Attachment 1

Text of Final Regulation (Highlight/ Strikeout Version)

Highlight/Strikeout Version

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 1
EMISSIONS FROM FUEL BURNING OPERATIONS

SECTION I - VISIBLE EMISSIONS

A. Existing Sources

No one shall discharge to the ambient air from any existing source constructed prior to February 11, 1971, smoke which exceeds opacity of forty (40) percent. The forty (40) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

B. New Sources

No one shall discharge to the ambient air from any source constructed on or after February 11, 1971, smoke which exceeds opacity of twenty (20) percent. The twenty (20) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

C. Special Provisions

The opacity standards set forth above do not apply during startup or shutdown. Owners and operators shall, to the extent practicable, maintain and operate any source including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. In addition, the owner or operator of fuel burning sources except natural gas and propane fired units, shall maintain a log of the time, magnitude, duration, and any other pertinent information to determine periods of startup and shutdown and make available to the Department upon request.

D. Test Method

The method which is approved by the Department for determining compliance with opacity limitations under this Section is EPA Reference Method 9 (40 Code of Federal Regulations (CFR) 60, Appendix A, as revised July 1, 1986). Alternate methods may be utilized only if approved in advance by the Department and by the Environmental Protection Agency (EPA).

SECTION II - PARTICULATE MATTER EMISSIONS

A. Allowable Discharge

The allowable discharge of particulate matter resulting from fuel burning operations shall be limited to the values obtained by use of Figure 1 and/or Part B. (For the purpose of determining heat input, total

equipment capacity refers to total equipment capacity discharging through each stack. If a boiler has more than one (1) stack the total rated capacity will be the boiler rated capacity discharging to these stacks). Interpolation of Figure 1 for fuel burning operations of 1300 million British thermal units (Btu) per hour (Btu/hr) heat input and larger shall be accomplished by use of the equation:

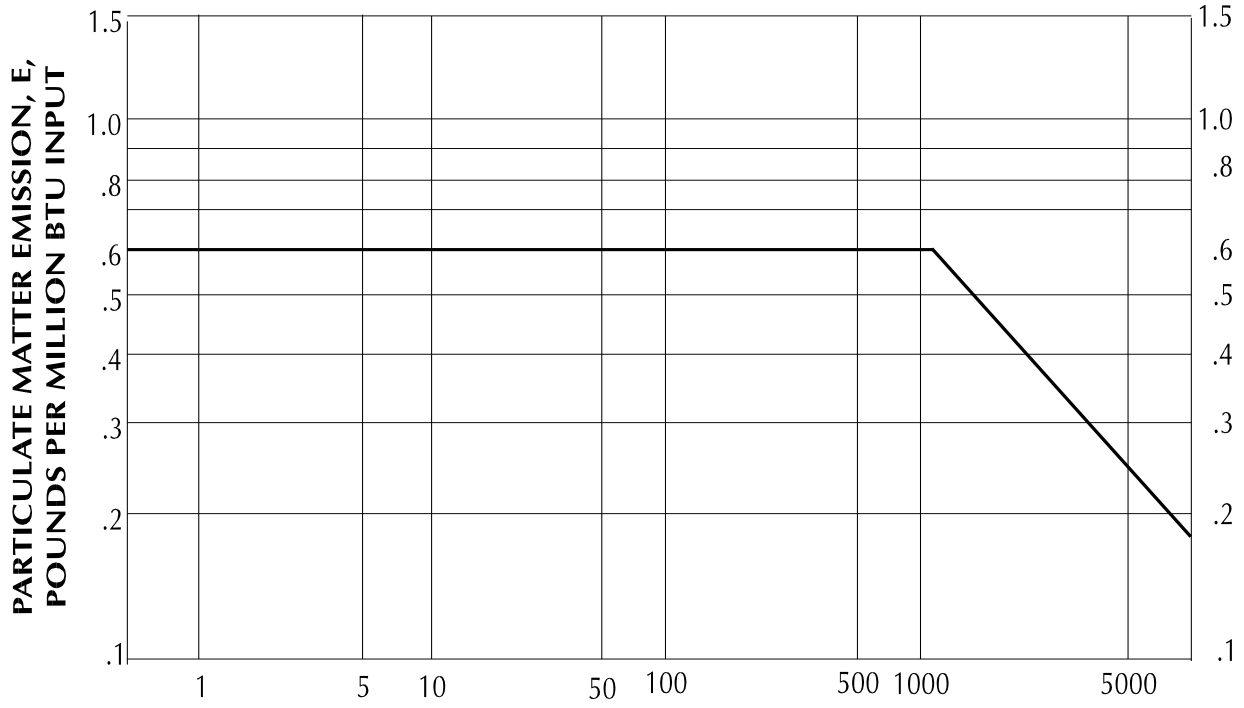
$$E = 57.84\ P^{-0.637}$$

where E = the allowable emission rate in pounds per million Btu heat input,
and P = million Btu/hr heat input

B. Special Provisions

All fuel burning operations of 10 million Btu/hr heat input and smaller constructed prior to February 11, 1971, shall be allowed 0.8 pounds (lbs) per million Btu input.

Figure 1



SECTION III - SULFUR DIOXIDE EMISSIONS

The maximum allowable discharge of sulfur dioxide (SO_2) from fuel burning operations shall be 2.3 lbs SO_2 per million Btu input.

SECTION IV - OPACITY MONITORING REQUIREMENTS

A. Applicable Sources

1. Fossil Fuel Fired Boilers

The owner or operator of any fossil fuel-fired steam generator of more than 250 million Btu/hr heat input capacity shall install, calibrate, operate, and maintain no later than June 14, 1978, continuous monitoring system(s) for the measurement of opacity which meets the performance specifications of Section IV.D except where:

a. Gaseous fuel is the only fuel burned.

b. Oil or a mixture of gas and oil are the only fuels burned and the steam generator is able to comply with the provisions of Sections I and II of this standard without utilization of particulate matter collection equipment, and where the steam generator has never been found, through any administrative or judicial proceedings, to be in violation of Section I of this standard.

c. The steam generator operates with an annual average capacity factor of thirty (30) percent or less, as reported to the Federal Power Commission for calendar year 1974 or otherwise adequately demonstrated to the Department; and has not subsequently increased this factor to more than thirty (30) percent.

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 x 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.

B. Continuous Opacity Monitor Reporting Requirements

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 ~~semiannual~~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.

2. Alternative data reporting procedures may be allowed if the owner or operator shows, to the satisfaction of the Department, that these procedures are at least as accurate as those described.

3. The owner or operator shall maintain a file of all information contained in the ~~quarterly~~semi-annual reports, calibration data for the opacity monitoring system(s), relevant records of adjustments and maintenance performed on such system(s), and all other data generated by the continuous opacity monitoring system(s), for a minimum of two (2) years from the date of submission of such reports or collection of such data. The information contained on file must be made available for review by Department personnel upon request.

C. Exemption from Reporting Requirements

A temporary exemption from the opacity monitoring and reporting requirements of Section IV may be granted during any period of monitoring system(s) malfunction, provided the owner or operator shows, to the satisfaction of the Department, that the malfunction was unavoidable and is being repaired as expeditiously as possible.

D. Equipment Performance Specifications

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.

2. The owner or operator shall record the zero and span drift in accordance with the method prescribed by the manufacturer of such opacity monitoring system(s); subject the system(s) to the manufacturer's recommended zero and span check at least once daily unless the manufacturer has recommended adjustments at shorter intervals, in which case such recommendations shall be followed; adjust the zero and span whenever the 24-hour zero drift or 24-hour calibration drift limits of 40 CFR 60, Appendix B, Performance Specification 1, as revised July 1, 1986, are exceeded; adjust the opacity monitoring system(s) purchased prior to September 11, 1974, whenever the 24-hour zero drift or 24-hour calibration drift exceeds four (4) percent opacity for those generators constructed prior to February 11, 1971, and two (2) percent opacity for those generators constructed after February 11, 1971.

3. The monitoring systems must be approved by the Department prior to installation.

E. Monitor Location

When the effluents from two (2) or more affected steam generators of similar design and operating characteristics are combined before released to the atmosphere, the opacity monitoring system(s) shall be

installed on the combined effluent. When the affected steam generators are not of similar design and operating characteristics, or when the effluent from one (1) affected steam generator is released to the atmosphere through more than one (1) point, the owner or operator shall apply for an alternate procedure to comply with the requirements of Section IV.

F. Exemptions from Monitoring Requirements

Whenever the requirements for continuous opacity monitoring cannot be implemented by the owner or operator due to physical source limitations, extreme economic burden, or infrequent steam generator operation of less than thirty (30) days per year, or when the specified monitoring procedure would not provide accurate opacity determinations, alternate monitoring and reporting requirements may be approved on a case-by-case basis provided the owner or operator submits a written request to the Department which includes, but is not limited to:

1. The basis or reason(s) that alternate requirements are necessary;

2. A proposal of the alternate monitoring and reporting requirements; and

3. Any other information needed by the Department to make a determination that the alternate requirements are adequate to meet the intent of Section IV.

SECTION V - EXEMPTIONS

The following sources shall be exempt from the provisions of this standard:

A. Residences of four (4) families or less.

B. Ocean-going vessels actually engaged in the physical process of national or international trade or defense.

SECTION VI - PERIODIC TESTING

An owner or operator of any source listed below shall ensure that scheduled periodic tests for particulate matter emissions are conducted every two (2) years or as required by permit conditions and are performed in accordance with the provisions of Regulation 61-62.1, Section IV, Source Tests. An owner or operator shall demonstrate compliance with SO_2 emissions by source testing, continuous monitoring, or fuel analysis as required by permit conditions.

