

Agency Name: Department of Environmental Services

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Document No. 5457
DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-62. Air Pollution Control Regulations and Standards.

Synopsis:

Pursuant to the federal Clean Air Act (CAA), 42 U.S.C. Sections 7401 et seq., and the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., the South Carolina Department of Environmental Services (Department) is amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP), as follows:

1. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
2. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, and to make other select additions and clarifications to definitions and requirements.
3. R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
4. R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
5. R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO_x SIPs.
6. The Department also includes other changes to R.61-62, Air Pollution Control Regulations and Standards, including other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

These amendments will require General Assembly review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2025).

SCDES had a Notice of Drafting published in the March 27, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-62.1		
R.61-62.1(I)	Revision	Revised definition of Air Curtain Incinerator for consistency with federal definition.

Section	Type of Change	Purpose
	Addition and Reorganization	Inserted definitions for “Air Facility Contact”, “ePermitting”, and “Owner or Operator”, in alpha-numeric order, for internal consistency, and recodified section.
R.61-62.1(II)(A)(3)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as option of hand delivery.
R.61-62.1(II)(B)(2)(h)	Revision	Recodified paragraph (h) to incorporate subparagraph (i), and amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(2)(h)(ii)	Addition	Added subparagraph (ii) to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(3)	Revision	Amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(5)	Revision	Paragraph stricken and marked [Reserved] to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(6)	Revision	Amended to update internal citation and strike unnecessary language, consistent with changes being made to paragraphs II(B)(2)(h) and II(B)(3), to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(C)(1)	Revision	Amended for consistency and clarification.
R.61-62.1(II)(C)(3)(a)	Revision	Amended “name” to “legal name” for consistency and clarification.
R.61-62.1(II)(C)(3)(f)	Revision	Amended for clarification.
R.61-62.1(II)(E)(2)(a)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the options of mail or hand delivery.
R.61-62.1(II)(E)(2)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(F)(1)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s

Section	Type of Change	Purpose
		ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(F)(4)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(F)(4)(c)	Revision	Amended for clarification.
R.61-62.1(II)(G)(4)(a)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(G)(4)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery. Also amended to clarify "these facilities" as referring to sources that have obtained a federally enforceable synthetic minor permit.
R.61-62.1(II)(H)(2)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(H)(5)(a)	Revision	Amended "name" to "legal name" for consistency and clarification.
R.61-62.1(II)(M)	Revision	Amended to update procedures to specify the method of submitting a permit transfer request (by mail, hand delivery, or electronically through ePermitting). Also amended to update provisions as appropriate to address situations in which the current permit holder is not available to request the transfer.
R.61-62.1(II)(O)(3)	Revision	Amended for clarity and consistency.
R.61-62.5 Standard No. 1		
R.61-62.5, Standard No. 1, Section IV.A.2.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
R.61-62.5, Standard No. 1, Section IV.B.1.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
R.61-62.5, Standard No. 1, Section IV.D.1.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
R.61-62.5 Standard No. 4		
R.61-62.5, Standard No. 4, Section VIII, Title	Revision	Amended section title to clarify the applicability of Section VIII.

Section	Type of Change	Purpose
R.61-62.5 Standard No. 5.2		
R.61-62.5, Standard No. 5.2, Section I (B)(2) through (B)(4)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section II (K)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section III (A)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(1)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(1)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(2)	Revision	Amended and reorganized to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (B)(2)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (B)(2)(b)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(1)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(1)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(3)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(3)(d)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D), Introductory Paragraphs	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D)(2)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D)(2)(b)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

61-62. Air Pollution Control Regulations and Standards.

Statutory Authority: 1976 Code Section(s) 48-1-10 et seq., 48-6-10 et seq., ~~and~~ 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

Regulation 61-62.1. Definitions and General Requirements.

Regulation 61-62.1. Section I Definitions.

Regulation 61-62.1. Section I, shall be revised as follows:

SECTION I – DEFINITIONS

The following words and phrases when used in the Regulations and Standards shall, for the purpose of these regulations, have the meanings respectively ascribed to them in this section, unless a different meaning is clearly indicated. This section augments the South Carolina Pollution Control Act.

(1) Acid Mist – Means mist or droplets of sulfuric or other acids. Sulfuric acid mist includes sulfur trioxide (SO₃) and sulfuric acid vapor as well as liquid mist.

(2) Add – Means additions to a process which will increase size, scope, or emissions from such process.

(3) Administrator – Means the Administrator of the United States Environmental Protection Agency (EPA) or his/her designee.

(4) Afterburner – Means an auxiliary burner for destroying unburned or partially burned combustion gases after they have passed from the combustion chamber.

(5) Air Curtain Incinerator – Means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. Incinerators of this type can be constructed above or below ground ~~and require a refractory lined chamber or pit.~~

(6) Air Facility Contact – Means the person who is the technical contact at the facility in regard to the air quality permit application and operations pursuant to the permit.

~~(67)~~ Alter – Means modification or change in a process or processes which would affect emissions to the atmosphere.

