

BOARD:
Paul C. Aughtry, III
Chairman
Edwin H. Cooper, III
Vice Chairman
Steven G. Kisner
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

BOARD:
Henry C. Scott
M. David Mitchell, MD
Glenn A. McCall
Coleman F. Buckhouse, MD

September 18, 2009

Richard A. Schutt, Chief, Air Planning Branch
EPA Region 4
Atlanta Federal Center
61 Forsyth Street Southwest
Atlanta, Georgia 30303-8909

Re: South Carolina Fine Particulate Matter Air Quality Implementation Plan

Dear Mr. Schutt:

On July 29, 2009, the Department of Health and Environmental Control (Department) submitted a letter to the United States Environmental Protection Agency (EPA) Region 4, indicating that it had met the obligations to public notice its proposed State Implementation Plan (SIP) revisions under sections 110(a)(1) and (2) of the Clean Air Act (CAA), to address basic SIP requirements, including emission inventories, monitoring, and modeling to assure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for fine particles or PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers).

On July 24, 2009, a Public Notice was published in the South Carolina *State Register* providing the public with the opportunity to request a public hearing on the issue. Pursuant to 40 CFR 51.102, no request for a public hearing was received by the close of the 30-day public comment period (August 24, 2009), and as a result, the hearing was cancelled.

As outlined in the enclosed attachments to this letter, the Department is certifying to the EPA that the "infrastructure" elements pertaining to the PM_{2.5} attainment/unclassifiable areas in South Carolina [as required under Section 110(a)(1) and (2) of the CAA] have been addressed. Should you have any further questions concerning South Carolina's fine particulate matter SIP, please feel free to contact Maeve S. R. Mason of my staff at (803) 898-2230 or masonmr@dhec.sc.gov.

Sincerely,

Robert J. Brown, Jr., Director
Division of Air Planning, Development & Outreach
Bureau of Air Quality
South Carolina Department of Health and Environmental Control

ec: Lynorae Benjamin, Chief, Regulatory Development Section, EPA Region 4
Zuri Farngalo, Environmental Scientist, EPA Region 4
Joel Huey, PM Coordinator, EPA Region 4
cc: Myra C. Reece, Chief, Bureau of Air Quality, SCDHEC
Renee Shealy, Assistant Bureau Chief, Bureau of Air Quality, SCDHEC

Enclosures:

Attachment A: Certification of 110(a)(1) and (2) Requirements
Attachment B: SIP Submittal Completeness Criteria Checklist
Attachment C: State Register Notice of Public Hearing (July 24, 2009)

South Carolina Certification
Clean Air Act Section 110(a)(1) and (2)
2006 PM_{2.5} NAAQS Requirements

Each of the basic or infrastructure requirements enumerated in the CAA Section 110(a)(1) and (2) is listed below along with the corresponding State statute granting the Department the necessary authority to implement each State Implementation Plan (SIP) element.

Emission limits and other control measures: Section 110(a)(2)(A) of the Clean Air Act (CAA) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters. South Carolina Air Pollution Control Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations*; Standard No. 2, *Ambient Air Quality Standards*; and Standard No. 4, *Emission from Process Industries* serve to establish emission limits for particulate matter (PM), while Regulation 61-62.1, *Definitions and General Requirements*; Regulation 61-62.2, *Prohibition of Open Burning*; and Regulation 61-62.6, *Control of Fugitive Particulate Matter* address required control measures, means, and techniques for reducing PM. Section 48-1-50(23) of the 1976 South Carolina Code of Laws, as amended (hereinafter referred to as S.C. Code Ann.) provides the Department with the statutory authority to, “Adopt emission and effluent control regulations standards and limitations that are applicable to the entire State, that are applicable only within specified areas or zones of the State, or that are applicable only when a specified class of pollutant is present.”

Ambient air quality monitoring/data system: Section 110(a)(2)(B) of the CAA requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and presentation of these data available to EPA upon request. Regulation 61.62.5, Standard No. 7, *Prevention of Significant Deterioration*, along with the *South Carolina Network Description and Ambient Air Network Monitoring Plan* (conditionally approved by EPA on October 27, 2008), provide for an ambient air quality monitoring system in the State. S.C. Code Ann. § 48-1-50(14) provides the Department with the necessary statutory authority to “Collect and disseminate information on air and water control.”