A. Oil-fired boilers greater than 250 x 10^6 Btu/hr rated input.

B. Coal-fired boilers greater than 50 x 10^6 Btu/hr rated input.

C. Woodwaste or combination woodwaste boilers greater than 20 x10^6 Btu/hr rated input.

SECTION VII - [RESERVED]

R. 61-62.5, Standard No. 1 History - *South Carolina State Register*:
Vol. 7, Issue No. 2, (Doc. No. ?), February 25, 1983;
Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985;
Vol. 13, Issue No. 2, (Doc. No. 868), February 24, 1989;
Vol. 12, Issue No. 4, (Doc. No. 970), April 22, 1988;

Vol. 22, Issue No. 6, (Doc. No. 2244), June 26, 1998;
Vol. 25, Issue No. 10, (Doc. No. 2648), October 26, 2001;
Vol. 35, Issue No. 5, (Doc. No. 4130), May 27, 2011;
Vol. 36, Issue No. 5, (Errata), May 25, 2012;
Vol. 36, Issue No. 9, (Errata), September 28, 2012;
Vol. 38, Issue No. 6, (Doc. No. 4388), June 27, 2014;
Vol. 39, Issue No. 6, (Doc. No. 4481), June 26, 2015.

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 2
AMBIENT AIR QUALITY STANDARDS

The following table, unless otherwise noted, constitutes the primary and secondary ambient air quality standards for the State of South Carolina. The computations for determining if the applicable standard is met, along with the analytical methods to be used, will be those applicable Federal Reference Methods and Interpretations published in the Appendices to 40 Code of Federal Regulations (CFR) 50, or those methods designated as Federal Equivalent Methods (FEM) in accordance with 40 CFR 53. In the case of Gaseous Fluorides, either the double paper tape sampler method (ASTM D-3266-91 or later), the sodium bicarbonate-coated glass tube and particulate filter method (ASTM D-3268-91 or later), or an approved method may be used.

Pollutant	**Reference**	**Measuring Interval**	**Standard Level**			
			mg/m^3	**$\mu g/m^3$**	**ppm**	**ppb**
Sulfur Dioxide	40 CFR 50.4 40 CFR 50.5	3 hour (secondary)	-	1300	0.5	-
	40 CFR 50.17	1 hour (primary)	-	-	-	75
PM_{10}	40 CFR 50.6	24 hour	-	150	-	-
$PM_{2.5}$	40 CFR 50.13	24 hour (primary)	-	35	-	-
	40 CFR 50.18	Annual (primary)	-	12	-	-
		24 hour (secondary)	-	35	-	-
		Annual (secondary)	-	15	-	-
Carbon Monoxide	40 CFR 50.8	1 hour (no secondary)	40	-	35	-
		8 hour (no secondary)	10	-	9	-
Ozone	40 CFR 50.10	8 hour (1997)	-	-	0.08	-
	40 CFR 50.15	8 hour (2008)	-	-	0.075	-
~~Gaseous Fluorides (as HF)~~	~~State Regulation (1978)~~	~~12 hour~~	-	~~3.7~~	-	-
		~~24 hour~~	-	~~2.9~~	-	-
		~~1 week~~	-	~~1.6~~	-	-
		~~1 month~~	-	~~0.8~~	-	-
Nitrogen Dioxide	40 CFR 50.11	Annual	-	100	0.053	53
		1 hour	-	-	-	100
Lead	40 CFR 50.16	Rolling 3-month	-	0.15	-	-

Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m^3	$\mu g/m^3$	ppm	ppb
		Average				

R. 61-62.5, Standard No. 2 History - *South Carolina State Register*:

Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985;
Vol. 12, Issue No. 4, (Doc. No. 970), April 22, 1988;
Vol. 13, Issue No. 2, (Doc. No. 868), February 24, 1989;
Vol. 28, Issue No. 9, (Doc. No. 2912), September 24, 2004;
Vol. 32, Issue No. 10, (Doc. No. 3224), October 24, 2008;
Vol. 33, Issue No. 10, (Doc. No. 4082), October 23, 2009;
Vol. 36, Issue No. 4, (Doc. No. 4280), April 27, 2012;
Vol. 36, Issue No. 9, (Errata), September 28, 2012;
Vol. 38, Issue No. 9, (Doc. No. 4465), September 26, 2014;
Vol. 39, Issue No. 6, (Doc. No. 4481), June 26, 2015.

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 5.1

BEST AVAILABLE CONTROL TECHNOLOGY (BACT)/ LOWEST ACHIEVABLE EMISSION RATE ("LAER") APPLICABLE TO VOLATILE ORGANIC COMPOUNDS

SECTION I - DEFINITIONS

A. "Net Volatile Organic Compound (VOC) Emissions Increase" means the amount by which the sum of the following exceeds zero:

1. Any actual increase in the emissions of VOCs from a particular physical change or change in method of operation at a plant; and

2. Any other increases and decreases in the actual VOC emissions at the plant that occurred at the plant since July 1, 1979, and are otherwise creditable. An increase or decrease is creditable only if the Department has not relied on it in issuing a permit for the plant under this standard, which permit is in effect when the increase from the particular change occurs.

3. "Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with paragraphs (a) through (c) below.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant during a two-year period which preceded the particular date and which is representative of normal source operation. The Department may allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

B. "Lowest Achievable Emission Rate (LAER)" means that rate of emissions based on the following, whichever is more stringent:

1. The most stringent emission limitation which is contained in the State Implementation Plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that

such limitations are not achievable; or

2. The most stringent emission limitation which has been achieved in practice by such class or category of source.

In no event shall the application of LAER permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under New Source Performance Standards if applicable.

C. "Best Available Control Technology (BACT)" means an emissions limitation based on the maximum degree of reduction for VOC which would be emitted from any proposed physical change or change in method of operation which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 Code of Federal Register (CFR) 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the impositions of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means, which achieve equivalent results.

SECTION II - GENERAL APPLICABILITY

A. This standard shall apply to all new, modified, or altered sources that would increase emissions of VOC. LAER shall be applied to construction or modifications permitted before June 25, 2004, when the net VOC emissions increase exceeds 100 tpy. BACT shall be applied to any new construction permit issued on or after June 25, 2004, when the net VOC emissions increase exceeds 100 tpy.

B. The Department may allow a lesser degree of control, provided that such a determination does not supersede any other state or federal requirements, if the Department determines that the application of BACT/LAER controls would result in the emission of pollutants which might cause or significantly contribute to an exceedance of an ambient air quality standard.

SECTION III - VOLATILE ORGANIC COMPOUND COMPLIANCE TESTING

The owner or operator of any VOC source required to comply with this standard shall, at his own expense, conduct source tests in accordance with the provisions of Regulation 61-62.1, Section IV, Source Tests, to demonstrate compliance unless the Department determines that the compliance status of the source can be monitored as described in Section IV, below. If tests are required, the following conditions shall apply:

A. Test frequencies for VOC abatement equipment will be as follows:

1. Every four (4) years for sources utilizing solvent recovery emission control devices (for example, carbon adsorption, refrigeration). However, if fouling of the carbon bed is suspected in the case of carbon adsorption, more frequent test schedules can be required.
2. Every two (2) years for sources utilizing catalytic incineration/destruction.

3. Every four (4) years for sources utilizing flame incineration provided the source operates, calibrates, and maintains a recorder for each incinerator which continuously records the combustion zone temperature and such temperature is maintained at a value no less than that recorded during the last source test during which compliance was verified.

B. Testing of VOC capture systems will be performed annually. However, only an initial test will be required provided:

1. Capture system flow rate indicators (for example, magnehelic gauges, manometers) are operated, calibrated, and maintained; and

2. The indicated values are maintained at a level no less than that recorded during the last source test during which compliance was verified; and

3. The type and location of the flow rate indicators are approved by this Department; and

4. No process, capture system, or VOC abatement equipment modifications have been made.

C. Other sources will be placed on a two (2) year test cycle.

SECTION IV - RECORDKEEPING, REPORTING, MONITORING

A. The owner or operator of any VOC emission source or control equipment shall maintain, as a minimum: records of all compliance testing conducted under Section III above, and records of all monitoring conducted under paragraphs C.1. and C.2. below.

B. The owner or operator of any applicable VOC emission source or control equipment shall, on request, make available to the Department, or Environmental Protection Agency, reports detailing the nature, specific sources, and total quantities of all VOC emissions for any specified period. Records must be kept which are consistent with the compliance time frames for each source subject to this standard.

C. The owner or operator of any VOC emission source or control equipment shall:

1. Install, operate, calibrate, and maintain process and/or control equipment, monitoring instruments, or procedures as required to comply with paragraphs A. and B. above; and,

2. Maintain, in writing, data and/or reports relating to monitoring instruments or procedures which shall, upon review, document the compliance status of the VOC emission source or control equipment to the satisfaction of the Department.

D. Copies of all records and reports under paragraphs A., B., and C. above, shall be retained by the owner or operator for two years after the date on which the record was made or the reports submitted.

E. Copies of all records and reports required under this section shall be available for inspection during normal working hours and furthermore, copies of the required records and reports shall be furnished within ten (10) working days after receipt of a written request from the Department.

R. 61-62.5, Standard No. 5.1 History - State Register:

Vol. 9, Issue No. 5, (Doc. No. 457), May 24, 1985;
Vol. 13, Issue No. 2, (Doc. No. 868), February 24, 1989;
Vol. 14, Issue No. 9, (Doc. No. 1310), August 24, 1990;
Vol. 22, Issue 6, (Doc. No. 2244), June 26, 1998;
Vol. 24, Issue 4, (Doc. No. 1310 - Errata), April 28, 2000;
Vol. 28, Issue No. 6, (Doc. No. 2872), June 25, 2004;
Vol. 36, Issue No. 9, (Errata), September 28, 2012;
Vol. 37, Issue No. 4, (Doc. No. 4330), April 26, 2013.

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 7
PREVENTION OF SIGNIFICANT DETERIORATION

(a)(1) Reserved.