~~(78)~~ Ambient Air Quality Standards – Means the standard for the quality of ambient air at or beyond a property line on which a source of pollution is emitting.

(~~8~~9) Application – Means a form provided by the Department which is prescribed to provide the information required to grant approval to construct and operate a source or an incinerator; or to report an existing incinerator.

(~~9~~10) Biologicals – Means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

(~~10~~11) Blood Products – Means any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

(~~11~~12) Reserved.

(~~12~~13) Body Fluids – Means liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal, and pericardial fluids; and semen and vaginal secretions.

(~~13~~14) Boiler – Means an enclosed device using controlled flame combustion and having specific characteristics including the following:

(a) The combustion chamber and primary energy recovery section shall be of integral design (for example, waste heat recovery boilers attached to incinerators are not boilers). To be of integral design, the combustion chamber and the primary energy recovery sections (such as water walls and super heaters) shall be physically formed into one (1) manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not physically be formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

(b) At least seventy-five (75) percent of recovered energy shall be “exported,” for example, not used for internal uses like preheating of combustion air or fuel, or driving combustion air fans or feedwater pumps.-

(~~14~~15) Bypass Stack – Means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

(~~15~~16) CAA – Means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq. Also referred to as “the Act.”

(~~16~~17) Chemotherapeutic Waste – Means all waste resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic waste shall not include any waste containing antineoplastic agents that are listed as hazardous waste under Section 261 of Regulation 61-79, Hazardous Waste Management.

(~~17~~18) Clean Wood – Means untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include yard waste, which is defined elsewhere in this section, or construction, renovation, and demolition waste (including but not limited to railroad ties and telephone poles).

~~(1819)~~ Code of Federal Regulations (CFR) – Means the general and permanent rules codified and published in the Federal Register by the departments and agencies of the federal government.

~~(1920)~~ Commercial Incinerator – Means an incinerator that burns non-hazardous waste from commercial activities with a design capacity of no more than 1250 pounds per hour (lb/hr) and which burns no more than six (6) tons per day (tons/day). Incinerators of this type not meeting these limits are considered municipal waste combustors. This definition does not include retail and industrial incinerators nor does it include waste from maintenance activities at commercial establishments.

~~(2021)~~ Reserved.

~~(2122)~~ Conditional Major Source – Means a stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source's potential to emit to avoid being defined as a major source as defined by applicable federal and state regulations.

~~(2223)~~ Continuous Emission Monitoring System or CEMS – Means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

~~(2324)~~ Continuous Program of Physical On-site Construction – Means significant and continuous site preparation work such as major clearing or excavation followed by placement of footings, pilings, and other materials of construction, assembly, or installation of unique facilities or equipment at the site of the source. With respect to a change in the method of operating, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

~~(2425)~~ Crematory Incinerator – Means any incinerator designed and used solely for the burning of human remains or animal remains.

~~(2526)~~ Department – Means the South Carolina Department of Environmental Services.

~~(2627)~~ Dioxins/Furans – Means the combined emissions of tetra- through octa-chlorinated dibenzo-paradioxins and dibenzofurans, as measured by EPA Reference Method 23 (40 CFR Part 60, Appendix A).

(28) ePermitting – Means the Department-approved electronic permitting system.

~~(2729)~~ Emission – Means a release or discharge to the outdoor (ambient) atmosphere of air contaminants, including fugitive emissions.

~~(2830)~~ Emission Data – Means the definition contained in 40 CFR 2.301(a)(2), July 1, 1986, is incorporated by reference.

~~(2931)~~ Emission Limitation (and Emission Standard) – Means a requirement established by the state or by the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

~~(3032)~~ Federally Enforceable – Means all limitations and conditions which are enforceable by the Administrator and citizens under the Act, including those requirements developed pursuant to 40 CFR Parts 60, 61, 63, and 70; requirements within the South Carolina State Implementation Plan (SIP); and any permit

requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the SIP and expressly requires adherence to any permit issued under such program.

(~~34~~33) Fuel Burning Operation – Means use of a furnace, boiler, device, or mechanism used principally, but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

(~~32~~34) Fugitive Dust – Means a type of particulate emission that becomes airborne by forces of wind, man's activity, or both, including, but not limited to, construction sites, tilled land, materials storage piles, and materials handling.

(~~33~~35) Fugitive Emissions – Means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(~~34~~36) Garbage – Means animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(~~35~~37) Hazardous Air Pollutant (HAP) – Means a pollutant which is the subject of National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by the EPA by publication in the Federal Register.

(~~36~~38) Hazardous Waste – Means any waste identified as such by Regulation 61-79.

(~~37~~39) Hazardous Waste Fuel – Means hazardous waste that has a heat value greater than 5000 British thermal unit per pound (Btu/lb) and is burned in an industrial or utility boiler or industrial furnace for energy recovery, except for hazardous wastes exempted by Section 266.30(b) of Regulation 61-79.

