POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 19, 2010

**H. 4888**

Introduced by Reps. Duncan, Ott, Forrester and Mitchell

S. Printed 5/19/10--S.

Read the first time May 13, 2010.

**THE COMMITTEE ON**

**AGRICULTURE AND NATURAL RESOURCES**

To whom was referred a Joint Resolution (H. 4888) to adopt the proposed “Tailoring Rule” of the United States Environmental Protection Agency in South Carolina upon its adoption by the EPA in order to give, etc., respectfully

**REPORT:**

Has polled the Joint Resolution out majority favorable.

**A** **JOINT RESOLUTION**

TO ADOPT THE PROPOSED “TAILORING RULE” OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN SOUTH CAROLINA UPON ITS ADOPTION BY THE EPA IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS REGARDING GREENHOUSE GASES.

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

Whereas, on April 1, 2010, the United States Environmental Protection Agency (EPA) and the United States Department of Transportation jointly issued the Light‑Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy (CAFE) Standards; and

Whereas, when these standards take effect, the new standards will result in new air permitting requirements under the Prevention of Significant Deterioration (PSD) and Title V permit programs of the Clean Air Act and under South Carolina law for facilities that emit greenhouse gases; and

Whereas, if PSD and Title V permitting requirements apply to facilities that emit greenhouse gases at the threshold levels currently applicable under South Carolina law, over eight hundred currently permitted minor sources and untold number of small businesses not currently required to have air permits will require major source permit review; and

Whereas, requiring major source permit review for these additional facilities would result in significant financial expenditures and substantial delays for the affected businesses, a backlog of permits under review, an excessive administrative burden on the State, and the hindrance of new financial investments in South Carolina; and

Whereas, EPA has proposed to adopt a provision known as the “Tailoring Rule” which will substantially raise the threshold levels for greenhouse gas emissions that trigger major source permit review under the federal PSD and Title V programs of the Clean Air Act; however, EPA’s Tailoring Rule will not be effective in this State until enacted into State law; and

Whereas, to provide South Carolina with clarity and consistency as to air pollution control permitting requirements and assessment of environmental fees related to greenhouse gas emissions and to lessen the administrative and financial burden on South Carolina’s businesses, while continuing to protect the public health and the environment, it is necessary that South Carolina adopt the EPA Tailoring Rule until such time as the State promulgates appropriate amendments of its regulations.

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

SECTION 1. Upon the adoption by United States Environmental Protect Agency of a “Tailoring Rule” or other provision that raises the threshold level of emissions that trigger increased regulation of emitters of greenhouse gases, such rule or provision is hereby immediately adopted in South Carolina, notwithstanding any other provision of law, and shall be immediately effective in this State and implemented by the South Carolina Department of Health and Environmental Control pursuant to this joint resolution.

SECTION 2. This joint resolution shall remain in effect until such time as a Tailoring Rule or similar provision is otherwise effective in this State, by duly promulgated regulation or otherwise enacted into State law.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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