



November 5, 2019

Mary Walker  
Regional Administrator  
US EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta GA 30303-8909

**Re: Update to South Carolina 111(d)/129 Plan for Commercial and Industrial Solid Waste Incineration (CISWI) Units - Request for Approval**

Dear Ms. Walker:

The South Carolina Department of Health and Environmental Control (Department) is submitting this update to the South Carolina Designated Facility 111(d)/129 Plan for Commercial and Industrial Solid Waste Incineration (CISWI) units (111(d)/129 state plan). This updates the 111(d)/129 state plan submitted by the Department on December 19, 2014, the supplemental revision submitted on September 17, 2018, and the addendum submitted on June 19, 2019. The Clean Air Act (CAA) requires that state regulatory agencies, that have received delegation of authority, implement the New Source Performance Standards (NSPS) and Emissions Guidelines (EG) for new and existing sources in accordance with a state plan developed under Sections 111(d) and 129 of the CAA. The 111(d)/129 state plan must be submitted to the U.S. Environmental Protection Agency (EPA) for approval. The Department submitted a 111(d)/129 state plan on December 19, 2014, to certify that it has addressed the amendments to the requirements under 40 CFR Part 60 for CISWI units, and submitted a supplement to certify that it has addressed the amendments from the promulgation of the reconsideration rule on June 23, 2016 (81 FR 40956). The Department submitted an addendum to resubmit the emissions inventory of the pollutants regulated by the EG, with a revised listing of units. The Department is proposing this update to certify that it has addressed the amendments from the promulgation of the final rule on technical amendments published on April 16, 2019 (84 FR 15846).

## **Background**

The NSPS for new CISWI units and Emissions Guidelines for existing CISWI units were promulgated by the EPA and codified in 40 CFR Part 60, Subparts CCCC and DDDD, respectively, on February 7, 2013 (78 FR 9112). South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, was amended to incorporate 40 CFR Part 60, Subparts CCCC and DDDD, by reference as part of the Department's 2013 End of Year (EOY) regulatory revisions. These amendments were approved during a public hearing conducted by the Board of the South Carolina Department of Health and Environmental Control (Board) on September 11, 2014, and became state effective upon publication in the *State Register* on September 26, 2014.

In accordance with Sections 111(d) and 129 of the CAA and 40 CFR Part 60, the Department developed a state plan for implementation and enforcement of the CISWI EG. Public notice of a public hearing and 30-day comment period on the Department's 111(d)/129 state plan submittal was published in the *SC State Register* on October 24, 2014. The public hearing was held on November 24, 2014, and no comments were received during the public comment period. The Department submitted the required 111(d)/129 state plan to the EPA on December 19, 2014.

The EPA granted reconsideration on the CISWI rule and finalized revisions to the CISWI rule on June 23, 2016 (81 FR 40956). South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, was amended to incorporate the revisions to 40 CFR Part 60, Subparts CCCC and DDDD, by reference, as part of the Department's 2016 EOY regulatory revisions. These amendments were approved during a public hearing conducted by the Board on August 10, 2017, and became state effective upon publication in the *SC State Register* on August 25, 2017.

The Department developed an update to the 111(d)/129 state plan to incorporate the revised emission limits and other requirements for CISWI units under the 2016 reconsideration rule, and implement and provide for enforcement of the CISWI EG promulgated by the EPA in accordance with the requirements of Sections 111(d) and 129 of the CAA and regulations under 40 CFR Part 60. Public notice of a public hearing and 30-day comment period on this state plan revision was published in the *SC State Register* on April 27, 2018. The public hearing was held on May 30, 2018. The Department submitted the supplement to the 111(d)/129 state plan to the EPA on September 17, 2018.

On June 19, 2019, at the request of EPA Region 4, the Department submitted an addendum to the plan, to include updated emissions inventory of the pollutants regulated by the EG, and a revised complete source inventory of CISWI units. The EPA has not yet taken final action on the Department's 2014 state plan submittal, the 2018 supplement, or the 2019 addendum.