(~~38~~40) Hazardous Waste Incinerator – Means an incinerator whose primary function is to combust hazardous waste, except for devices which have qualified for exemption as provided in Sections 264.340(b) or 265.340(b) of Regulation 61-79.

(~~39~~41) Hospital – Means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

(~~40~~42) Hospital/Medical/Infectious Waste Incinerator or HMIWI or HMIWI Unit – Means any device that combusts any amount of hospital waste and/or medical/infectious waste.

(~~41~~43) Hospital Waste – Means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

(~~42~~44) Incinerator – Means any engineered device used in the process of controlled combustion of waste for the purpose of reducing the volume; removing the contamination and/or reducing or removing the hazardous potential of the waste charged by destroying combustible matter leaving the noncombustible ashes, material, and/or residue; and which does not meet the criteria nor classification as a boiler nor is listed as an industrial furnace.

(4345) Industrial Boiler – Means a boiler that produces steam, heated air, or other heated fluids for use in a manufacturing process.

(4446) Industrial Furnace – Means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

(a) Cement kilns

(b) Lime kilns

(c) Aggregate kilns

(d) Phosphate kilns

(e) Coke ovens

(f) Blast furnaces

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

(h) Titanium dioxide chloride process oxidation reactors

(i) Methane reforming furnaces

(j) Pulping liquor recovery furnaces

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

(l) Such other devices as the Department may determine on a case-by-case basis using one (1) or more of the following factors:

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

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

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

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

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

(vi) Other factors as appropriate.

(4547) Industrial Incinerator – Means any incinerator utilized in an industrial plant that does not meet the definition for any other type of incinerator or an incinerator used to combust Type 5 or 6 waste at any site.

(4648) In Existence – Means that the owner or operator has obtained all necessary construction permits required by this Department and either has:

(a) Begun, or caused to begin, a continuous program of physical on-site construction of the source; or

(b) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time, or that the owner or operator possesses a valid operating permit for the source prior to the effective date of a regulation or standard.

(4749) Kraft Pulp Mill – Means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at a high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

(4850) Major Source – Means, except as otherwise provided, any source which directly emits, or has the potential to emit, greater than or equal to the major source threshold as defined by applicable federal and state regulations.

(4951) Malfunction – Means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction, the operator shall operate within established parameters as much as possible, and monitoring of all applicable operating parameters shall continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

(5052) Mass Emission Rate – Means the weight discharged per unit of time.

(5153) Medical/Infectious Waste – Means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals listed below; and any waste defined as infectious waste in Regulation 61-105, Infectious Waste Management. The definition of medical/infectious waste does not include hazardous waste identified or listed in Regulation 61-79.261; household waste, as defined in Regulation 61-79.261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in Regulation 61-79.261.4(a)(1).

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

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

(c) Human blood and blood products including:

(i) Liquid waste human blood;

(ii) Products of blood;

(iii) Items saturated and/or dripping with human blood; or

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

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

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

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

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

(§254) Multiple-Chamber Incinerator – Means an incinerator consisting of at least two (2) refractory lined combustion chambers (primary and secondary) in series, physically separated by refractory walls, interconnected by gas passage ports or ducts.

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

(i) Yard waste;

(ii) Refuse-derived fuel; and

(iii) Motor vehicle maintenance materials limited to vehicle batteries and tires.

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

~~(5456)~~ Municipal Waste Combustor, MWC, or Municipal Waste Combustor Unit – Means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (for example, steam generating units) and furnaces (whether suspension-fired, grate-fired, mass-fired, or fluidized bed-fired, etc.), air curtain incinerators, and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at plastics/rubber recycling units. Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems. For the purpose of determining reconstruction or modification, as defined in 40 CFR Part 60 Subpart A, or Regulation 62.5, Standard No. 3, to a municipal waste combustor, the following applies:

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

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

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

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

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

~~(5557)~~ NAICS Code – Means North American Industry Classification System (NAICS) Code, a six (6) digit coding system, which attempts to classify all business establishments by the types of products or services they provide.

~~(5658)~~ Non-Industrial Boiler – Means any boiler not classified as an industrial boiler.

~~(5759)~~ Non-Industrial Furnace – Means any furnace not classified as an industrial furnace.

~~(5860)~~ Non-Spec. Oil (Off-Spec. Oil) – See definition of used oil.

~~(5961)~~ Opacity – Means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

~~(6062)~~ Open Burning – Means any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high temperature processing unit, incinerator or flare, or in any other such equipment primarily designed for the combustion of fuel or waste material.

(63) Owner or Operator – Means any person who owns, leases, operates, controls, or supervises a stationary source.

~~(6164)~~ Part 70 Permit – Means any permit or group of permits covering a source subject to the permitting requirements of Regulation 61-62.70. The use of the term “Title V Permit” shall be construed to mean “Part 70 Permit.”

~~(6265)~~ Particulate Matter – Means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

~~(6366)~~ Particulate Matter Emissions – Means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method described in 40 CFR Part 60, July 1, 1987, or an equivalent or alternative method approved by the Department, with the concurrence of the EPA.