Program for enforcement of control measures: Section 110(a)(2)(C) of the CAA requires States to include a program that provides for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment new source review (NSR) requirements. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, and Regulation 61-62.5, Standard 7.1, *Nonattainment New Source Review*, apply to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable. On July 1, 2005, the Department submitted its PSD/NSR SIP revision to EPA for approval. In August 2007, the EPA sent to the State a draft conditional approval letter that indicated modifications to the State PSD and NSR rules were necessary. On November 20, 2007, the Department sent to the EPA a written response outlining its commitment to making those modifications. On April 14, 2009, the Department submitted a revised SIP to the EPA for approval and is currently awaiting final approval. S.C. Code Ann. § 48-1-50(10) provides the Department with the statutory authority to, “Require to be submitted to it and consider for approval plans for disposal system or source or any parts thereof and inspect the construction

thereof for compliance with the approved plans.” Further, S.C. Code Ann. § 48-1-50(11) provides the Department with the statutory authority to “Administer penalties as otherwise provided herein for violations of this chapter, including any order, permit, regulation or standards.”

Interstate transport: Section 110(a)(2)(D) of the CAA requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment of the NAAQS in another State. States are required to submit 110(a)(2)(D)(i) plans to demonstrate compliance with these provisions. On June 25, 2007, South Carolina submitted its 110(a)(2)(D)(i) plan to EPA. This plan was published as proposed by EPA on May 22, 2008, however, final approval was delayed due to the Clean Air Interstate Rule (CAIR) remand. In this plan, South Carolina made a demonstration that it met the required four-pronged set of criteria as outlined below.

State SIPs must contain adequate provisions prohibiting any source or other type of emissions activity within the State from emitting any air pollutants in amounts that will:

1. Contribute significantly to nonattainment of NAAQS for areas in another state. (Prong 1)

South Carolina’s CAIR became state-effective on June 22, 2007. On December 10, 2007, EPA’s approval of South Carolina’s CAIR as a direct final rule became effective. However, on July 11, 2008, the United States Court of Appeals for the District of Columbia Circuit (Court of Appeals) vacated CAIR (Case No. 05-1244) after finding “more than several fatal flaws in the rule.” Because the EPA adopted CAIR as an “integral action,” it was vacated in its entirety and remanded to EPA to promulgate a rule that was consistent with the Court of Appeals’ opinion. On September 24, 2008, EPA filed a petition for rehearing or, in the alternative, a remand of the case without vacatur. On October 21, 2008, the Court of Appeals issued a motion directing the parties of the case to file a response to EPA’s petition.

After considering the parties’ respective positions, the Court of Appeals decided to remand the case without vacatur on December 23, 2008. The Court of Appeals’ reasoning was that while CAIR was inherently flawed, allowing it to remain in place until EPA could promulgate another rule would at least temporarily preserve the environmental benefits that CAIR provides. (The Court of Appeals decided not to impose a deadline by which EPA must correct the flaws within CAIR.)

In addition, since the fall of 2008, South Carolina, along with several other CAIR States has been participating in a state collaborative process to address the issues of interstate transport.

2. Interfere with maintenance of NAAQS by any other State. (Prong 2)

Again South Carolina’s implementation of CAIR and participation in the trading program will satisfy this criterion.

3. Interfere with measures required to meet the implementation plan for any other State related to Prevention of Significant Deterioration (PSD). (Prong 3)

South Carolina's participation in the CAIR trading program and the state collaborative process; implementation of Regulation 61-62.5, Standard No. 7, and Regulation 61-62.5, Standard No. 7.1 (both of which provide for a preconstruction review and permitting program for major sources of air pollutants) collectively satisfy this criterion.

4. Interfere with measures required to meet the implementation plan for any other State related to Regional Haze and Visibility. (Prong 4)

South Carolina has satisfied this criterion through its Regional Haze Implementation Plan (submitted to EPA on December 21, 2007). The Regional Haze Implementation Plan was developed in consultation with other state, Federal Land Managers (FLMs), and regional planning organizations.