### **Supplement to South Carolina's December 19, 2014 111(d)/129 state plan**

On April 16, 2019 (84 FR 15846), the EPA promulgated "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Technical Amendments", to address testing and monitoring issues in 40 CFR Part 60, Subparts CCCC and DDDD. South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, was amended to incorporate the revisions to 40 CFR Part 60, Subpart DDDD, as part of the Department's 2018 EOY regulatory revisions. These amendments were approved during a public hearing conducted by the Board on August 8, 2019, and became state effective upon publication in the *SC State Register* on August 23, 2019.

The Department is revising the South Carolina Designated Facility Plan (111(d)/129 state plan) to incorporate the model rule provisions and technical amendments for CISWI units under the 2019 Technical Amendments rule, promulgated by the EPA in accordance with the requirements of Sections 111(d) and 129 of the CAA and regulations under 40 CFR Part 60.

This letter and attachments update South Carolina's 111(d)/129 state plan to reflect the Department's revision of South Carolina Regulation 61-62.60, Subpart DDDD, as described above. This amendment to the 111(d)/129 state plan incorporates the revised emission limits and other requirements in the model rule provisions for CISWI units under the 2019 Technical Amendments rule, and implements and provides for enforcement of the CISWI EG promulgated by the EPA in accordance with the requirements of Sections 111(d) and 129 of the CAA and regulations under 40 CFR Part 60. The Department's Notice of Final Regulation adopting the revisions to Subpart DDDD appears in Attachment 1. Pursuant to 40 CFR 60.2542, the authorities listed under 40 CFR 60.2030(c) will not be delegated to state, local, or tribal agencies.

Public notice of a public hearing and 30-day comment period on this state plan revision was published in the *SC State Register* on September 27, 2019 (Attachment 2). The public hearing was held on October 29, 2019, and the transcript for the public hearing is included

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in Attachment 3. No comments were received during the public comment period. The Department appreciates the assistance provided by you and your staff regarding the formulation of this 111(d)/129 state plan. Should questions or comments concerning this plan arise, feel free to contact Rhonda B. Thompson, Chief, Bureau of Air Quality, at (803) 898-4391 or by email at [thompsrb@dhec.sc.gov](mailto:thompsrb@dhec.sc.gov).

Sincerely,



Myra C. Reece  
Director of Environmental Affairs

cc: Gregg Worley, Chief, Air Analysis and Support Branch EPA Region 4  
Amber Davis, Chief, Communities and Air Toxics Section, EPA Region 4  
Mark Bloeth, Communities and Air Toxics Section, EPA Region 4  
Katy Lusky, Communities and Air Toxics Section, EPA Region 4  
Rhonda B. Thompson, P.E., Chief, BAQ  
R. Keith Frost, Assistant Bureau Chief, BAQ  
Steve McCaslin, P.E., Director, Air Permitting Division, BAQ  
Diane Humphries, Coastal Plain and Power Permitting Section, BAQ  
Robert J. Brown, Jr., Director, Division of Air Assessment & Regulation, BAQ  
Mary Peyton D. Wall, Regulation and SIP Management Section, BAQ  
Evan Adams, Air Regulatory Management Section, EPA Region 4

Enclosures:

Attachment 1. Notice of Final Regulation – *State Register*, August 23, 2019  
Attachment 2. Notice of General Public Interest – *State Register*, September 27, 2019  
Attachment 3. Transcript from October 29, 2019 Public Hearing

Attachment 1

*State Register* Notice of Final Regulation, 2018 EOY  
August 23, 2019

(4) In a construction management at-risk project, construction may not commence for any portion of the construction until after the governmental body and the construction manager at risk contract for a fixed price or a GMP regarding that portion of the construction. Prior to executing a contract for a fixed price or a GMP, a governmental body shall comply with Section 11-35-1830 and Regulation 19-445.2120, if applicable. For purposes of Section 11-35-1830(3)(a), adequate price competition exists for all components of the construction work awarded by a construction manager at-risk on the basis of competitive bids.

