefit the regulated community and the Department by expanding and clarifying definitions applicable to air pollution control regulations and standards, streamlining permitting options, and reducing unnecessary requirements.

The amendments to R.61-62.5, Standard No. 4, Emissions from Process Industries, may result in increased costs for some cotton ginning facilities associated with installing the necessary control equipment. However, the revised regulatory strategy was developed through an extensive stakeholder process and represents a compromise to include a registration permit option that would at the same time decrease the costs associated with obtaining permits to construct/operate.

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:

The amendments to R. 61-62, Air Pollution Control Regulations and Standards, R.61-86.1, Standards of Performance for Asbestos Projects, and the SIP, will provide continued protection of the environment and 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. Rather, changes to R. 61-62.4, Standard 4, involving the regulatory strategy for cotton gins will be more stringent than the previous process rate based emission limitations as these revisions require the addition of industry standard air pollution control devices, control of emissions from specific point sources in the ginning process, and enforceable monitoring and recordkeeping.

**Statement of Rationale:**

The Department began this process by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary.

The Department also held several external stakeholder meetings to take recommendations and comments on those regulatory amendments identified by the workgroup. The amendments to R. 61-62, R. 61-86.1, and the SIP were developed by consensus. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.