~~(6467)~~ Pathological Waste – Means waste material consisting of only human or animal remains, anatomical parts, and/or tissue; the bags/containers used to collect and transport the waste material; and animal bedding (if applicable).

~~(6568)~~ Plant – Means, except as otherwise provided, any stationary source or combination of stationary sources, which is located on one (1) or more contiguous or adjacent properties and owned or operated by the same person(s) under common control.

~~(6669)~~ Plastics/Rubber Recycling Unit – Means an integrated processing unit where plastics, rubber, and/or rubber tires are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than seventy (70) percent of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, and/or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or industrial solid waste; and may include manufacturing scraps, trimmings, off-specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (for example, paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

~~(6770)~~ PM_{2.5} – Means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method based on Appendix L of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~(6871)~~ PM_{2.5} Emissions – Means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by a reference method approved by the Department with concurrence of the EPA.

~~(6972)~~ PM₁₀ – Means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

~~(7073)~~ PM₁₀ Emissions – Means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by a reference method approved by the Department with concurrence of the EPA.

(~~71~~74) Potential to Emit – Means the maximum capacity of a source to emit a regulated pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(~~72~~75) Process Industry – Means any source engaged in the manufacture, processing, handling, treatment, forming, storing, or any other action upon materials except fuel-burning operations.

(~~73~~76) Process Weight – Means the total weight of all materials introduced into a source operation, including air and water where these materials become an integral part of the product and solids used as fuels, but excluding liquids and gases used solely as fuels.

(~~74~~77) Process Weight Rate – (a) Means a rate established as follows:

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

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

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

(~~75~~78) Pyrolysis/Combustion Unit – Means a unit that produces gases, liquids, or solids through the heating of waste; and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

(~~76~~79) Refuse – Means garbage, rubbish, and/or trade waste.

(~~77~~80) Refuse-derived Fuel – Means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including low-density fluff refuse-derived fuel through densified refuse-derived fuel and pelletized refuse-derived fuel.

(~~78~~81) Retail Business Type Incinerator – Means an incinerator that combusts waste typical of a retail business rather than domestic, commercial, or industrial activities.

(~~79~~82) Rubbish – Means solid wastes from residences and dwellings, commercial establishments, and institutions.

(~~80~~83) Salvage Operations – Means any operation of a business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers, drums, or automobiles.

~~(8184)~~ Secondary Emissions – Means emissions which would occur as a result of the construction or operation of a major source or major modification but do not come from the major source or major modification itself. Secondary emissions shall be specific, well defined, quantifiable, and shall impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains moving to or from the new or modified source.

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

~~(8285)~~ SIC Code – Means Standard Industrial Classification Codes which are four digit numerical codes designed by the U.S. Department of Labor in order to create uniform descriptions of business establishments.

~~(8386)~~ Sludge Incinerator – Means an incinerator that combusts wastes containing more than ten (10) percent (dry weight basis) sludge produced by municipal or industrial wastewater treatment plants or each incinerator that charges more than 2205 pounds per day (lb/day) (dry weight basis) of sludge produced by municipal or industrial wastewater treatment plants.

~~(8487)~~ Smoke – Means small gasborne and airborne particles arising from a process of combustion in sufficient number to be observable by a person of normal vision under normal conditions.

~~(8588)~~ Solid Fuel – Means a fuel which is fired as a solid such as coal, lignite, and wood.

~~(8689)~~ Spec. Oil – See definition of used oil.

~~(8790)~~ Stack – Means any flue, conduit, chimney, or opening arranged to conduct an effluent into the open air.

~~(8891)~~ Stack Height – Means the vertical distance measured in feet between the point of discharge from the stack or chimney into the outdoor atmosphere and the elevation of the land thereunder.

~~(8992)~~ Standard Conditions – Means 760 millimeters of mercury (mmHg) at twenty-five (25) degrees Centigrade (C).

~~(9093)~~ Stationary Source – Means any building, structure, installation, or process which emits or may emit an air pollutant subject to regulation by any national or state standard. Use of the term “source” is to be construed to mean “stationary source.”

~~(9194)~~ Substantial Loss – Means, generally, a loss which would equal or exceed ten (10) percent of the total initial project cost.

~~(9295)~~ Synthetic Minor Source – Means a stationary source that obtains a federally enforceable physical or operational limitation from the Department to limit or cap the stationary source’s potential to emit to avoid being defined as a major source or major modification, as defined by applicable federal and state regulations.

~~(9396)~~ Total Reduced Sulfur (TRS) – Means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide that are released during the kraft pulping operation.

(9497) Total Suspended Particulate (TSP) – Means particulate matter as measured by the method described in Appendix B, 40 CFR Part 50, July 1, 1987.

(9598) Trade Waste – Means all solid, liquid, or gaseous material or rubbish resulting from construction, building operations, or the prosecution of any business, trade, or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, and cinders.