(5) When seeking competitive sealed proposals in a construction management at-risk procurement, the solicitation shall include a preliminary budget, and if applicable, completed programming and the conceptual design. The solicitation shall request information concerning the prospective offeror's qualifications, experience, and ability to perform the requirements of the contract, including but not limited to, experience on projects of similar size and complexity, and history of on-time, on-budget, on-schedule construction. The offeror's proposed fee may be a factor in determining the award.

(6) After all preconstruction services and final construction drawings have been completed, or prior thereto upon written determination by the procurement officer, a governmental body must negotiate with and contract for a GMP with a construction manager at-risk. If negotiations are unsuccessful, the governmental body may issue an invitation for bids, as allowed by this code, for the remaining construction.

(7) A governmental body shall have the right at any time, and for three years following final payment, to audit the construction manager at-risk to disallow and to recover costs not properly charged to the project. Any costs incurred above the GMP shall be paid for by the construction manager at-risk.

(8) A construction manager at-risk may not self-perform any construction work for which subcontractor bids are invited, unless no acceptable bids are received or a subcontractor fails to perform. Ordinarily, the contract with a construction manager at-risk should require the construction manager at-risk to invite bids for all major components of the construction work. Section 11-35-4210 does not apply to any subcontractor bid process conducted by a construction manager at-risk.

Document No. 4881

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards.

**Synopsis:**

The Department of Health and Environmental Control (Department) amends R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to adopt federal amendments to associated standards promulgated from January 1, 2018, through December 31, 2018. The Department also amends R.61-62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste

Incineration Units, to clarify the applicability and scope of United States Environmental Protection Agency (EPA) emission guidelines provisions incorporated by the Department and ensure compliance with federal law.

Pursuant to the Pollution Control Act and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

The EPA promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60 and 63 include revisions to New Source Performance Standards

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(NSPS) mandated by 42 U.S.C. Section 7411, and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempted these amendments from General Assembly review as the Department promulgates these amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement was required.

The Department had a Notice of Drafting published in the February 22, 2019, *South Carolina State Register*.

### Instructions:

Revise Regulation 61-62 as shown below. All other items and sections remain unchanged.

### Text:

#### Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

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

#### Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]

<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]



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<b>40 CFR Part 60 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]
Revision	Vol. 80	March 16, 2015	[80 FR 13671]
Revision	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	August 29, 2016	[81 FR 59276, 59332]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	June 23, 2017	[82 FR 28561]
Revision	Vol. 82	July 17, 2017	[82 FR 32644]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]
Revision	Vol. 83	November 26, 2018	[83 FR 60696]

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

**Subpart Cf - “Performance Standards and Compliance Times for Existing Municipal Solid Waste Landfills”**

(A) All designated facilities as defined at 40 CFR 60.31f must comply with the requirements of this subpart.

(B) The compliance times, emission guideline conditions and requirements, operational standards for collection and control systems, test methods and procedures, compliance provisions, monitoring requirements, reporting requirements, recordkeeping requirements, and specifications for active collection systems set forth in 40 CFR 60.32f through 60.40f, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein and applicable to each designated facility.

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

(C) 40 CFR 60.41f, Definitions, is adopted and incorporated by reference as if fully repeated herein, except as follows: the word “Administrator” as used in this subpart shall mean the Department of Health and Environmental Control, with the exception of the sections within this subpart that may not be delegated by the EPA.

(D) The following authorities will not be delegated to state, local, or tribal agencies:

(1) Approval of alternative methods to determine the NMOC concentration or a site-specific methane generation rate constant (k).