Adequate resources: Section 110(a)(2)(E) of the CAA requires states to provide for adequate personnel, funding and legal authority under State Law to carry out its SIP and related issues. The Department is provided its legal authority to establish a SIP and implement related plans, in general, under S.C. Code Ann. Section 48, Title 1. Specifically, S.C. Code Ann. § 48-1-50(12) grants the Department the statutory authority to, “Accept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the purposes of this chapter; accept, receive and receipt for Federal money given by the Federal government under any Federal law to the State of South Carolina for air or water control activities, surveys or programs.” S.C. Code Ann. Section 48, Title 2 grants the Department statutory authority to establish environmental protection funds. Additionally, Regulation 61-30, *Environmental Protection Fees*, provides the Department with the ability to assess fees for environmental permitting programs. The Department implements the SIP in accordance with the provisions on S.C. Code Ann. § 1-23-40 and S.C. Code Ann. Section 48, Title 1.

Stationary source monitoring system: Section 110(a)(2)(F) of the CAA requires States to establish a system to monitor emissions from stationary sources and to submit periodic emissions reports. Regulation 61-62.1, *Definitions and General Requirements*, provides for an emission inventory plan that establishes reporting requirements. However, the Department is currently in the process of holding external stakeholder meetings to evaluate proposed revisions to R. 61-62.1, Section III, *Emission Inventory*, predicated by the recently promulgated (73 FR 76540) Air Emission Reporting Requirements (AERR). Because these proposed changes may be more stringent than the federal requirements, pursuant to S.C. Code Section, 1-23-120(H)(1), the proposed amendments will require legislative review. The Department intends to complete the revisions and forward the proposed amendments to the legislature in January 2010. In addition, R. 61-62.1, Section IV, *Source Tests*, also outlines the plan, method, and procedures by which a source should conduct and submit source tests. S.C. Code Ann. § 48-1-22 provides the Department with the necessary statutory authority to “Require the owner of operator of any source or disposal system to establish and maintain such operational records; make reports; install, use and maintain monitoring equipment or methods; samples 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.”

Emergency power: Section 110(a)(2)(G) of the CAA requires state to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs. Regulation 61-62.3, *Air Pollution Episodes* requires that the Department provide for contingency measures when air pollution episode or exceedance that may lead to substantial threat to the health or persons in the State or region. S.C. Code Ann. § 48-1-290 grants the Department the statutory authority as follows: “Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or property, the Department, with concurrent notice to the Governor, may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as the Department deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but an application to the Department or by direction of the Governor shall be afforded a hearing within forty-eight hours. On the basis of such hearing the Department shall continue such order in effect, revoke it or modify it. Regardless of whether a hearing is held, the Department shall revoke all emergency orders as soon as conditions or operations change to the extent that an emergency no longer exists.” S.C. Code Ann. § 1-23-130 provides the Department with the statutory authority to establish emergency regulations.

Future SIP revisions: Section 110(a)(2)(H) of the CAA requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate. S.C. Code Ann. Section 48, Title 1 provides the Department the necessary statutory authority to revise the SIP to accommodate changes in the NAAQS.

Consultation with government officials: Section 110(a)(2)(J) of the CAA requires States to provide a process for consultation with local governments and FLMs carrying out NAAQS implementation requirements pursuant to section 121 relating to consultation. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* as well as provisions in separate implementation plans (such as the five-year review process under the Regional Haze Implementation Plan, which allows for consultation between appropriate state, local, and tribal air pollution control agencies as well as the corresponding FLMs) provide for continued consultation with government officials. Additionally, S.C. Code § 48-1-50(8) provides the Department with the necessary statutory authority to “Cooperate with the governments of the United States or other states or State agencies or organizations, officials, or unofficial, in respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements.”

Public notification: Section 110(a)(2)(J) of the CAA further requires States to notify the public in NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. The Department has several public notice mechanisms in place to notify the public of PM and other pollutant forecasting and has an extensive outreach program to educate the public and promote voluntary emission reduction measures. Regulation 61-62.3, *Air*

Pollution Episodes requires that the Department notify the public of any air pollution episode or exceedance. S.C. Code Ann. § 48-1-60 established that, “Classification and standards of quality and purity of the environment [are] authorized after notice and hearing.”

