**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; DEFINITIONS AND GENERAL REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Air Pollution Control Regulations and Standards; Definitions and General Requirements, designated as Regulation Document Number 4085, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

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 State Implementation Plan (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 purpose of the AERR is to harmonize reporting requirements under the NOX SIP Call and the Clean Air Interstate Rule (CAIR) which require inventories to be submitted 12 months after the beginning of each calendar year, and Consolidated Emissions Reporting Rule (CERR) which requires inventories to be submitted 17 months after the beginning of each calendar year. 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 (which defines sources based on potential to emit); deletes a requirement for states to report biogenic emissions; and offers states the option of reporting emissions for certain source categories.

Regulation 61‑62.1, Definitions and General Requirements, currently specifies facilities emission reporting intervals based on actual emissions rather than potential to emit. The Department has amended this requirement in an effort to be consistent with Federal requirements under the AERR.

Regulation 61‑62.1 also previously specified that major hazardous air pollutants (HAP) sources need only submit a summary sheet and calculations showing the source wide emissions of all HAPs emitted in excess of 200 pounds/year. The Department has deleted this specification so that more detailed HAP data can be collected to insure that the National Emissions Inventory (NEI) maintained by the EPA contains the best available data. The Department also specifies that sources with greater than 10 tons per year (tpy) for a single HAP and 25 tpy for combined total HAP emissions will still only need to supply this information every three years.

A Notice of Drafting was published in the *State Register* on April 24, 2009.

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