(2) **Applicability procedures.**

(i) The requirements of this regulation apply to the construction of any new major stationary source (as defined in paragraph (b)(32)) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under 40 Code of Federal Regulations (CFR) 81.341.

(ii) The requirements of paragraphs (j) through (r) apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this section otherwise provides.

(iii) No new major stationary source or major modification to which the requirements of paragraphs (j) through (r)(5) apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Department has authority to issue any such permit.

(iv) The requirements of the program will be applied in accordance with the principles set out in paragraphs (a)(2)(iv)(a) through (f).

(a) Except as otherwise provided in paragraphs (a)(2)(v) and (vi), and consistent with the definition of major modification contained in paragraph (b)(30), a project is a major modification for a regulated New Source Review (NSR) pollutant if it causes two types of emissions increases – a significant emissions increase (as defined in paragraph (b)(50)), and a significant net emissions increase (as defined in paragraphs (b)(34) and (b)(49)). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (that is, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(2)(iv)(c) through (f). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (that is, the second step of the process) is contained in the definition in paragraph (b)(34). Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) **Actual-to-projected-actual applicability test for projects that only involve existing emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (b)(41)) and the baseline actual

emissions (as defined in paragraphs (b)(4)(i) and (ii)), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(49)).

(d) **Actual-to-potential test for projects that only involve construction of a new emissions unit(s).** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (b)(37)) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (b) (4)(iii)) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(49)).

(e) **[Reserved]**

(f) **Hybrid test for projects that involve multiple types of emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) and (d) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds, the significant amount for that pollutant (as defined in paragraph (b)(49)).

(v) For any major stationary source for a Plantwide Applicability Limitation (PAL) for a regulated NSR pollutant, the major stationary source shall comply with the requirements under paragraph (aa).

(b) Definitions.

For the purposes of this regulation:

(1)(i) **"Actual emissions"** means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (b)(1)(ii) through (b)(1)(iv), except that this definitions shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (aa). Instead, paragraphs (b)(41) and (b)(4) shall apply for those purposes.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The Department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(2) **"Adverse impact on visibility"** means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with (1) times of visitor use of the Class I area, and (2) the frequency and timing of natural conditions that reduce visibility.

(3) **"Allowable emissions"** means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the

operating rate, or hours of operation, or both) and the most stringent of the following:

(i) The applicable standards as set forth in 40 CFR 60 and 61;

(ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

(iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(4) **"Baseline actual emissions"** means the rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(4)(i) through (iv).

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, ~~and~~ shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(c) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraph (b)(4)(i)(b).

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tpy, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Department for a permit required under this section or under a plan approved by the Administrator, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. The Department reserves the right to determine if the 24-month period selected is appropriate.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, ~~and~~ shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded

an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G).

(d) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs (b)(4)(ii)(b) and (c).

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(4)(i), for other existing emissions units in accordance with the procedures contained in paragraph (b)(4)(ii), and for a new emissions unit in accordance with the procedures contained in paragraph (b)(4)(iii).

(5)(i) **"Baseline area"** means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than one (1) microgram(s) per cubic meter ($\mu g/m^3$) (annual average) for SO_2, NO_2, or PM_{10}; or equal or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

(ii) Area redesignations under Section 107(d)(1)(A)(ii) or 107(d)(1)(A)(iii) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(a) Establishes a minor source baseline date; or

(b) Is subject to 40 CFR ~~51.166~~52.21 or under regulations approved pursuant to 40 CFR 51.166 ~~and would be constructed in the same state as the state proposing the redesignation~~.

(iii) Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if the Department rescinds the corresponding minor source baseline date in accordance with paragraph (b)(31)(iv).

(6)(i) **"Baseline concentration"** means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) The actual emissions, as defined in paragraph (b)(1), representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b)(6)(ii); and

(b) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(ii) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) Actual emissions, as defined in paragraph (b)(1), from any major stationary source on which construction commenced after the major source baseline date; and

(b) Actual emissions increases and decreases, as defined in paragraph (b)(1), at any stationary source occurring after the minor source baseline date.

(7)"**Begin actual construction"** means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(8) **"Best available control technology (BACT)"** means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each ~~regulated NSR~~ pollutant subject to regulation under the Clean Air Act which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(9) **"Building, structure, facility, or installation"** means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (that is, which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

(10) **"Clean coal technology"** means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(11) **"Clean coal technology demonstration project"** means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least twenty

(20) percent of the total cost of the demonstration project.

(12) **[Reserved]**

(13) **"Commence"** means, as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) **"Complete"** means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

(15) **"Construction"** means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in ~~actual~~ emissions.

(16) **"Continuous emissions monitoring system (CEMS)"** means all of the equipment that may be required to meet the data acquisition and availability requirements of this regulation, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(17) **"Continuous emissions rate monitoring system (CERMS)"** means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(18) **"Continuous parameter monitoring system (CPMS)"** means all of the equipment necessary to meet the data acquisition and availability requirements of this regulation, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

(19) **"Electric utility steam generating unit"** means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five (25) megawatt (MW) electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(20) **"Emissions unit"** means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(19). For purposes of this regulation, there are two types of emissions units as described in paragraphs (b)(20)(i) and (ii).

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(20)(i). A replacement unit, as defined in paragraph (b)(45), is an existing emissions unit.

(21) **"Federal Land Manager"** means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(22) **"Federally enforceable"** means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

(23) **"Fugitive emissions"** means those emissions to the outdoor environment which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(24) **"High terrain"** means any area having an elevation 900 feet or more above the base of the stack of a source.

(25) **"Indian Governing Body"** means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self government.

(26) **"Indian Reservation"** means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(27) **"Innovative control technology"** means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

(28) **"Low terrain"** means any area other than high terrain.

(29) **"Lowest achievable emission rate (LAER)"** is as defined in paragraph (c)(5) of Regulation 61-62.5 Standard 7.1, "Nonattainment New Source Review."

(30)(i) **"Major modification"** means any physical change in or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in paragraph (b)(50)) of a regulated NSR pollutant (as defined in paragraph (b)(44)); and a significant net emissions increase of that pollutant from the major stationary source.

(ii) Any significant emissions increase (as defined in paragraph (b)(50)) from any emissions units or net emissions increase (as defined in paragraph (b)(34)) at a major stationary source that is significant for volatile organic compounds (VOCs) or oxides of nitrogen shall be considered significant for ozone.

(iii) A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Subpart I or 40 CFR 51.166; or

(2) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;

(f) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166.

(g) Any change in ownership at a stationary source

(h) [Reserved]

(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(1) The State Implementation Plan for the state in which the project is located, and

(2) Other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

(j) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(k) The reactivation of a very clean coal-fired electric utility steam generating unit.

(iv) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (aa) for a PAL for that pollutant. Instead, the definition at paragraph (aa)(2)(viii) shall apply.

(v) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in paragraph b(32)(iii) of this section.

(31)(i) **"Major source baseline date"** means:

(a) In the case of PM_{10} and sulfur dioxide, January 6, 1975;

(b) In the case of nitrogen dioxide, February 8, 1988; and

(c) In the case of $PM_{2.5}$, October 20, 2010.

(ii) **"Minor source baseline date"** means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:

(a) In the case of PM_{10} and sulfur dioxide, August 7, 1977;

(b) In the case of nitrogen dioxide, February 8, 1988; and

(c) In the case of $PM_{2.5}$, October 20, 2011.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and

(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the Department shall rescind a minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

(32)(i) **"Major stationary source"** means:

(a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tpy or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in ~~North American Industrial Classification System~~North American Industrial Classification System (NAICS) codes 325193 or 312140), fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(b) Notwithstanding the stationary source size specified in paragraph (b)(32)(i), any stationary source which emits, or has the potential to emit, 250 tpy or more of a regulated NSR pollutant; or

(c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(32) as a major stationary source, if the changes would constitute a major stationary source by itself.

(ii) A major stationary source that is major for VOCs or oxides of nitrogen shall be considered major for ozone.

(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this regulation whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants – The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more that 250 million British thermal units per hour heat input; and

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

(33) **"Necessary preconstruction approvals or permits"** means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

(34)(i) **"Net emissions increase"** means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(a) The increase in emissions from a particular physical change or change in method of operation at a stationary source as calculated pursuant to paragraph (a)(2)(iv); and

(b) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph (b)(34)(i)(b) shall be determined as provided in paragraph (b)(4), except that paragraphs (b)(4)(i)(c) and (b)(4)(ii)(d) shall not apply.

(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(a) The date five (5) years before construction on the particular change commences; and

(b) The date that the increase from the particular change occurs.

(iii) An increase or decrease in actual emissions is creditable only if:

(a) The Department has not relied on it in issuing a permit for the source under this section, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(b) [Reserved]

(c) It occurs within five years before ~~the date that the increase from~~ construction on the particular change ~~occurs~~commences.

(d) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in paragraph (b)(32)(iii) of this section or it occurs at an emission unit that is located at a major stationary source that belongs to one of the listed source categories.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxide that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(vi) A decrease in actual emissions is creditable only to the extent that:

(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b) It is federally enforceable at and after the time that actual construction on the particular change begins; ~~and~~

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change~~.~~; and

(vii) [Reserved]

(viii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(ix) Paragraph (b)(1)(ii) shall not apply for determining creditable increases and decreases.

(35) **[Reserved]**

(36) **[Reserved]**

(37) **"Potential to emit"** means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a 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 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 stationary source.

(38) **"Predictive emissions monitoring system (PEMS)"** means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2 or CO_2 concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis.

(39) **"Prevention of Significant Deterioration (PSD) program"** means the EPA-implemented major source preconstruction permit programs or a major source preconstruction permit program that has been approved by the Administrator and incorporated into the State Implementation Plan pursuant to 40 CFR 51.166 to implement the requirements of that section. Any permit issued under such a program is a major NSR permit.