PSD and visibility protection: Section 110(a)(2)(J) of the CAA also requires State to meet applicable requirements of Part C related to PSD and visibility protection. Regulation 61.62.5, Standard No. 7, *Prevention of Significant Deterioration*, as well as the Regional Haze SIP together address visibility protection.

Air quality modeling/data: Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to EPA can be made. Regulations 61-62.5, Standards No. 2, *Ambient Air Quality Standards* and R. 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* (as adopted in the SIP) require that air modeling be conducted to determine permit applicability.

Permitting fees: Section 110(a)(2)(L) of the CAA requires SIPs to require each major stationary source to pay permitting fees to cover the costs of reviewing, approving, implementing, and enforcing a permit. Pursuant to S.C. Code Ann. § 48-2-50 (1993), the Department shall charge fees for environmental programs it administers pursuant to federal and state law and regulations. Regulation 61-30, *Environmental Protection Fees*, prescribes fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations as well as establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process for refuting fees.

Consultation/participation by affected local entities: Section 110(a)(2)(M) of the CAA requires States to provide for consultation and participation in SIP development by local political subdivision affected by the SIP. Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* (as adopted by the SIP) requires that the Department notify the public of the application, preliminary determination, degree of incremental consumption, and the opportunity for comment prior to making a final permitting decision. Likewise, S.C. Code Ann. § 48-1-50(8) allows the Department to “Cooperate with the governments of the United States or other states or State agencies or organizations, officials, or unofficial, in respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements.” Other provisions regarding public hearings and the regulation development process are included in S.C. Code Ann. Section 48, Title 1 in general, and S.C. Code Ann. § 1-23-40 (the Administrative Procedures Act). The Department has worked closely with local political subdivisions in developing the Transportation Conformity SIP, the Regional Haze Implementation Plan, the Early Action Compacts, and the 8-hour Ozone Attainment Demonstration for the York, County, South Carolina, portion of the Metrolina nonattainment area.

Other Notes: The following SIP related actions, along with those specifically described above have been/will be developed in consultation with many interagency (Federal, State, and local) partners and have been/will be subject to the required public notice requirements.

Attachment A: Certification of 110(a)(1) and (2) Requirements

- In November 2009, the Department will re-submit its 8-hour Ozone attainment demonstration for the York County portion of the Metrolina Nonattainment Area.
- In June 2007, the Department submitted its 110(a)(2)(D)(i) plan as final.
- In October 2007, the Department submitted a 110(a)(1) 8-hour ozone maintenance plan for Cherokee County, SC (which had previously been subject to a one-hour ozone maintenance plan).
- On December 13, 2007, the Department submitted a letter certifying that the infrastructure elements associated with the 8-hour ozone standard have been addressed.
- On March 14, 2008, the Department submitted a letter certifying that the infrastructure elements associated with the 1997 PM_{2.5} standard have been addressed.
- On November 19, 2008, to meet the obligations of the “Transportation Conformity Rule Amendments for the New PM₂ National Ambient Air Quality Standard: PM₂ Precursors,” and the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).”
- On February 23, 2009, the Department submitted a negative declaration letter to the EPA certifying that there are no sources (as described by the North American Industry Classification System [NAICS] codes in 72 FR 57215) in the current ozone nonattainment area in South Carolina subject to the Group III Control Techniques Guidelines (CTGs).
- On July 9, 2009, the Department submitted a negative declaration letter to the EPA certifying that there are no sources (as described by the NAICS codes in FR 40230) in the current ozone nonattainment areas in South Carolina subject to the Group IV CTGs.

Together these submissions, along with South Carolina's existing Air Quality State Implementation Plan, address the necessary elements of section 110(a)(1) and (2) of the CAA for the 2006 PM_{2.5} NAAQS.

ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST

SIP Submitted by: South Carolina
 Date Submitted: September 2009
 Subject: Confirmation of 110(a)(2)(A)-(M) PM_{2.5} Infrastructure Elements of South Carolina SIP

110(a)(2)(A)-(M) Requirements Checklist – South Carolina

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(A)	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i>	<i>Regulation 61-62.1, Definitions and General Requirements Regulation 61-62.2, Prohibition of Open Burning Regulation 61-62.5 <ul style="list-style-type: none"> • Standard No. 1, Emissions form Fuel Burning Operations • Standard No. 2, Ambient Air Quality and General Requirements • Standard No. 4, Emission from Process Industries Regulation 61-62.6, Control of Fugitive Particulate Matter State only Regulation 61-30, Environmental Protection Fees</i>
§110(a)(2)(B)	<i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to the Administrator;</i>	<i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, and along with the South Carolina monitoring network</i>
§110(a)(2)(C)	<i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i>	<i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, and Regulation 61-62.5, Standard No. 7.1, Nontainment New Source Review</i>
§110(a)(2)(D)	<i>contain adequate provisions—</i> <p style="margin-left: 40px;"><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p style="margin-left: 80px;"><i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p> <p style="margin-left: 80px;"><i>(II) interfere with measures required to be included in the</i></p>	<i>Regulation 61-62.96, Nitrogen Oxides (NO_x) Budget Trading Program {SC CAIR RULE} Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration and Standard No. 7.1, Nonattainment New Source Review -The state submitted the Regional Haze Implementation Plan for incorporation into the SIP on December 17, 2007</i>

Attachment B: SIP Submittal Completeness Criteria Checklist

	<p><i>applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p> <p><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p>	
§110(a)(2)(E)(i)	<p><i>provide</i></p> <p><i>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p>	<p><i>These elements, 110(a)(2)(E)(i-iii), are met when EPA does a completeness determination for each SIP submittal. Each submittal provides for adequate personnel, funding, and legal authority under State Law to carry out their SIPs and related issues. This information is understood and contained in all prehearing and final SIP submittal packages in the historical record of the rule. SC does not have any local agencies that would be affected by these requirements.</i></p> <p><i>State only Regulation 61-30, Environmental Protection Fees</i></p>
§110(a)(2)(E)(ii)	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i></p>	
§110(a)(2)(E)(iii)	<p><i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i></p>	
§110(a)(2)(F)	<p><i>require, as may be prescribed by the Administrator—</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	<p><i>Regulation 61-62.1, Definitions and General Requirements</i></p>
§110(a)(2)(G)	<p><i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i></p>	<p><i>Regulation 61-62.3, Air Pollution Episodes</i> <i>S.C. Code Ann. §48-1-290 and 1-23-130</i></p>
§110(a)(2)(H)	<p><i>provide for revision of such plan—</i></p> <p><i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i></p>	<p><i>This information typically comes in the cover letter of each SIP submission and is verified under the completeness criteria for SIP submittals.</i></p>

Attachment B: SIP Submittal Completeness Criteria Checklist

	<i>(iii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i>	
§110(a)(2)(I)	<i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i>	<i>The State Implementation Plan(s) meet this requirement. It is accomplished through (1) the SIP submittals and subsequent approval of those plans redesignating areas to attainment and (2) updates to maintenance plans; these are collectively contained in Table E - Nonregulatory Provisions of the SIP.</i>
§110(a)(2)(J) (§ 121 consultation)	<i>meet the applicable requirements of section 121 (relating to consultation), ...</i>	<i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration The SC Regional Haze Implementation Plan</i>
§110(a)(2)(J) (§ 127 public notification)	<i>meet the applicable requirements of section 7427 of this title,</i>	<i>Regulation 61-62.3, Air Pollution Episodes</i>
§110(a)(2)(J) (PSD)	<i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i>	<i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration The SC Regional Haze Implementation Plan</i>
§110(a)(2)(K)	<i>provide for: (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i>	<i>Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration</i>
§110(a)(2)(L)	<i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover— (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program</i>	<i>State only Regulation 61-30, Environmental Protection Fees</i>