(9699) Untreated Lumber – Means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Untreated lumber does not include wood products that have been painted, pigment-stained, or “pressure-treated.” Pressure-treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

(97100) Used Oil – Means any oil that has been refined from crude or synthetic oil and as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and may be economically recyclable. This also includes absorbent material contaminated with used oil such as oily rags or absorbent blankets. Two (2) types of used oil are defined as follows:

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

(i) Arsenic – 5 parts per million (ppm) maximum;

(ii) Cadmium – 2 ppm maximum;

(iii) Chromium – 10 ppm maximum;

(iv) Lead – 100 ppm maximum;

(v) Total halogens – 4000 ppm maximum; and**

(vi) Flash Point – 100 degrees Fahrenheit (F) (37.8 degrees C) minimum.

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

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

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

(98101) Utility Boiler – Means a boiler that produces steam, heated air, or other heated fluids for sale or for use in producing electric power for sale.

(99102) Virgin Fuel – Means unused solid, liquid, or gaseous commercial fuel, and clean wood or bark that has not been processed other than for size reduction excluding clean wood or bark burned in an air curtain incinerator.

(100103) Volatile Organic Compound (VOC) – (a) Means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR Part 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by

procedures specified under any subpart of 40 CFR Part 60. This definition does not include compounds that have negligible photochemical reactivity according to the methods employed by the EPA to determine compounds listed in 40 CFR 51.100(s).

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

~~(101104)~~ Waste – Means any discarded material including, but not limited to, used oil, hazardous waste fuel, hazardous waste, medical waste, municipal solid waste (MSW), sludge, waste fuel, and waste classification Types 0 through 6 or any material which as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

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

Typical composition: ten (10) percent moisture, five (5) percent incombustible solids, and has a heating value of approximately 8500 Btu/lb as fired.

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

Typical composition: twenty-five (25) percent moisture, ten (10) percent incombustible solids, and has a heating value of approximately 6500 Btu/lb as fired.

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

Typical composition: up to fifty (50) percent moisture, seven (7) percent incombustible solids, and has a heating value of approximately 4300 Btu/lb as fired.

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

Typical composition: up to seventy (70) percent moisture, up to five (5) percent incombustible solids, and has a heating value of approximately 2500 Btu/lb as fired.

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

Typical composition: up to eighty-five (85) percent moisture, five (5) percent incombustible solids, and having a heating value of approximately 1000 Btu/lb as fired.

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

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

(102105) Waste Fuel – Means waste that does not meet hazardous waste criteria but has a heat value greater than 5000 Btu /lb.

(403106) Yard Waste – Means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and/or industrial sources as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of MSW in this section. Yard waste does not include clean wood, which is also exempt from the definition of MSW in this section.

Regulation 61-62.1. Section II Permit Requirements.

Regulation 61-62.1(II)(A)(3), shall be revised as follows:

(3) The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked, hand delivered, or electronically submitted through ePermitting within thirty (30) days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked, hand delivered, or electronically submitted through ePermitting within fifteen (15) days after such date.

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

(h)(i) Sources with a total uncontrolled potential to emit (PTE) of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled PTE of less than 1000 pounds per month (lbs/month) of VOCs will not require construction permits. ~~Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements.~~ However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request.

(ii) Unless otherwise exempt, a source may be exempted under this section at emission levels higher than those specified in subparagraph (i) only if the potential to emit is below all significant emission rates listed at Regulation 61-62.5, Standard No. 7, Section (B)(49)(a) for all pollutants emitted, and only if there is a demonstration that there are no state or federal applicable limits or requirements other than the requirements listed at Regulation 61-62.5, Standard No. 4, Section VIII and Section IX. Emissions calculations and any other supporting information must be submitted to the Department along with the information required by Section II(B)(6), and the need for a permit will be determined by the Department on a case-by-case basis. Sources determined to be exempt may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. Sources determined to be exempt must also maintain documentation of exempt status onsite and provide any additional information to the Department upon request.

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

(3) The Department will place the exempt sources listed in Section II(B)(2)(a) through (B)(2)(g) above, and other sources that ~~have been determined~~ meet the exemption thresholds under Section II(B)(2)(h)(i) and therefore will not interfere with the attainment or maintenance of any state or federal standard, on a list of sources ~~to be exempted that qualify as exempt~~ without further review. ~~The Department may develop emission thresholds for exemption that have been determined will not interfere with the attainment or maintenance of any state or federal standard, to be maintained with the list of sources to be exempted without further review.~~ This list of sources and source emission thresholds that are exempt without further review from the requirement to obtain a construction permit will be maintained by the Department and periodically published in the South Carolina State Register for use by the public and the regulated community. Requests to the Department may be made to add sources to the list.

Regulation 61-62.1(II)(B)(5), shall be revised as follows:

~~(5) Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case by case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. [Reserved]~~

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

~~(6) Requests for exemption from the requirement to obtain a construction permit, for new sources similar to sources already on the Department maintained list established in Section II(B)(3) above, or for modifications to existing equipment, including the reconstruction, relocation, and replacement of existing equipment, which may qualify for exemption as per Section II(B)(2)(h)(ii) and Section II(B)(4) above, shall include the following information:~~

Regulation 61-62.1(II)(C)(1), shall be revised as follows:

~~(1) Construction~~ All construction permit applications shall be reviewed, signed, and sealed by a professional engineer registered to practice in the State of South Carolina (except professional engineers employed by the federal government preparing applications for the federal government or other professional engineers exempted from the state registration requirements).