(2) [Reserved]

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

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

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]
Revision	Vol. 83	November 26, 2018	[83 FR 60696]

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

**Subpart DDDD - “Performance Standards and Compliance Times for Existing Commercial and Industrial Solid Waste Incineration Units”**

(A) Except as provided in (B) below, incineration units that meet all three criteria set forth in 40 CFR 60.2550(a)(1) through (a)(3) are subject to this subpart and must comply with all applicable requirements of this subpart.

(B) This subpart exempts the types of units described in paragraphs (a) through (j) of 40 CFR 60.2555, but some units are required to provide notifications. For purposes of this paragraph, the words “Administrator” and “Agency” as used in 40 CFR 60.2555 shall be replaced by “Department” and “EPA Administrator” respectively.

(C) If the owner or operator of a CISWI unit or air curtain incinerator makes changes that meet the definition of modification or reconstruction after August 7, 2013, the CISWI unit becomes subject to 40 CFR Part 60, Subpart CCCC and Regulation 61-62.60, Subpart CCCC, and this subpart no longer applies to that unit.

(D) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with this subpart, 40 CFR Part 60, Subpart CCCC and Regulation 61-62.60, Subpart

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CCCC do not apply to that unit. Such changes do not qualify as modifications or reconstructions under 40 CFR Part 60, Subpart CCCC or Regulation 61-62.60, Subpart CCCC.

(E) For purposes of this subpart, “you” means the owner or operator of a CISWI unit.

(F) Each owner or operator of an existing CISWI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below:

<b>40 CFR Part 60 Subpart DDDD</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]
Revision	Vol. 84	April 16, 2019	[84 FR 15846]

These standards, requirements, and provisions are hereby incorporated and adopted by reference as follows:

- (1) 40 CFR 60.2610 and 40 CFR 60.2615, Increments of Progress.
- (2) 40 CFR 60.2620, 40 CFR 60.2625, and 40 CFR 60.2630, Waste Management Plan, due no later than compliance date listed in Table 1 below.
- (3) 40 CFR 60.2635 through 40 CFR 60.2665, Operator Training and Qualification.
- (4) 40 CFR 60.2670 through 60.2680, Emission Limitations and Operating Limits.
- (5) 40 CFR 60.2690 through 60.2695, Performance Testing.
- (6) 40 CFR 60.2700 through 60.2706, Initial Compliance Requirements.
- (7) 40 CFR 60.2710 through 60.2725, Continuous Compliance Requirements.
- (8) 40 CFR 60.2730 through 60.2735, Monitoring.
- (9) 40 CFR 60.2740 through 60.2800, Recordkeeping and Reporting, including submission of waste management plan no later than compliance date listed in Table 1 below; with the exception of the following: all reports required under 40 CFR 60.2795(a), (b)(1), and (b)(2) must be submitted to the Department in addition to being sent to the EPA.
- (10) 40 CFR 60.2805, Title V Operating Permits.
- (11) 40 CFR 60.2810 and 40 CFR 60.2850(b) through 60.2870, Air Curtain Incinerators.
- (12) 40 CFR 60.2875, Definitions, except that the word “Administrator” shall mean the Department of Health and Environmental Control, with the exception of provisions within this subpart that may not be delegated by the EPA.

(13) 40 CFR Part 60 Subpart DDDD Table 1, modified as follows:

**TABLE 1 TO SUBPART DDDD OF PART 60 - COMPLIANCE SCHEDULES**

<b>Comply with compliance schedule</b>	<b>By this date</b>
Final compliance with performance standards	February 7, 2018.