(40) **"Project"** means a physical change in, or change in the method of operation of, an existing major

stationary source.

(41)(i) **"Projected actual emissions"** means the maximum annual rate, in tpy, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five (5) years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the ten (10) years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions under paragraph (b)(41)(i) (before beginning actual construction), the owner or operator of the major stationary source:

(a) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

(b) Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, ~~and~~ shutdowns, and malfunctions; and

(c) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under paragraph (b)(4) and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(d) In lieu of using the method set out in paragraph (b)(41)(ii)(a) through (b)(41)(ii)(c), may elect to use the emissions unit's potential to emit, in tpy, as defined under paragraph (b)(37).

(42) **"Reactivation of a very clean coal-fired electric utility steam generating unit"** means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(i) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;

(ii) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eight-five (85) percent and a removal efficiency for particulates of no less than ninety-eight (98) percent;

(iii) Is equipped with low-NO_X burners prior to the time of commencement of operations following reactivation; and

(iv) Is otherwise in compliance with the requirements of the Clean Air Act.

(43) **"Reasonably available control technology (RACT)"** is as defined in 40 CFR 51.100(o).

(44) **"Regulated NSR pollutant,"** for purposes of this regulation, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated. This

includes, but is not limited to, the following:

(a) $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in PSD permits. Compliance with emissions limitations for $PM_{2.5}$ and PM_{10} issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included;

(b) Any pollutant identified under paragraph (b)(44)(i)(b) as a constituent or precursor to a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:

(1) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(2) Sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(3) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(4) Volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(ii) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act; or

(iv) Any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in Section 112 of the Clean Air Act or added to the list pursuant to Section 112(b)(2) of the Clean Air Act, which have not been delisted pursuant to Section 112(b)(3) of the Clean Air Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act.

(v) **[Reserved]**

(45) **"Replacement unit"** means an emissions unit for which all the criteria listed in paragraphs (b)(45)(i) through (iv) are met. No credible emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

(i)The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

(ii) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(iii) The replacement does not alter the basic design parameters of the process unit.

(iv) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(46)(i) **"Repowering"** means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(ii) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(iii) The Department shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the Clean Air Act.

(47) **Reserved**

(48) **"Secondary emissions"** means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purposes of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general areas the stationary source modification which causes secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, from a vessel; or from the following:

(i) Emissions from ships or trains coming to or from the new or modified stationary source; and

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

(49)(i) **"Significant"** means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tpy

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter:

25 tpy of particulate matter emissions;
15 tpy of PM_{10} emissions
10 tpy of direct $PM_{2.5}$;
40 tpy of sulfur dioxide emissions;
40 tpy of nitrogen oxide emissions unless demonstrated not to be a $PM_{2.5}$ precursor under paragraph (b)(44) of this section

Ozone: 40 tpy of VOCs or oxides of nitrogen

Lead: 0.6 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H_2S): 10 tpy

Total reduced sulfur (including H_2S): 10 tpy
Reduced sulfur compounds (including H_2S): 10 tpy

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tpy).

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tpy)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tpy)

Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tpy)

(ii) **"Significant"** means, in reference to a net emissions increase or the potential of a source to emit a regulated NSR pollutant that paragraph (b)(49)(i), does not list, any emissions rate.

(iii) Notwithstanding paragraph (b)(49)(i), significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within ten (10) kilometers of a Class I area, and have an impact on such area equal to or greater than 1 $\mu g/m^3$, (24-hour average).

(50) "**Significant emissions increase"** means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (b)(49)) for that pollutant.

(51) **"Stationary source"** means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

(52) **"Temporary clean coal technology demonstration project"** means a clean coal technology demonstration project that is operated for a period of five (5) years or less, and which complies with the State Implementation Plans for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

(53) **"Volatile organic compounds (VOC)"** is as defined in Regulation 61-62.1, Section I, Definitions.

(c) Ambient air increments.

In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

CLASS I		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
$PM_{2.5}$:	annual arithmetic mean	1
	24-hr maximum	2
PM_{10}:	annual arithmetic mean	4
	24-hr maximum	8
Sulfur dioxide:	annual arithmetic mean	2
	24-hr maximum	5
	3-hr maximum	25
Nitrogen dioxide:	annual arithmetic mean	2.5

CLASS II		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
$PM_{2.5}$:	annual arithmetic mean	4
	24-hr maximum	9
PM_{10}:	annual arithmetic mean	17
	24-hr maximum	30
Sulfur dioxide:	annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	512
Nitrogen dioxide:	annual arithmetic mean	25

CLASS III		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
$PM_{2.5}$:	annual arithmetic mean	8
	24-hr maximum	18
PM_{10}:	annual arithmetic mean	34
	24-hr maximum	60
Sulfur dioxide:	annual arithmetic mean	40
	24-hr maximum	182
	3-hr maximum	700
Nitrogen dioxide:	annual arithmetic mean	50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(d) Ambient air ceilings.

No concentration of a pollutant shall exceed:

(1) The concentration permitted under the national secondary ambient air quality standard; or

(2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

(e) Restrictions on area classifications.

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(i) International parks;

(ii) National wilderness areas which exceed 5,000 acres in size;

(iii) National memorial parks which exceed 5,000 acres in size; and

(iv) National parks which exceed 6,000 acres in size.

(2) Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(3) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(4) The following areas may be redesignated only as Class I or II:

(i) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(ii) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(f) [Reserved]

(g) Redesignation.

(1) All areas (except as otherwise provided under paragraph (e)) are designated Class II as of December 5, 1974. Redesignation (except as otherwise precluded by paragraph (e)) may be proposed by the respective states or Indian Governing Bodies, as provided below, subject to approval by the Administrator as a revision to the applicable State Implementation Plan.

(2) The state may submit to the Administrator a proposal to redesignate areas of the state Class I or Class II provided that:

(i) At least one public hearing has been held in accordance with procedures established in 40 CFR 51.102;

(ii) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing;

(iii) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(iv) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the state has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of sixty (60) days) to confer with the state respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

(v) The state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which paragraph (e) refers may be redesignated as Class III if –

(i) The redesignation would meet the requirements of paragraph (g)(2);

(ii) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of the state, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless state law provides that the redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation:

(iii) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any National Ambient Air Quality Standard; and

(iv) Any permit application for any major stationary source or major modification, subject to review under paragraph (l), which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the Department a proposal to redesignate areas Class I, Class II, or Class III: Provided, That:

(i) The Indian Governing Body has followed procedures equivalent to those required of a state under paragraphs (g)(2), (g)(3)(iii), and (g)(3)(iv); and

(ii) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The Administrator shall disapprove, within ninety (90) days of submission, a proposed redesignation of

any area only if it is found, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with paragraph (e). If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the Administrator disapproves any proposed redesignation, the state or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator.

(h) Stack heights.

(1) The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by;

(i) So much of the stack height of any source as exceeds good engineering practice; or

(ii) Any other dispersion technique.

(2) Paragraph (h)(1) shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

(i) Exemptions.

(1) The requirements of paragraphs (j) through (r) shall not apply to a particular major stationary source or major modification, if:

(i) Construction commenced on the source or modification before August 7, 1977. The regulations at 40 CFR 52.21 as in effect before August 7, 1977, shall govern the review and permitting of any such source or modification; or

(ii) The source or modification was subject to the review requirements of 40 CFR 52.21(d)(1) as in effect before March 1, 1978, and the owner or operator:

(a) Obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(iii) The source or modification was subject to 40 CFR 52.21 as in effect before March 1, 1978, and the review of an application for approval for the stationary source or modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978; or

(iv) The source or modification was not subject to 40 CFR 52.21 as in effect before March 1, 1978, and the owner or operator:

(a) Obtained all final federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before March 1, 1978;

(b) Commenced construction before March 19, 1979; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(v) The source or modification was not subject to 40 CFR 52.21 as in effect on June 19, 1978 or under the partial stay of regulations published on February 5, 1980 (45 FR 7800), and the owner or operator:

(a) Obtained all final federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before August 7, 1980;

(b) Commenced construction within eighteen (18) months from August 7, 1980, or any earlier time required under the applicable State Implementation Plan; and

(c) Did not discontinue construction for a period of eighteen (18) months or more and completed construction within a reasonable time; or

(vi) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the Governor of the state in which the source or modification would be located requests that it be exempt from those requirements; or

(vii) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants – The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act; or

(viii) The source is a portable stationary source which has previously received a permit under this section, and:

(a) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and

(b) The emissions from the source would not exceed its allowable emissions; and

(c) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

(d) Reasonable notice is given to the Department prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Department not less than ten (10) days in advance of the proposed relocation unless a different time duration is previously approved by the Department.

(ix) The source or modification was not subject to 40 CFR 52.21 with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator:

(a) Obtained all final Federal, State, and local preconstruction approvals or permits necessary under the applicable State implementation plan before July 31, 1987;

(b) Commenced construction within eighteen (18) months after July 31, 1987, or any earlier time required under the State Implementation Plan; and

(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable period of time.

(x) The source or modification was subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator submitted an application for a permit under this section before that date, and the Department subsequently determines that the application as submitted was complete with respect to the particulate matter requirements then in effect in this section. Instead, the requirements of paragraphs (j) through (r) that were in effect before July 31, 1987, shall apply to such source or modification.

(2) The requirements of paragraphs (j) through (r) shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the Clean Air Act.

(3) The requirements of paragraphs (k), (m), and (o) shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

(i) Would impact no Class I area and no area where an applicable increment is known to be violated; and

(ii) Would be temporary.

(4) The requirements of paragraphs (k), (m), and (o) as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than fifty (50) tpy.