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

(a) The facility name (the legal name used to identify the facility at the location requesting the permit);

Regulation 61-62.1(II)(C)(3)(f), shall be revised as follows:

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

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

(a) A stationary source desiring to restrict its potential to emit shall submit a written request to the Department via mail, hand delivery, or electronically through ePermitting for a federally enforceable

construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package as prescribed by Section II(E)(5) below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct.

Regulation 61-62.1(II)(E)(2)(b), shall be revised as follows:

(b) The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked, hand delivered, or submitted electronically through ePermitting within thirty (30) days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked, hand delivered, or submitted electronically through ePermitting within fifteen (15) days after such date. A written request to obtain an operating permit shall be submitted to the Department within fifteen (15) days after the actual date of initial startup of each new or altered source in accordance with Section II(F) below. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

Regulation 61-62.1(II)(F)(1), shall be revised as follows:

(1) The owner or operator shall submit written notification to the Department of the actual date of initial startup of each new or altered source, postmarked, hand delivered, or submitted electronically through ePermitting within fifteen (15) days after such date. Any source that is required to obtain an air quality construction permit issued by the Department must obtain an operating permit when the new or altered source is placed into operation and shall comply with the requirements of this section.

Regulation 61-62.1(II)(F)(4)(b), shall be revised as follows:

(b) For sources not subject to Regulation 61-62.70, or not yet covered by an effective Title V operating permit, the owner or operator shall submit a written request for a new or revised operating permit to cover any new, or altered source, postmarked, hand delivered, or submitted electronically through ePermitting within fifteen (15) days after the actual date of initial startup of each new or altered source.

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

(c) The written request for a new or revised operating permit must include, ~~at a minimum,~~ the following information:

- (i) A list of sources that were placed into operation; and
- (ii) The actual date of initial startup of each new or altered source.

Regulation 61-62.1(II)(G)(4)(a), shall be revised as follows:

(a) Any owner or operator who plans to construct, alter, or add to a source of air contaminants, including the installation of any device for the control of air contaminant discharges, and desires a conditional major operating permit shall ~~provide~~ submit via mail, hand delivery, or electronically through ePermitting a written request to the Department for a federally enforceable synthetic minor construction permit conditioned to constrain the operation of the source, along with a complete construction permit application package containing the information identified in Section II(G)(6) below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct from the Department.

Regulation 61-62.1(II)(G)(4)(b), shall be revised as follows:

(b) A written request to obtain a conditional major operating permit shall be submitted to the Department, postmarked, hand delivered, or submitted electronically through ePermitting within fifteen (15) days after the actual date of initial startup of each new or altered source. This request shall include any additional information required in Section II(G)(6) below. ~~These facilities~~ New or modified sources that have obtained a federally enforceable synthetic minor construction permit will be issued conditional major operating permits without further public notice if no substantive changes to limitations are required. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

Regulation 61-62.1(II)(H)(2), shall be revised as follows:

(2) Any source that wishes to have its operating permit renewed must submit a written request to the Department via mail, hand delivery, or electronically through ePermitting.

Regulation 61-62.1(II)(H)(5)(a), shall be revised as follows:

(a) The facility name (the legal name used to identify the facility at the location requesting the permit);

Regulation 61-62.1(II)(M), shall be revised as follows:

(M) Transfer of Ownership/Operation

~~Within thirty (30) days of the transfer of ownership/operation of a facility, t~~The current permit holder and prospective new owner/operator shall submit to the Department a written request for transfer of the source operating and/or construction permit(s) postmarked, hand delivered, or submitted electronically through ePermitting within thirty (30) days of any transfer of ownership/operation of a facility. If the current permit holder is not available, then the Department may instead accept, on a case-by-case basis, the prospective new owner/operator's written request for transfer of the source's operating or construction permit(s) along with a copy of documentation of the transfer of the facility. The written request for transfer of the source operating and/or construction permit(s) shall include any changes pertaining to the facility name; the name, mailing address, and telephone number of the owner or operator for the facility and any proposed changes to the permitted activities of the source. Transfer of the operating or construction permit(s) will be effective upon written approval by the Department.

Regulation 61-62.1(II)(O)(3), shall be revised as follows:

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

Regulation 61-62.5, Standard No. 1. Emissions from Fuel Burning Operations.

Regulation 61-62.5, Standard No. 1, Section IV.A.2. shall be revised as follows:

2. Woodwaste Boilers

The owner or operator of any woodwaste boiler, not equipped with a wet scrubber, will be required to install, calibrate, operate, and maintain continuous monitoring system(s) ~~approved by the Department~~ for the measurement of opacity, if it meets one or more of the criteria listed in items A.2.a. and A.2.b. If a boiler is fired on more than one fuel, the total capacity will determine the applicability.

