

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### CHAPTER 61

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

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

The Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, of the Air Pollution Control Regulations and Standards and the South Carolina *Air Quality Implementation Plan* (State Implementation Plan or SIP). Interested persons may submit their views by writing to Andrew O. Hollis, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on May 25, 2009, the close of the drafting period.

#### **Synopsis:**

The United States Environmental Protection Agency (EPA) promulgated a final rule referred to as the Air Emissions Reporting Requirements (AERR) in the *Federal Register* on December 17, 2008 [73 FR 76540]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), the EPA has long required SIPs to provide for the submission by states to the EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors. The AERR harmonizes reporting requirements under the NOx SIP Call, Clean Air Interstate Rule (CAIR), and Consolidated Emissions Reporting Rule (CERR). It also removes and simplifies some existing emissions reporting requirements which the EPA believes are not necessary or appropriate; allows states to better track changes in source emissions, shutdowns, and startups over time by using the 40 CFR 70 definition of major source for point source reporting; deletes a requirement for states to report biogenic emissions; and offers states the option of reporting emissions for certain source categories. The Department is also proposing to amend state level reporting requirements to facilitate the collection of more detailed process level emissions inventory data (to include hazardous air pollutants (HAP) data) to insure that the National Emissions Inventory (NEI) maintained by the EPA contains the best available data. Initial emission reporting under the AERR will be due to the EPA by December 31, 2010. All subsequent data submission will be due within 12 months of the end of each inventory year, as such, the Department may also consider other amendments related to shortening its own emissions reporting due dates as determined to be necessary to comply with the new Federal requirements.

The Department proposes to amend R.61-62.1, *Definitions and General Requirements* and the SIP to incorporate these requirements. Because the AERR does not explicitly require the Department to adopt a regulatory amendment to enforce these federal reporting requirements, pursuant to S.C. Code Section, 1-23-120(H)(1), the proposed amendments will require legislative review.