(14) 40 CFR Part 60 Subpart DDDD Tables 2 through 9, retitled as follows:

- (a) Table 2 to Subpart DDDD - Emission Limitations That Apply to Incinerators Before February 7, 2018;
  - (b) Table 3 to Subpart DDDD - Operating Limits for Wet Scrubbers;
  - (c) Table 4 to Subpart DDDD - Toxic Equivalency Factors;
  - (d) Table 5 to Subpart DDDD - Summary of Reporting Requirements;
  - (e) Table 6 to Subpart DDDD - Emission Limitations That Apply to Incinerators on and After February 7, 2018;
  - (f) Table 7 to Subpart DDDD - Emission Limitations That Apply to Energy Recovery Units After February 7, 2018;
  - (g) Table 8 to Subpart DDDD - Emission Limitations That Apply to Waste-Burning Kilns After February 7, 2018; and
  - (h) Table 9 to Subpart DDDD - Emission Limitations That Apply to Small, Remote Incinerators After February 7, 2018.
- (G) For purposes of this subpart, the authorities referenced in 40 CFR 60.2542 will not be delegated to state, local, or tribal agencies.

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

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

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

<b>40 CFR Part 60 Subpart OOOOa</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 83	March 12, 2018	[83 FR 10628]

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

**Subpart QQQQ - “Standards of Performance For New Residential Hydronic Heaters And Forced-Air Furnaces”**

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

40 CFR Part 60 Subpart QQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 80	March 16, 2015	[80 FR 13671]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]

### Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

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

#### Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]

<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]

<b>40 CFR Part 63 Subpart A</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 80	December 4, 2015	[80 FR 75817]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	January 18, 2017	[82 FR 5401]
Revision	Vol. 82	October 11, 2017	[82 FR 47328]
Revision	Vol. 82	October 16, 2017	[82 FR 48156]
Revision	Vol. 83	October 15, 2018	[83 FR 51842]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]

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

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

The provisions of 40 CFR Part 63 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 Subpart CC</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]

<b>40 CFR Part 63 Subpart CC</b>			
<b>Federal Register Citation</b>	<b>Volume</b>	<b>Date</b>	<b>Notice</b>
Revision	Vol. 63	March 20, 1998	[63 FR 13537]

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]
Revision	Vol. 76	July 18, 2011	[76 FR 42052]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]
Revision	Vol. 83	November 26, 2018	[83 FR 60696]

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

**Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”**

The provisions of 40 CFR Part 63 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31898]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]
Revision	Vol. 80	July 27, 2015	[80 FR 44771]
Revision	Vol. 80	September 11, 2015	[80 FR 54728]
Revision	Vol. 81	July 25, 2016	[81 FR 48356]
Revision	Vol. 82	June 23, 2017	[82 FR 28562]
Revision	Vol. 82	August 22, 2017	[82 FR 39671]
Revision	Vol. 83	July 25, 2018	[83 FR 35122]
Revision	Vol. 83	August 3, 2018	[83 FR 38036]

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

**Subpart OOO - “National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins”**



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The provisions of 40 CFR Part 63 Subpart OOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart OOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	January 20, 2000	[65 FR 3276]
Revision	Vol. 65	February 22, 2000	[65 FR 8768]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	October 8, 2014	[79 FR 60898]
Revision	Vol. 83	October 15, 2018	[83 FR 51842]

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

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

The provisions of 40 CFR Part 63 Subpart UUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 81	July 13, 2016	[81 FR 45232]
Revision	Vol. 83	November 26, 2018	[83 FR 60696]

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

### **Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”**

The provisions of 40 CFR Part 63, Subpart DDDDD as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	April 20, 2006	[71 FR 20445]

40 CFR Part 63 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 71	December 6, 2006	[71 FR70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 80	November 20, 2015	[80 FR 72789]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]

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

**Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”**

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777, 68795]
Revision	Vol. 80	March 24, 2015	[80 FR 15510]
Revision	Vol. 81	April 6, 2016	[81 FR 20172]
Revision	Vol. 82	April 6, 2017	[82 FR 16736]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]

**Statement of Need and Reasonableness:**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP).

Purpose: The EPA promulgated amendments to national air quality standards in 2018. The recent federal amendments include clarification, guidance, and technical revisions to requirements for NSPS mandated by 42 U.S.C. Section 7411, and for federal NESHAP for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, amends the aforementioned regulations to codify federal amendments to these standards promulgated from January 1, 2018, through December 31, 2018. Additionally, the Department amends R.61-62.60, Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, and Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units, to clarify the applicability and scope of EPA emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law.