- a. Any woodwaste boiler of at least 100×10^6 Btu/hr rated heat input.
- b. Any woodwaste boiler, regardless of size, that has been operating in noncompliance with any applicable state air pollution control regulations and standards.

Regulation 61-62.5, Standard No. 1, Section IV.B.1. shall be revised as follows:

1. The owner or operator of any ~~fossil fuel-fired~~ steam generator subject to the provisions of Section IV.A shall submit a written Continuous Opacity Monitor report to the Department semi-annually or more often if requested. All semi-annual reports must be postmarked by the 30th day following the end of each semi-annual period. The report shall include, at a minimum, the information in items B.1.a through B.1.c below. A letter shall be sent in lieu of a semi-annual report if no incidences occurred during the reporting period.

- a. All integrated six (6) minute opacity measurements for periods during which the applicable provisions of Section I have been exceeded, together with their nature and cause.

- b. For periods of monitoring system malfunction:

- (i) The date and time identifying each period during which the monitoring system was inoperative, except for zero and span checks.

- (ii) The nature of monitoring system repairs or adjustments.

- (iii) Proof of opacity monitoring system performance may be required by the Department whenever repairs or adjustments have been made.

- c. Boiler system repairs or adjustments made to correct violations of the provisions of Section I.

Regulation 61-62.5, Standard No. 1, Section IV.D.1. shall be revised as follows:

1. The continuous opacity monitoring system(s) required by Section IV.A.1 ~~(for fossil fuel-fired steam generators)~~ shall conform with the performance specifications set forth in 40 CFR 60, Appendix B, Performance Specification 1, as revised July 1, 1986, which is incorporated by reference as a part of this standard except that where the term "Administrator" is used the term "Department" shall be substituted. In addition, the opacity monitoring system(s) shall complete a minimum of one (1) cycle of operation for each successive 10-second period, be installed such that representative measurements of opacity from the affected steam generator are obtained, and have an instrument span of approximately eighty (80) percent opacity.

Regulation 61-62.5, Standard No. 4. Emissions from Process Industries.

Regulation 61-62.5, Standard No. 4. Section VIII, Title, shall be revised as follows:

SECTION VIII – OTHER ~~MANUFACTURING~~ PROCESS INDUSTRIES

Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x).

Regulation 61-62.5, Standard No. 5.2, Section I (B), Subparagraphs (2) through (4), shall be revised as follows:

~~(2) Any source that qualifies as exempt under Regulation 61-62.1, II(B)(2) or II(B)(3).~~

~~(32) Any source within the source category in Table 1 below identified as “Fuel Combustion Sources burning any non-specified fuel not listed”~~ Any source with total uncontrolled potential to emit less than 5 tons per year of NO_x.

(43) Any source which has undergone a Best Available Control Technology (BACT) analysis or Lowest Achievable Emission Rate (LAER) for NO_x in accordance with Regulation 61-62.5, Standard No. 7, and 7.1, respectively.

(4) Emergency power generators of less than 150 KW rated capacity, or those that operate 500 hours per year or less and have a method to record the actual hours of use such as an hour meter.

Regulation 61-62.5, Standard No. 5.2, Section II (K), shall be revised as follows:

(K) Source: Means a stationary NO_x emission unit, ~~comprised of one or more burners.~~ Should the NO_x emission unit contain a burner or multiple burners, the source is the collection of burners and not the individual burner.

Regulation 61-62.5, Standard No. 5.2, Section III (A), shall be revised as follows:

(A) Those affected sources as defined in Section I(A)(1) and (A)(3) above shall apply NO_x controls to achieve the limitations provided in Table 1 of this section. Unless otherwise noted, all emission limits for affected sources required to use Continuous Emissions Monitoring (CEMS) shall be based on thirty (30) day rolling averages. For those sources not required to use CEMS, the emission limit averaging time shall be based on the appropriate source test method.

Regulation 61-62.5, Standard No. 5.2, Section IV (A)(1)(a), shall be revised as follows:

(a) ~~Except as allowed by the Department, t~~The owner or operator of a boiler rated two hundred (200) MMBtu/hr or greater permitted for solid fuel, shall install, calibrate, maintain, and operate CEMS for measuring NO_x, and Oxygen (O₂) or Carbon Dioxide (CO₂) emissions discharged to the atmosphere, and shall record the output of the system. Upon request, the Department may allow a source to use a Predictive Emissions Monitoring System (PEMS) rather than a CEMS for measuring NO_x and Oxygen (O₂) or Carbon Dioxide (CO₂) emissions discharged to the atmosphere, if the source demonstrates such use is warranted based on site-specific circumstances.

Regulation 61-62.5, Standard No. 5.2, Section IV (A)(1)(c), shall be revised as follows:

(c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61-62.60 or 61-62.72, ~~or as approved by the Department.~~ Any PEMS allowed under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61-62.60.