Attachment B: SIP Submittal Completeness Criteria Checklist

<p>§110(a)(2)(M)</p>	<p><i>under title V;</i> <i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p><i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration</i> <i>SIP Items contained in or to be contained in Table e – Nonregulatory Provisions</i> <i>-Transportation Conformity SIP (updated November 19, 2008)</i> <i>-Early Action Compacts and Attainment Demonstration</i> <i>-The Regional Haze Implementation Plan (submitted December 21, 2007)</i> <i>-Charlotte-Gastonia-Rock Hill, NC-SC (York County, SC portion of Metrolina Area) Attainment Demonstration (to be submitted November 30, 2009)</i> <i>-Cherokee County 110 (a) (1) Maintenance Plan</i></p>
<p>§§110(a)(2)(C) & 110(a)(2)(J)</p>	<p>Part C Permit program: <i>§110(a)(2)(J) meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i></p> <p><i>§110(a)(2)(C) ... regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i></p> <p><i>40 CFR 51.166: Amend PSD regulations as required by the November 29, 2005 final rule (70 FR 71612 at 71699-71700). See also 70 FR 71671-71684.</i></p>	<p><i>Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration</i> <i>Regulation 61-62.5, Standard No. 7.1 Nonattainment New Source Review (NSR)</i> <i>Regulation 61-62.3, Air Pollution Episodes</i> <i>The SC Regional Haze Implementation Plan</i></p>

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**PUBLIC NOTICE**

Statutory Authority: S.C. Code Section 48-1-10 et seq.

The South Carolina Department of Health and Environmental Control (Department) is publishing this public notice to provide interested persons the opportunity to comment on the Department's response to meet obligations of the United States Environmental Protection Agency (EPA). Specifically, the Department proposes to address the requirements under sections 110(a)(1) and (2) of the Clean Air Act (CAA), to address basic State Implementation Plan (SIP) requirements, including emission inventories, monitoring, and modeling to assure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). To be considered, comments must be received by August 24, 2009, the close of the drafting comment period.

The Department is also providing the public with the opportunity to request a public hearing on the issue. If requested, a public hearing will be held on Tuesday, September 1, 2009, at 1:00 p.m., in room 3141 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. The public is invited to attend. However, pursuant to 40 CFR 51.102, if no request for a public hearing is received by the close of the comment period (August 24, 2009), the hearing will be cancelled. If the public hearing is cancelled, the Department will notify the public at least one week prior to the scheduled hearing via the "Scheduled Public Hearings" link on the Air Quality Regulation Development webpage at <http://www.scdhec.gov/environment/baq/regulatory.aspx>. Interested persons may also contact Maeve S. R. Mason, Regulatory Development Section, Bureau of Air Quality, at 2600 Bull Street, Columbia, SC 29201, or via phone at (803) 898-2230 for more information or to find out whether the public hearing will be held.

Synopsis:

On October 17, 2006, the EPA promulgated new and revised National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).

Specifically, the EPA promulgated revisions to the primary and secondary NAAQS for PM. With regard to the primary standards for fine particles or PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers), the EPA revised the level of the 24-hour PM_{2.5} standard to 35 micrograms per cubic meter (µg/m³) and retained the level of the annual PM_{2.5} standard at 15µg/m³. With regard to the primary standards for particles generally less than or equal to 10 µm in diameter (PM₁₀), the EPA retained the 24-hour PM₁₀ and revoked the annual PM₁₀ standard.

Under sections 110(a)(1) and (2) of the CAA, all States are required to submit plans to provide for the implementation, maintenance, and enforcement of the PM_{2.5} standard. Sections 110(a)(1) and (2) require States to address basic SIP requirements, including emission inventories, monitoring, and modeling to assure attainment and maintenance of the standard. By law, States are required to submit SIPs within three (3) years after promulgation of a new or revised standard, or September 21, 2009.

On December 14, 2007, the Department submitted a request to the EPA Region 4 at the request of Governor Mark Sanford and on behalf of the citizens of South Carolina, that the entire state of South Carolina be designated as "attainment" for the aforementioned PM standards. On August 19, 2008, the EPA Region 4, informed the Department that it agreed with the state's evaluation, and would move forward with a final designation in December 2008.

24 NOTICES

Electronic mail correspondence between the Department and Region 4 staff clarified that in light of its attainment/unclassifiable status, South Carolina need only provide a formal written letter certifying that the aforementioned required elements of the CAA have been addressed within the South Carolina SIP.

The Department is certifying that the “infrastructure” elements pertaining to the PM_{2.5} attainment/unclassifiable areas in South Carolina [as required under Section 110(a)(1) and (2) of the CAA] have been addressed. Pending any comments received, a letter to this effect will be sent to the EPA.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than August 24, 2009 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Ecological Resources, Inc.
Attn: James L. Cooper
PO Box 427
Elgin, SC 29045

Class II