Legal Authority: 1976 Code Sections 48-1-10 et seq.

## 96 FINAL REGULATIONS

Plan for Implementation: The amendments took effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The amendments are implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2018 included revised NSPS rules and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations. The amendments also include revisions to R.61-62.60, Subparts Cf and DDDD, to clarify the applicability and scope of EPA emission guidelines provisions incorporated by the Department, and to ensure compliance with federal law, which requires Department implementation of these Subparts.

### DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. The adopted standards are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. The amendments benefit the regulated community by clarifying and updating the regulations and increasing their ease of use.

### UNCERTAINTIES OF ESTIMATES:

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

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the amendments to R.61-62 provides continued protection of the environment and public health.

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

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

Attachment 2

*State Register* Notice of General Public Interest  
September 27, 2019

## 18 NOTICES

complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **September 27, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

### Affecting Horry County

#### **Carolina Regional Cancer Center, LLC d/b/a Carolina Regional Cancer Center**

Renovation of existing space and the replacement of a 2300iX Linear Accelerator for a new Elekta Versa HD Signature (SRS) Configuration Linear Accelerator resulting in the establishment of SRS as a new service, and replacement of an existing 6EX Linear Accelerator for a 2007 Elekta Synergy System Linear Accelerator at a total project cost of \$3,926,309.78.

### Affecting Spartanburg County

#### **Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Medical Center - Mary Black Campus and Spartanburg Medical Center - Church Street Campus**

Relocation of Cardiac Catherization Lab to Spartanburg Medical Center - Church Street Campus and subsequent replacement with like equipment at a total project cost of \$2,588,708.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

#### NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO AIR QUALITY STATE PLAN FOR DESIGNATED FACILITIES AND POLLUTANTS

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest pursuant to the requirements of sections 111 and 129 of the Clean Air Act (CAA) and 40 CFR 60.23, to provide interested persons the opportunity to attend a public hearing and comment on the Department's submittal to the U.S. Environmental Protection Agency (EPA) to revise the state plan for commercial and industrial solid waste incinerator (CISWI) units. The public hearing will be held on October 29, 2019, at 10:00 a.m., in Room 2280 of the Sims/Aycock Building, 2600 Bull Street, Columbia, S. C. The public is also invited to submit comments in writing before the public hearing. To be considered, comments must be received by 5:00 p.m. on October 28, 2019, the close of the comment period. Comments should be submitted to Marie Brown, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Interested persons may also contact Marie Brown via phone at (803) 898-1796 or email at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov) for more information, or to view a copy of the state's proposed plan revision. A copy of the state's proposed revision to the CISWI state plan is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

#### **Background:**

EPA regulations found at 40 CFR Part 60, Subparts CCCC and DDDD, contain federal requirements for CISWI units, established pursuant to Sections 111 and 129 of the CAA. These rules establish emission limits and other requirements for CISWI units, and provide for state implementation and enforcement of the Emission Guidelines (EG) promulgated by the EPA.

The EPA finalized amendments to 40 CFR Part 60, Subparts CCCC and DDDD, in the April 16, 2019 [84 FR 15846] Federal Register, to address testing and monitoring issues identified during CISWI rule implementation.

Also in 2019, the Department amended South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, to clarify the applicability and scope of the Subpart DDDD EG provisions incorporated by the Department. This action included incorporation of the EPA's April 16, 2019, amendments to the model rule standards, provisions, and requirements of 40 CFR Part 60, Subpart DDDD. The Department's revisions to R.61-62.60, Subpart DDDD, were approved during a public hearing conducted by the Board on August 8, 2019, and became state effective upon publication in the *SC State Register* on August 23, 2019.