(5) The Department may exempt a stationary source or modification from the requirements of paragraph (m), with respect to monitoring for a particular pollutant if:

(i) The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide--575 $\mu g/m^3$, 8-hour average;
Nitrogen dioxide--14 $\mu g/m^3$, annual average;
Particulate matter--10 $\mu g/m^3$ of PM_{10}, 24-hour average;
Sulfur dioxide--13 $\mu g/m^3$, 24-hour average;
Ozone;[1]
Lead--0.1 $\mu g/m^3$, 3-month average;
Fluorides--0.25 $\mu g/m^3$, 24-hour average;
Total reduced sulfur--10 $\mu g/m^3$, 1-hour average;
Hydrogen sulfide--0.2 $\mu g/m^3$, 1-hour average;
Reduced sulfur compounds--10 $\mu g/m^3$, 1-hour average; or

[1] No de minimis air quality level is provided for ozone. However, any net increase of 100 tpy or

more of VOCs or nitrogen oxides subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data.

(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in paragraph (i)(5)(i), or the pollutant is not listed in paragraph (i)(5)(i).

(6) The requirements for best available control technology in paragraph (j) and the requirements for air quality analyses in paragraph (m)(1), shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under those regulations before August 7, 1980, and the Department subsequently determines that the application as submitted before that date was complete. Instead, the requirements at 40 CFR 52.21(j) and (n) as in effect on June 19, 1978 apply to any such source or modification.

(7)(i) The requirements for air quality monitoring in paragraphs (m)(1)(ii) through (iv) shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 8, 1981, and the Department subsequently determines that the application as submitted before that date was complete with respect to the requirements of this regulation other than those in paragraphs (m)(1)(ii) through (iv), and with respect to the requirements for such analyses at 40 CFR 52.21(m)(2) as in effect on June 19, 1978. Instead, the latter requirements shall apply to any such source or modification.

(ii) The requirements for air quality monitoring in paragraphs (m)(1)(ii) through (iv) shall not apply to a particular source or modification that was not subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 8, 1981, and the Department subsequently determines that the application as submitted before that date was complete, except with respect to the requirements in paragraphs (m)(1)(ii) through (iv).

(8)(i) At the discretion of the Department, the requirements for air quality monitoring of PM_{10} in paragraphs (m)(1)(i) through (m)(1)(iv) may not apply to a particular source or modification when the owner or operator of the source or modification submits an application for a permit under this section on or before June 1, 1988 and the Department subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1)(i) through (iv).

(ii) The requirements for air quality monitoring of PM_{10} in paragraphs (m)(1), (m)(1)(ii), ~~and~~ (m)(1)(iv), and (m)(3) shall apply to a particular source or modification if the owner or operator of the source or modification submits an application for a permit under this section after June 1, 1988 and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988 to the date the application becomes otherwise complete in accordance with the provisions set forth under paragraph (m)(1)(viii), except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

(9) The requirements of paragraph (k)(2) shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increase took effect as part of the applicable implementation plan and the Department subsequently determined that the application as submitted before that date was complete.

(10) The requirements in paragraph (k)(2) shall not apply to a stationary source or modification with

respect to any maximum allowable increase for PM_{10} if:

(i) The owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM_{10} took effect in an implementation plan to which this section applies;: and

(ii) The Department subsequently determined that the application as submitted before that date was otherwise complete. Instead, the requirements in paragraph (k)(2) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

(j) Control technology review.

(1) A major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emissions standard and standard of performance under 40 CFR 60 and 61.

(2) A new major stationary source shall apply BACT for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

(3) A major modification shall apply BACT for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(4) For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

(k) Source impact analysis.

The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(1) Any National Ambient Air Quality Standard in any air quality control region; or

(2) Any applicable maximum allowable increase over the baseline concentration in any area.

(l) Air quality models.

(1) All estimates of ambient concentrations required under this paragraph shall be based on applicable air quality models, data bases, and other requirements specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models).

(2) Where an air quality model specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the Department must be obtained for any modification or substitution. In

addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with paragraph (q).

(m) Air quality analysis.

(1) Preapplication analysis.

(i) Any application for a permit under this section shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(a) For the source, each pollutant that it would have the potential to ~~omit~~emit in a significant amount;

(b) For the modification, each pollutant for which it would result in a significant net emissions increase.

(ii) With respect to any such pollutant for which no National Ambient Air Quality Standard exists, the analysis shall contain such air quality monitoring data as the Department determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(iii) With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(iv) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not to be less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

(v) For any application which becomes complete, except as to the requirements of paragraphs (m)(1)(iii) and (iv), between June 8, 1981, and February 9, 1982, the data that paragraph (m)(1)(iii), requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

(a) If the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over at least the period required by those regulations.

(b) If the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii), requires shall have been gathered over at least that shorter period.

(c) If the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the Department may waive the otherwise applicable requirements of this paragraph (v) to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

(vi) The owner or operator of a proposed stationary source or modification of VOCs who satisfies all conditions of 40 CFR 51 Appendix S, Section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under paragraph (m)(1).

(vii) For any application that becomes complete, except as to the requirements of paragraphs (m)(1)(iii) and (iv) pertaining to PM_{10}, after December 1, 1988, and no later than August 1, 1989, the data that paragraph (m)(1)(iii) requires shall have been gathered over at least the period from August 1, 1988, to the date the application becomes otherwise complete, except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii) requires shall have been gathered over that shorter period.

(viii) With respect to any requirements for air quality monitoring of PM_{10} under paragraphs (i)(11)(i) and (ii) the owner or operator of the source or modification shall use a monitoring method approved by the Department and shall estimate the ambient concentrations of PM_{10} using the data collected by such approved monitoring method in accordance with estimating procedures approved by the Department.

(2) Post-construction monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the Department determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

(3) Operations of monitoring stations. The owner or operator of a major stationary source or major modification shall meet the requirements of Appendix B to 40 CFR 58 of during the operation of monitoring stations for purposes of satisfying paragraph (m).

(n) Source information.

The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section.

(1) With respect to a source or modification to which paragraphs (j), (l), (n), and (p) apply, such information shall include:

(i) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(ii) A detailed schedule for construction of the source or modification;

(iii) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that BACT would be applied.

(2) Upon request of the Department, the owner or operator shall also provide information on:

(i) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(ii) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

(o) Additional impact analyses.

(1) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other

growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(3) Visibility monitoring. The Department may require monitoring of visibility in any Class I area near the proposed new stationary source for major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(p) Sources impacting Class I areas - additional requirements.

(1) Notice to Federal Land Managers. The Department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within thirty (30) days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Class I area. The Department shall also provide the Federal Land Manager and such federal officials with a copy of the preliminary determination required under paragraph (q), and shall make available to them any materials used in making that determination, promptly after the Department makes such determination. Finally, the Department shall also notify all affected Federal Land Managers within 30 days of receipt of any advance notification of any such permit application.

(2) Federal Land Manager. The Federal Land Manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Department, whether a proposed source or modification will have an adverse impact on such values.

(3) Visibility analysis. The Department shall consider any analysis performed by the Federal Land Manager, provided within thirty (30) days of the notification required by paragraph (p)(1), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Class I area. Where the Department finds that such an analysis does not demonstrate to the satisfaction of the Department that an adverse impact on visibility will result in the Federal Class I area, the Department must, in the notice of public hearing on the permit application, either explain its decision or give notice as to where the explanation can be obtained.

(4) Denial--impact on air quality related values. The Federal Land Manager of any such lands may demonstrate to the Department that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Department concurs with such demonstration, then the permit shall not be issued.

(5) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land

Manager concurs with such demonstration and so certifies, the state may authorize the Administrator: Provided, That the applicable requirements of this regulation are otherwise met, to issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, $PM_{2.5}$, PM_{10}, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
$PM_{2.5}$:	annual arithmetic mean	4
	24-hr maximum	9
PM_{10}:	annual arithmetic mean	17
	24-hr maximum	30
Sulfur dioxide:	annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	325
Nitrogen dioxide:	annual arithmetic mean	25

(6) Sulfur dioxide variance by Governor with Federal Land Manager's concurrence. The owner or operator of a proposed source or modification which cannot be approved under paragraph (q)(4) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Department shall issue a permit to such source or modification pursuant to the requirements of paragraph (q)(7): Provided, that the applicable requirements of this regulation are otherwise met.

(7) Variance by the Governor with the President's concurrence. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if it is found that the variance is in the national interest. If the variance is approved, the Department shall issue a permit pursuant to the requirements of paragraph (q)(7): Provided, that the applicable requirements of this regulation are otherwise met.

(8) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to paragraph (q)(5) or (q)(6) the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four 24 hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

MAXIMUM ALLOWABLE INCREASE (Micrograms per cubic meter)		
Period of exposure	Terrain Areas	
	Low	High
24-hr maximum	36	62
3-hr maximum	130	221

(q) Public participation.

(1) Within thirty (30) days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted and transmit a copy of such application to EPA. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this regulation, the date on which the Department received all required information.

(2) In accordance with Regulation 61-30, Environmental Protection Fees, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner:

(i) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(ii) Make available in at least one location in each region in which the proposed source or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed source or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, and the opportunity for comment at a public hearing as well as written public comment.

(iv) Send a copy of the notice of public comment to the applicant, the Administrator of EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency and any state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification.

(v) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations.

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

(vii) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the source or modification.

(ix) Notify EPA of every action related to the consideration of the permit.

(3) The requirements of Section (q), Public Participation, of this standard shall not apply to any major plant or major modification which Section (i), Exemptions, would exempt from the requirements of Sections (k), (m), and (o), but only to the extent that, with respect to each of the criteria for construction approval under the South Carolina State Implementation Plan and for exemption under Section (i), requirements providing the public with at least as much participation in each material determination as those of Section (q) have been met in the granting of such construction approval.

(r) Source obligation.

In addition to all other applicable requirements specified in this regulation, the owner or operator shall comply with the requirements of paragraphs (r)(1) through (r)(8).