Regulation 61-62.5, Standard No. 5.2, Section IV (A)(2), shall be revised as follows:

~~(2) Periodic Monitoring and/or Source Test~~

~~(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.~~

~~(b) Except as allowed by the Department, an initial source test for NO_x emissions shall be conducted within one hundred and eighty (180) days after startup.~~

~~(c) Periodic source tests for NO_x shall be conducted every twenty four (24) months, or as determined by the Department on a case by case basis in the permit condition for the affected source. Source tests will be used to show compliance with the NO_x standard.~~

~~(d) The Department reserves the right to require periodic source testing for any affected sources. All source testing shall be conducted in accordance with Regulation 61-62.1, Section IV.~~

(2) Periodic Monitoring and/or Source Test

(a) Unless required to operate a CEMS, testing requirements apply to boilers rated thirty (30) MMBtu/hr or greater permitted for solid fuels and boilers rated greater than one hundred (100) MMBtu/hr permitted for any other fuels.

(i) An initial source test for NO_x emissions shall be conducted within one hundred and eighty (180) operating days after startup.

(ii) Periodic source tests for NO_x shall be conducted every twenty-four (24) months, or as determined by the Department on a case by case- basis, not to exceed sixty (60) months, for the affected source. Source tests will be used to show compliance with the NO_x standard.

(b) The Department reserves the right to require periodic source testing for any affected sources. All source testing shall be conducted in accordance with Regulation 61-62.1, Section IV.

Regulation 61-62.5, Standard No. 5.2, Section IV (B)(2)(a), shall be revised as follows:

~~(a) Except as allowed by the Department, a~~An initial source test for NO_x shall be conducted within one hundred eighty (180) operating days after startup.

Regulation 61-62.5, Standard No. 5.2, Section IV (B)(2)(b), shall be revised as follows:

~~(b) Periodic source tests for NO_x shall be conducted every twenty-four (24) months, or as determined by the Department on a case by case basis in the permit condition, not to exceed sixty (60) months, for the affected source. Source tests will be used to show compliance with the NO_x standard.~~

Regulation 61-62.5, Standard No. 5.2, Section IV (C)(1)(a), shall be revised as follows:

~~(a) Except as allowed by the Department, t~~The owner or operator shall install, calibrate, maintain, and operate CEMS on the turbine for measuring NO_x, and Oxygen (O₂) or Carbon Dioxide (CO₂) emissions discharged to the atmosphere, and shall record the output of the system.

Regulation 61-62.5, Standard No. 5.2, Section IV (C)(1)(c), shall be revised as follows:

~~(c) The CEMS required under this section shall be installed, calibrated, maintained, and operated in accordance with approved methods in Regulation 61-62.60 or 61-62.72, or as approved by the Department.~~

Regulation 61-62.5, Standard No. 5.2, Section IV (C)(3)(c), shall be revised as follows:

(c) ~~Except as allowed by the Department, a~~An initial source test for NO_x emissions shall be conducted within one hundred eighty (180) operating days after startup.

Regulation 61-62.5, Standard No. 5.2, Section IV (C)(3)(d), shall be revised as follows:

(d) Periodic source tests for NO_x shall be conducted every twenty-four (24) months, or as determined by the Department on a case by case basis ~~in the permit condition,~~ not to exceed sixty (60) months, for the affected source. Source tests will be used to show compliance with the NO_x standard.

Regulation 61-62.5, Standard No. 5.2, Section IV (D), Introductory Paragraphs, shall be revised as follows:

(D) All Other Affected Source Types

With the exception of fuel certification and tune-up requirements, compliance with required NO_x monitoring in 40 CFR Part 60 shall constitute compliance with the monitoring requirements in this section.

If the owner or operator is not required to comply with federal requirements in 40 CFR Part 60 for monitoring NO_x, then the monitoring requirements for the affected source shall be established ~~on a case by case basis~~ by a permit condition after public notice and opportunity for comment.

Regulation 61-62.5, Standard No. 5.2, Section IV (D)(2)(a), shall be revised as follows:

(a) ~~Except as allowed by the Department, a~~An initial source test for NO_x shall be conducted within one hundred eighty (180) operating days after startup.

Regulation 61-62.5, Standard No. 5.2, Section IV (D)(2)(b), shall be revised as follows:

(b) Periodic source tests for NO_x shall be conducted every twenty-four (24) months, or as determined by the Department on a case by case- basis ~~in the permit condition,~~ not to exceed sixty (60) months, for the affected source. Source tests will be used to show compliance with the NO_x standard.

Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP include revisions that will help clarify state requirements and therefore reduce economic burden.

Statement of Rationale:

The Department is amending Regulation 61-62, Air Pollution Control Regulations and Standards, to support the goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner. These amendments address outstanding matters related to previously submitted SIPs concerning Regulation 61-62.1 and Regulation 61-62.5, Standard No. 5.2; update terminology and procedures to reflect implementation of the Department's ePermitting system; update transfer of ownership procedures for permittees for clarity and ease of implementation; clarify select definitions and other language in Regulation 61-62.1; and make limited clarifications to Regulation 61-62.5, Standards No. 1 and 4.