### **Synopsis:**

In accordance with section 129 of the CAA, each state in which an existing CISWI unit is operating is required to submit to the EPA a plan to implement and enforce EPA's emission guidelines within one year from the date of promulgation. This plan consists of applicable compliance and enforcement regulations, a list of affected sources, and emissions inventories for these sources. The Department submitted a CISWI state plan on December 19, 2014, in which it certified that it has addressed the requirements of sections 111 and 129 and regulations under 40 CFR Part 60 for CISWI units. The Department also submitted an update to the CISWI state plan in 2018. The Department is presently submitting to EPA a revision of its previous CISWI state plan submissions to document in the state plan the Department's August 23, 2019, clarifying amendments to R.61-62.60, Subpart DDDD, including the Department's incorporation of EPA's April 16, 2019, amendments to the 40 CFR Part 60, Subpart DDDD model rule provisions. The Department proposes to certify that it has addressed the state's requirements under sections 111 and 129 of the CAA, 40 CFR Part 60, and EPA's April 16, 2019, technical amendments to the federal CISWI rules.

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **CAPACITY USE AREA GROUNDWATER MANAGEMENT PLAN AND PUBLIC HEARING**

September 27, 2019

The Groundwater Use and Reporting Act requires that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources. See S.C. Code Section 49-5-20. Further, the Act states that the Department of Health and Environmental Control (the Department) shall coordinate the affected governing bodies and groundwater withdrawers (of a designated Capacity Use Area) to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. See S.C. Code Section 49-5-60(B). In those areas where the governing bodies and withdrawers are unable to develop a plan, the Department shall take action to develop the plan as required by law.

The Department in coordination with a local Stakeholder Workgroup, diverse in geographic and water user type representation, has developed a local groundwater management plan for the designated Western Capacity Use Area to bring before the Board for final approval. A public hearing for the Western Capacity Use Area groundwater management plan is scheduled for November 7, 2019 during the Board of Health and Environmental Control's monthly meeting where the Western Capacity Use Area groundwater management plan will be heard for final approval. The public hearing and meeting will be held at 10:00 AM in the 3<sup>rd</sup> Floor, Room 3420, of the S.C. DHEC Central Office located at 2600 Bull St., Columbia, S.C. 29201. Local governments, permitted water users, industry, public water suppliers, and the general public are invited to attend and participate.

Attachment 3

Transcript from Public Hearing  
October 29, 2019

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**Public Hearing**  
**South Carolina 111(d)/129 Plan Supplemental Update for**  
**Commercial and Industrial Solid Waste Incineration (CISWI) Units**  
**October 29, 2019, 10:00 a.m.**  
**Room 2280 Sims/Aycock Building**  
**2600 Bull Street**  
**Columbia, SC**

Good morning, my name is Marie Brown with the Bureau of Air Quality. I will be the facilitator for this public hearing. Let the record show that this forum was convened at 10:00 a.m. on Tuesday, October 29, 2019, at the duly announced location. Public notice of this hearing was published in the *State Register* on Friday, September 27, 2019. Unless I hear an objection, a copy of this notice will be entered into public record as though it were read. *Are there any objections?*

Let the record reflect that the public hearing today is being conducted by the South Carolina Department of Health and Environmental Control, which will be referred to as "the Department." The purpose of this hearing is to answer questions, clarify issues, and receive input from interested persons on a proposed update to the South Carolina Designated Facility 111(d)/129 Plan for Commercial and Industrial Solid Waste Incineration (CISWI) units (also referred to as the "CISWI plan"). Comments received today shall be considered by the Department in preparing a final draft supplement to the CISWI plan.

The Department is recording today's hearing for the record. If you wish to speak, please come forward to the podium, and begin by stating your name and affiliation for the record. The Department welcomes your input and assistance in perfecting the proposed supplement to the CISWI plan.

If anyone has written comments, please submit them to me for the record.

I will present a brief summary and explanation of the proposed plan. Following the presentation, any member of the audience desiring to make comments will be given an opportunity to do so. Speakers will be recognized in the order in which they are registered.