(1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(2) Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state, or federal law.

(4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements or paragraphs (j) through (r) shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(5) Reserved

(6) **Monitoring, recordkeeping and reporting.** The provisions of this paragraph (r)(6) apply to projects at an existing emissions unit at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs (b)(41)(ii)(a) through (c) for calculating projected actual emissions.

(i) If the project requires construction permitting under Regulation 61-62.1, Section II "Permit Requirements," the owner or operator shall provide a copy of the information set out in paragraph (r)(6)(ii) as part of the permit application to the Department. If construction permitting under Regulation 61-62.1, Section II "Permit Requirements," is not required, the owner or operator shall maintain the information set out in paragraph (r)(6)(ii).

(ii) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph (r)(6)(ii)(b); and calculate and maintain a record of the annual emissions, in tpy on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

(iv) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Department within 60 days after the end of each year during which records must be generated under paragraph (r)(6)(iii) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Department if the annual emissions, in tpy, from the project identified in paragraph (r)(6)(ii), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (r)(6)(ii)(c)), by a significant amount (as defined in paragraph (b)(49)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (r)(6)(ii)(c). Such report shall be submitted to the Department within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii); and

(c) Any other information needed to make a compliance determination (for example, an explanation as to why the emissions differ from the preconstruction projection).

(7) If a project at a source with a PAL requires construction permitting under Regulation 61-62.1, Section II, “Permit Requirements”, the owner or operator shall provide notification of source status as part of the permit application to the Department.

(8) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (r)(6) available for review upon a request for inspection by the Department or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

(s) through (u)(3) - Reserved.

(u)(4) In the case of a source or modification which proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase applicable if the area were designated a Class II area, and where no standard under Section 111 of the Clean Air Act has been

promulgated for such source category, the Administrator must approve the determination of BACT as set forth in the permit.

(v) Innovative control technology.

(1) An owner or operator of a proposed major stationary source or major modification may request the Department in writing no later than the close of the comment period under 40 CFR 124.10 to approve a system of innovative control technology.

(2) The Department shall, with the consent of the governor(s) of the affected state(s), determine that the source or modification may employ a system of innovative control technology, if:

(i) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

(ii) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph (j)(2), by a date specified by the Department. Such date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;

(iii) The source or modification would meet the requirements of paragraphs (j) and (k), based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Department;

(iv) The source or modification would not before the date specified by the Department:

(a) Cause or contribute to a violation of an applicable National Ambient Air Quality Standard; or

(b) Impact any area where an applicable increment is known to be violated; and

(v) All other applicable requirements including those for public participation have been met.

(vi) The provisions of paragraph (p) (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

(3) The Department shall withdraw any approval to employ a system of innovative control technology made under this section, if:

(i) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or

(ii) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(iii) The Department decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(4) If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with paragraph (v)(3), the Department may allow the source or modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(w) Permit rescission.

(1) Any permit issued under this section or a prior version of this regulation shall remain in effect, unless and until it expires or is rescinded.

(2) Any owner or operator of a stationary source or modification who holds a permit for the source or modification which was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this regulation, may request that the Administrator rescind the permit or a particular portion of the permit.

(3) The Department shall grant an application for rescission if the application shows that this section would not apply to the source or modification.

(4) If the Department rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.

(x) [Reserved]

(y) [Reserved]

(z) [Reserved]

(aa) Actuals PALs. The provisions in paragraphs (aa)(1) through (15) govern actuals PALs.

(1) **Applicability.**

(i) The Department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs (aa)(1) through (aa)(15). The term "PAL" shall mean "actuals PAL" throughout paragraph (aa).

(ii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (aa)(1) through (aa)(15), and complies with the PAL permit:

(a) Is not a major modification for the PAL pollutant;

(b) Does not have to be approved through Regulation 61-62.5, Standard 7, Prevention of Significant Deterioration. However, will be reviewed through R. 61-62.1, Section II A. Permit Requirements; and

(c) Is not subject to the provisions in paragraph (r)(4) (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).

(iii) Except as provided under paragraph (aa)(1)(ii)(c), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) **Definitions.** The definitions in paragraphs (aa)(2)(i) through (aa)(2)(xi) shall apply to actual PALs consistent with paragraphs (aa)(1) through (aa)(15). When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (b) or in the Clean Air Act.

(i) **Actuals PAL** for a major stationary source means a PAL based on the baseline actual emissions (as

defined in paragraph (b)(4)) of all emissions units (as defined in paragraph (b)(20)) at the source, that emit or have the potential to emit the PAL pollutant.

(ii) **"Allowable emissions"** means "allowable emissions" as defined in paragraph (b)(3), except as this definition is modified according to paragraphs (aa)(2)(ii)(a) and (aa)(2)(ii)(b).

(a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(b) An emissions unit's potential to emit shall be determined using the definition in paragraph (b)(37), except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(iii) **"Small emissions unit"** means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in paragraph (b)(49) or in the Clean Air Act, whichever is lower.

(iv) **"Major emissions unit"** means:

(a) Any emissions unit that emits or has the potential to emit 100 tpy or more of the PAL pollutant in an attainment area; or

(b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of major stationary source in Section 182(c) of the Clean Air Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit fifty (50) or more tons of VOC per year.

(v) **"Plantwide applicability limitation (PAL)"** means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (aa)(1) through (aa)(15).

(vi) **"PAL effective date"** generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) **"PAL effective period"** means the period beginning with the PAL effective date and ending ten (10) years later.

(viii) **"PAL major modification"** means, notwithstanding paragraphs (b)(30) and (b)(34) (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) **"PAL permit"** means the major NSR permit, the minor NSR permit, or the State operating permit under Regulation 61-62.1, Section II.G, or the Title V permit issued by the Department that establishes a PAL for a major stationary source.

(x) **"PAL pollutant"** means the pollutant for which a PAL is established at a major stationary source.

(xi) **"Significant emissions unit"** means an emissions unit that emits or has the potential to emit a PAL

pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (b)(49) or in the Clean Air Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in paragraph (aa)(2)(iv).

(3) **Permit application requirements.** As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Department for approval:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunctions.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (aa)(13)(i).

(4) **General requirements for establishing PALs.**

(i) The Department is allowed to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (aa)(4)(i)(a) through (aa)(4)(i)(g) are met.

(a) The PAL shall impose an annual emission limitation in tpy, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(b) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (aa)(5).

(c) The PAL permit shall contain all the requirements of paragraph (aa)(7).

(d) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(e) Each PAL shall regulate emissions of only one pollutant.

(f) Each PAL shall have a PAL effective period of ten (10) years.

(g) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (aa)(12) through (aa)(14) for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 40 CFR

51.165(a)(3)(ii) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) **Public participation requirements for PALs.** PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with section (q) "Public Participation" of this regulation. The Department must address all material comments before taking final action on the permit.

(6) **Setting the 10-year actuals PAL level.**

(i) Except as provided in paragraph (aa)(6)(ii), the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (b)(4)) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (b)(49) or under the Clean Air Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Department shall specify a reduced PAL level(s) (in tpy) in the PAL permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Department is aware of prior to the issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 parts per million (ppm) NO_X to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

(ii) ~~Emissions from~~For newly constructed units (which do not include modification to existing units) on which ~~operation~~actual construction began ~~less than~~after the 24-month~~s~~ period, ~~prior to the date of the PAL permit application~~the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

(7) **Contents of the PAL permit.** The PAL permit must contain, at a minimum, the information in paragraphs (aa)(7)(i) through (aa)(7)(x).

(i) The PAL pollutant and the applicable source-wide emission limitation in tpy.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (aa)(10) before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Department.

(iv) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (aa)(9).

(vi) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by paragraph (aa)(13)(i).

(vii) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (aa)(12).

(viii) A requirement to retain the records required under paragraph (aa)(13) on site. Such records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (aa)(14) by the required deadlines.

(x) Any other requirements that the Department deems necessary to implement and enforce the PAL.

(8) **PAL effective period and reopening of the PAL permit.** The requirements in paragraphs (aa)(8)(i) and (aa)(8)(ii) apply to actuals PALs.

(i) **PAL effective period.** The Department shall specify a PAL effective period of 10 years.

(ii) **Reopening of the PAL permit.**

(a) During the PAL effective period, the Department must reopen the PAL permit to:

(1) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(2) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under 40 CFR 51.165(a)(3)(ii); and

(3) Revise the PAL to reflect an increase in the PAL as provided under paragraph (aa)(11).

(b) The Department shall have discretion to reopen the PAL permit for the following:

(1) Reduce the PAL to reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the ~~qtate~~state may impose on the major stationary source under the State Implementation Plan; and

(3) Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standards or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Class I area by a Federal Land Manager and for which information is available to the general public.

(c) Except for the permit reopening in paragraph (aa)(8)(ii)(a)(1) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (aa)(5).

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through (aa)(9)(i)(v) shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs

(aa)(9)(i)(a) and (aa)(9)(i)(b).

(a) Within the time frame specified for PAL renewals in paragraph (aa)(10)(ii), the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Department) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (aa)(10)(v), such distribution shall be made as if the PAL had been adjusted.

(b) The Department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Department determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Department may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(iii) Until the Department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (aa)(9)(i)(b), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification in paragraph (b)(30).

(v) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (r)(4), but were eliminated by the PAL in accordance with the provisions in paragraph (aa)(1)(ii)(c).

(10) **Renewal of a PAL.**

(i) The Department shall follow the procedures specified in paragraph (aa)(5) in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Department.

(ii) **Application deadline.** A major stationary source owner or operator shall submit a timely application to the Department to request renewal of a PAL. A timely application is one that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) **Application requirements.** The application to renew a PAL permit shall contain the information required in paragraphs (aa)(10)(iii)(a) through (aa)(10)(iii)(d).

(a) The information required in paragraphs (aa)(3)(i) through (aa)(3)(iii).

(b) A proposed PAL level.

(c) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(d) Any other information the owner or operator wishes the Department to consider in determining the appropriate level for renewing the PAL.

(iv) **PAL adjustment.** In determining whether and how to adjust the PAL, the Department shall consider the options outlined in paragraphs (aa)(10)(iv)(a) and (aa)(100(iv)(b). However, in no case may any such adjustment fail to comply with paragraph (aa)(10)(iv)(c).

(a) If the emissions level calculated in accordance with paragraph (aa)(6) is equal to or greater than eighty (80) percent of the PAL level, the Department may renew the PAL at the same level without considering the factors set forth in paragraph (aa)(10)(iv)(b); or

(b) The Department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Department in its written rationale.

(c) Notwithstanding paragraphs (aa)(10)(iv)(a) and (aa)(10)(iv)(b):

(1) If the potential to emit of the major stationary source is less than the PAL, the Department shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The Department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (aa)(11) (increasing a PAL).

(v) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Department has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

(11) **Increasing a PAL during the PAL effective period.**

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through (aa)(11)(i)(d).

(a) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(b) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the

emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(c) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (aa)(11)(i)(a), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

(d) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The Department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (aa)(11)(i)(b)), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (aa)(5).

(12) **Monitoring requirements for PALs.** (i) General requirements. (a) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (aa)(12)(ii)(a) through (aa)12(ii)(d) and must be approved by the Department.

(c) Notwithstanding paragraph (aa)(12)(i)(b), the owner or operator may also employ an alternative monitoring approach that meets paragraph (aa)(12)(i)(a) if approved by the Department.

(d) Failure to use a monitoring system that meets the requirements of this regulation renders the PAL invalid.

(ii) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (aa)(12)(iii) through (aa)(12(ii)(ix):

(a) Mass balance calculations for activities using coatings or solvents;

(b) CEMS;

(c) CPMS or PEMS; and

(d) Emission factors.

(iii) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(a) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

(b) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(c) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) CEMS must comply with applicable Performance Specifications found in 40 CFR 60, Appendix B; and

(b) CEMS must sample, analyze and record data at least every fifteen (15) minutes while the emissions unit is operating.

(v) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(b) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.

(vi) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(a) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

(b) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(c) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6)months of PAL permit issuance, unless the Department determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(viii) Notwithstanding the requirements in paragraphs (aa)(12)(iii) through (aa)(12)(vii), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Department shall, at the time of permit issuance:

(a) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(b) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

(ix) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Department. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) **Recordkeeping requirements.** (i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (aa) and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five (5) years from the date of such record.

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five (5) years:

(a) A copy of the PAL permit application and any applications for revisions to the PAL; and

(b) Each annual certification of compliance pursuant to Title V and the data relied on in certifying the compliance.

(14) **Reporting and notification requirements.** The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Department in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (aa)(14)(i) through (aa)(14)(iii).

(i) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (aa)(14)(i)(g).

(a) The identification of owner and operator and the permit number.

(b) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (aa)(13)(i).

(c) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(d) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(e) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(f) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by (aa)(12)(vii).

(g) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(ii) **Deviation report.** The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports shall contain the following information:

(a) The identification of owner and operator and the permit number;

(b) The PAL requirement that experienced the deviation or that was exceeded;

(c) Emissions resulting from the deviation or the exceedance; and

(d) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) **Re-validation results.** The owner or operator shall submit to the Department the results of any re-validation test or method within three (3) months after completion of such test or method.

(15) **Transition requirements.**

(i) The Department may not issue a PAL that does not comply with the requirements in paragraphs (aa)(1) through (aa)(15) after the date these provisions become effective.

(ii) The Department may supersede any PAL that was established prior to the date these provisions become effective with a PAL that complies with the requirements of paragraphs (aa)(1) through (aa)(15).

(bb) If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 7.1
NONATTAINMENT NEW SOURCE REVIEW (NSR)

(a) Applicability

(1) This rule applies to all major stationary sources constructed or modified in any nonattainment area as designated in 40 Code of Federal Regulations (CFR) 81.341 ("nonattainment area") if the emissions from such facility will cause or contribute to concentrations of a regulated NSR pollutant (as defined in paragraph (c)(13)) for which the nonattainment area was designated as nonattainment. Applicability to this regulation shall be based on the pollutant emission rate set out in paragraph (c)(14) for only those pollutants for which the area's designation is based.

(A) The requirements of paragraph (d) apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as provided in paragraph (b).

(B) No new major stationary source or major modification to which the requirements of paragraph (d) apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Department has authority to issue any such permit.

(2) **Redesignation to attainment**. If any nonattainment area to which this regulation applies is later designated in 40 CFR 81.341 as attainment, all sources in that nonattainment area subject to this regulation before the redesignation date shall continue to comply with this regulation.

(3) For any area designated as nonattainment a major stationary source or major modification that is major for volatile organic compounds (VOCs) or oxides of nitrogen is also major for ozone.

(b) Applicability procedures.

(1) Except as otherwise provided in paragraphs (b)(7) and (8), and consistent with the definition of major modification contained in paragraph (c)(6)(A), a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases – a significant emissions increase (as defined in paragraph (c)(15), and a significant net emissions increase (as defined in paragraphs (c)(8) and (15). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (that is, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (b)(1) through (6). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (that is, the second step of the process) is contained in the definition in paragraph (c)(8). Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) **Actual-to-projected-actual applicability test for projects that only involve existing emissions units**. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (c)(11)) and the baseline actual emissions (as defined in paragraphs (c)(2)(A) and (B), as applicable), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (c)(14)).

(4) **Actual-to-potential test for projects that only involve construction of a new emissions unit(s)**. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (b)(37) of Regulation 61-62.5 Standard 7, "Prevention of Significant Deterioration" ("Standard 7")) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (c)(2)(C)) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (c)(14)).

(5) [Reserved]

(6) **Hybrid test for projects that involve multiple types of emissions units**. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (b)(3) and (4) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (c)(14)).

(7) For any major stationary source for a Plantwide Applicability Limitation (PAL) for a regulated NSR pollutant, the major stationary source shall comply with requirements under paragraph (i).

(c) Definitions. The following definitions apply to this Standard only. Any other term contained within this Standard is as defined where indicated in Regulation 61-62.5, Standard 7, "Prevention of Significant Deterioration."

(1)(A) **"Actual emissions"** means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (c)(1)(B) through (D), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (i). Instead, paragraphs (c)(2) and (c)(11) shall apply for those purposes.

(B) In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(C) The Department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(D) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(2) **"Baseline actual emissions"** means the rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with paragraphs (c)(2)(A) through (D).

(A) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, ~~and~~ shutdowns, and malfunctions.

(ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(iv) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraph (c)(2)(A)(ii).

(B) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tpy, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Department for a permit required either under this section or under a plan approved by the Administrator whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. The Department reserves the right to determine if the 24-month period selected is appropriate.

(i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, ~~and~~ shutdowns, and malfunctions.

(ii) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of paragraph (d)(1)(c)(viii).

(iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(v) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs (c)(2)(B)(ii) and (iii).

(C) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(D) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (c)(2)(A), for other existing emissions units in accordance with the procedures contained in paragraph (c)(2)(B), and for a new emissions unit in accordance with the procedures contained in paragraph (c)(2)(C).

(3) **"Best available control technology (BACT)"** means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60 or 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(4) [Reserved]

(5) **"Lowest achievable emission rate (LAER)"** means, for any source, the more stringent rate of emissions based on the following:

(A) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

(6)(A) **"Major modification"** means any physical change in or change in the method of operation of a major stationary source that would result in:

(i) A significant emissions increase of a regulated NSR pollutant (as defined in paragraph (c)(13)); and

(ii) A significant net emissions increase of that pollutant from the major stationary source.

(B) Any significant emissions increase (as defined in paragraph (c)(15)) from any emissions units or net emissions increase (as defined in paragraph (c)(8)) at a major stationary source that is significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone.

(C) A physical change or change in the method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule section 125 of the Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which;

(a) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, or

(b) The source is approved to use under any permit issued under regulations approved pursuant to this section;

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976.

(vii) Any change in ownership at a stationary source.

(viii) [Reserved]

(ix) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) The South Carolina State Implementation Plan, and

(b) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(D) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (i) for a PAL for that pollutant. Instead, the definition at paragraph (i)(2)(viii) shall apply.

(7)(A) **"Major stationary source"** means:

(i) Any stationary source of air pollutants which emits, or has the potential to emit 100 tpy or more of any regulated NSR pollutant, except that lower emissions thresholds shall apply in areas subject to Subpart 2, Subpart 3, or Subpart 4 of Part D, Title I of the Act, according to paragraphs (c)(7)(A)(i)(a) through (e) of this section.

(a) 50 tpy of volatile organic compounds or oxides of nitrogen in any serious ozone nonattainment area.

(b) 50 tpy of volatile organic compounds or oxides of nitrogen in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.

(c) 25 tpy of volatile organic compounds or oxides of nitrogen in any severe ozone nonattainment area.

(d) 10 tpy of volatile organic compounds or oxides of nitrogen in any extreme ozone nonattainment area. or

(ii) Any physical change that would occur at a stationary source not qualifying under paragraph (c)(7)(A)(i) as a major stationary source, if the change would constitute a major stationary source by itself.

(B) A major stationary source that is major for volatile organic compounds or oxides of nitrogen shall be considered major for ozone.

(C) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants – The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act.

(8)(A) **"Net emissions increase"** means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(i) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (b); and

(ii) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph (c)(8)(A)(ii) shall be determined as provided in paragraph (c)(2), except that paragraphs (c)(2)(A)(iii) and (c)(2)(B)(iv) shall not apply.