If there are any questions after the presentation, please direct them to me and I will either answer them or ask that the appropriate person respond. If no one is able to answer the question today, an answer will be provided in writing at a later date.



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The South Carolina Department of Health and Environmental Control (or “Department”) proposes to update the South Carolina Designated Facility 111(d)/129 Plan for Commercial and Industrial Solid Waste Incineration Units, (also referred to as the “CISWI plan”).

The Clean Air Act requires that state regulatory agencies implement the New Source Performance Standards (abbreviated “NSPS”) and Emission Guidelines for new and existing sources according to a state plan developed under Sections 111(d) and 129 of the Clean Air Act, in order to meet Federal Clean Air Act requirements promulgated by the EPA. NSPS for new CISWI units, and Emission Guidelines for existing CISWI units, were promulgated by the U.S. Environmental Protection Agency (the “EPA”), and codified in Code of Federal Regulation (abbreviated “CFR”), Title 40, Part 60, Subparts CCCC and DDDD, respectively, on February 7, 2013, in the Federal Register at 78 FR 9112. The Department submitted the required state plan to the EPA for approval on December 19, 2014. This proposed supplement is an update to the CISWI plan submitted by the Department on December 19, 2014. The EPA has not yet taken final action on the Department’s 2014 state plan submittal.

On April 16, 2019, in the Federal Register at 84 FR 15846, the EPA promulgated “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Technical Amendments”, to address testing and monitoring issues in 40 CFR Part 60, Subparts CCCC and DDDD. The Department amended South Carolina Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, to incorporate the revisions to 40 CFR Part 60, Subpart DDDD, as part of the Department’s 2018 End of Year regulatory revisions. These amendments were approved during a public hearing conducted by the Board on August 8, 2019, and became state effective upon publication in the South Carolina *State Register* on August 23, 2019.

The Department is proposing to certify that it has addressed the requirements of Sections 111(d) and 129 and regulations under 40 CFR Part 60 for CISWI units with the submittal of this supplement to the CISWI plan. The Department is revising the CISWI plan to incorporate the model rule provisions and technical amendments for CISWI units under the 2019 Technical Amendments rule, promulgated by the EPA in accordance with the requirements of Sections 111(d) and 129 of the Clean Air Act and regulations under 40 CFR Part 60.

This amendment to the 111(d)/129 state plan incorporates the revised emission limits and other requirements in the model rule provisions for CISWI units under the 2019 Technical

Amendments rule, and implements and provides for enforcement of the CISWI Emission Guidelines promulgated by the EPA in accordance with the requirements of Sections 111(d) and 129 of the CAA and regulations under 40 CFR Part 60. Pursuant to 40 CFR 60.2542, the authorities listed under 40 CFR 60.2030(c) will not be delegated to state, local, or tribal agencies.

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At this point I will recognize anyone who wishes to comment on the proposed plan.  
Are there any comments for the record?

There being no comments, this forum is adjourned. Thank you for your attendance and participation here today.

(Thereupon, at 10:10 am on the same day, the forum was concluded.)

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

Public Hearing

**South Carolina 111(d)/129 Plan Update for Commercial and Industrial Solid Waste Incineration (CISWI) Units**

October 29, 2019, 10:00 a.m.

Room 2280 Sims/Aycock Building

2600 Bull Street

Columbia, SC

Synopsis: The Department will make a declaration of its intent to satisfy the requirements of Sections 111(d) and 129 of Clean Air Act, which addresses CISWI units.

Name	Representing/Address	Telephone	E-mail
Holly Randolph	DHEC		randolhr@dhec.sc.gov
Gree Hoffmann	NOVA	302-803-3591	ghoffmann@NOVA.MOLECULAR.COM
Diane Humphries	DHEC	803-898-0048	HUMPHRDM@DHEC.SC.GOV
Marie Brown	DHEC	803-898-1796	brownmf@dhec.sc.gov