(B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs;

(C) An increase or decrease in actual emissions is creditable only if:

(i) It occurs within five years before construction on the particular change commences; and

(ii) The Department has not relied on it in issuing a permit for the source, which permit is in effect when the increase in actual emissions from the particular change occurs.

(D) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emission or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins; and

(iii) The Department has not relied on it in issuing any permit or the Department has not relied on it in demonstrating attainment or reasonable further progress;

(iv) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(G) Paragraph (c)(1)(B) shall not apply for determining creditable increases and decreases or after a change.

(9) **"Nonattainment major new source review (NSR) program"** means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of this regulation, or a program that implements 40 CFR 51, appendix S, Sections I through VI. Any permit issued under such a program is a major NSR permit.

(10) **[Reserved]**

(11)(A) **"Projected actual emissions"** means, the maximum annual rate, in tpy, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(B) In determining the projected actual emissions under paragraph (c)(11)(A) before beginning actual construction, the owner or operator of the major stationary source:

(i) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and

compliance plans under the approved plan; and

(ii) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, ~~and~~ shutdowns, and malfunctions; and

(iii) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under paragraph (c)(2) and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or,

(iv) In lieu of using the method set out in paragraphs (c)(11)(B)(i) through (iii) may elect to use the emissions unit's potential to emit, in tpy, as defined under paragraph (b)(37) of Standard 7.

(12) **"Prevention of Significant Deterioration (PSD) permit"** means any permit that is issued under a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.

(13) **"Regulated NSR pollutant,"** for purposes of this regulation, means the following:

(A) Oxides of nitrogen or any volatile organic compounds;

(B) Any pollutant for which a national ambient air quality standard has been promulgated; or

(C) Any pollutant that is a constituent or precursor of a general pollutant listed under paragraphs (c)(13)(A) or (B), provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors identified by the Administrator for purposes of NSR are the following:

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas;

(b) Sulfur dioxide is a precursor to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas;

(c) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas, unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations;

(d) Volatile organic compounds and ammonia are presumed not to be precursors to $PM_{2.5}$ in any $PM_{2.5}$ nonattainment area, unless the state demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations; or

(D) $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in permits issued under this ruling. Compliance with emissions limitations for $PM_{2.5}$ and PM_{10} issued prior to this date shall not be based on condensable particulate matter unless

required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.

(14) **"Significant"** means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, as rate of emissions that would equal or exceed any of the following rates:

Pollutant Emission Rate

Carbon monoxide: 100 tpy

Nitrogen oxides: 40 tpy

Particulate matter:

15 tpy of PM_{10} emissions
10 tpy of direct $PM_{2.5}$;
40 tpy of sulfur dioxide emissions;
40 tpy of nitrogen oxide emissions unless demonstrated not to be a $PM_{2.5}$ precursor under paragraph 13 of this section

Sulfur dioxide: 40 tpy

Ozone: 40 tpy of volatile organic compounds or oxides of nitrogen

Lead: 0.6 tpy

(15) **"Significant emissions increase"** means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (c)(14)) for that pollutant.

(16) **"Volatile organic compounds (VOC)"** is as defined in Regulation 61-62.1, Section I, Definitions.

(d) Permitting requirements

(1) **Conditions for approval**. If the Department finds that the major stationary source or major modification would be constructed in an area designated in 40 CFR 81.341 as nonattainment for a pollutant for which the stationary source or modification is major, approval may be granted only if the following conditions are met:

(A) The major stationary source or major modification is required to meet an emission limitation which specifies the lowest achievable emission rate (LAER) for such source.

(B) The applicant must certify that all existing major sources owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the same state as the proposed source are in compliance with all applicable emission limitations and standards under the Clean Air Act (or are in compliance with an expeditious schedule which is federally enforceable or contained in a court decree).

(C) The owner or operator of the proposed new major stationary source or major modification will

obtain sufficient emission reductions of the nonattainment pollutant from other sources. Emission reductions shall be in effect and enforceable prior to the date the new source or modification commences operation. The emission reductions shall be obtained in accordance with the following provisions:

(i) Where the permitted emissions limit allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

(ii) For an existing fuel combustion source, credit shall be based on the allowable emissions for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date.

(iii)(a) Emissions reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are permanent, quantifiable, federally enforceable, occurred on or after the date of the most recent emissions inventory, and if the area has an EPA-approved attainment plan.

(b) Such reductions may be credited if the shutdown or curtailment occurred on or after the date the new source permit application is filed, or, if the applicant can establish that the proposed new source is a replacement for the shutdown or curtailed source, and the cutoff date provision of paragraph (d)(C)(iii)(a) are observed.

(iv) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314, July 8, 1977);

(v) All emission reductions claimed as offset credit shall be federally enforceable and surplus;

(a) **Eligibility as Emission Offsets**. Any facility that has the potential to emit any NAAQS pollutant in an amount greater than 5 tpy and that is located in a federally-designated nonattainment area shall be eligible to create emission offsets.

(1) To be eligible to be an emission offset:

(A) A reduction in emissions shall be real, permanent, quantifiable, enforceable, and surplus and must have occurred after December 31 of the base year inventory for those pollutants that are designated nonattainment by the EPA. The base year inventory date is two years preceding the date of nonattainment designation. However, the Department may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units.

(B) Emission reductions shall have been created by a facility that has obtained an enforceable air quality permit or letter of permit cancellation resulting from the surrender of the source’s permit(s).

(2) Emission reductions may be created by any or a combination of the following methods:

(A) Installation of control equipment beyond what is necessary to comply with existing

requirements;

(B) A change in process inputs, formulations, products or product mix, fuels, or raw materials;

(C) A reduction in actual emission rates;

(D) A reduction in hours of operation;

(E) Production curtailment or reduction in throughput;

(F) Shutdown of emitting sources; or

(G) Any other enforceable method that the Department determines to result in real, permanent, quantifiable, enforceable, and surplus reduction of emissions.

(3) A completed emissions offset submittal must be received by the Department within one year of the date of the creation of the reductions. Emission offsets not requested within one year of the date of the creation of the reductions will be permanently retired. Prior to commencing operation of a permitted emissions unit, Department approval for the required emission offsets must be granted.

(4) The following are ineligible for emission offsets:

(A) Emission reductions that are not considered surplus, such as:

(i) Emission reductions that have previously been used to avoid Regulation 61-62.5 Standard No. 7, Prevention of Significant Deterioration, or Regulation 61-62.5 Standard No. 7.1, Nonattainment New Source Review (NSR), through a netting demonstration;

(ii) Emission reductions of hazardous air pollutants, listed in Section 112(b) of the Clean Air Act, to the extent needed to comply with Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP), and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, (however, emission reductions of hazardous volatile organic compound (VOC) and/or hazardous particulate matter (PM) air pollutants beyond the amount of reductions necessary to comply with Regulation 61-62.61, NESHAP, and Regulation 61-62.63, NESHAP for Source Categories, are considered surplus);

(iii) Emission reductions of nitrogen oxides (NO_X), sulfur dioxide (SO_2), particulate matter (PM) and VOCs to the extent needed to comply with Section 111 of the CAA and Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS), (however, emission reductions of VOCs, NO_X, SO_2, PM and VOCs beyond the amount of reductions necessary to comply with Regulation 61-62.60, South Carolina Designated Facility Plan and NSPS, are considered surplus);

(iv) Emission units covered under an agreement, order or variance for exceeding an emission standard until compliance is demonstrated with the emission standard that is the subject of the agreement, order or variance;

(v) Sources that have operated less than 12 months;

(vi) Emission reductions required in order to comply with any state or federal regulation

not listed above, unless these reductions are in excess of the amount required by the state or federal regulation; or

(vii) Facilities that have received a Department transmittal letter notifying of permit cancellation due to the facility's decision to close out its operating permit without a request to qualify facility emission reductions as offsets.

(b) **Calculation of Emission Offsets**

(1) The following procedure shall be followed to calculate emission offsets:

(A) The source shall calculate average annual actual emissions, in tpy, before the emission reduction using data from the 24-month period immediately preceding the reduction in emissions. With the Department's approval, the use of a different time period, not to exceed 10 years immediately preceding the reduction in emissions, may be allowed if the owner or operator of the source documents that such period is more representative of normal source operation, but not prior to the base year inventory date, which is the last day of the two years preceding the date of nonattainment designation; and

(B) The emission offsets created shall be calculated by subtracting the allowable emissions following the reduction from the average annual actual emissions prior to the reduction.

(2) For any emissions unit that has been operating for a consecutive period of at least 12 months but less than 24 months on the base year inventory date, based on the unit's potential to emit, emissions shall be calculated equal to the amount needed to complete a 24 month period on the base year inventory date.

(vi) **Location of offsetting emissions.** Emission offsets shall be obtained from sources currently operating within the same designated nonattainment area as the new or modified stationary source. Emission offsets may be obtained from another nonattainment area with the Department's approval only if (a) the other area has an equal or higher nonattainment classification than the area in which the proposed source is located and (b) emissions from the other area contribute to a violation of the NAAQS in the nonattainment area in which the source is located.

(vii) **Emission offsetting ratios**. Emission offsets shall be required in nonattainment areas in accordance with the following provisions:

(a) Emissions for carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead (Pb), and particulate matter (PM_{10} and $PM_{2.5}$) nonattainment areas shall be offset at a ratio greater than one to one.

(b) Emissions for ozone nonattainment areas shall be offset for volatile organic compounds (VOCs) and NO_X in accordance with the following table:

Designation	Offset ratios
Subpart I	>1 to 1
Marginal	1.1 to 1
Moderate	1.15 to 1
Serious	1.2 to 1
Severe	1.3 to 1
Extreme	1.5 to 1

(viii) Credit for an emissions reduction can be claimed to the extent that the Department has not

relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 subpart I or the Department has not relied on it in demonstrating attainment or reasonable further progress.

(ix) [Reserved]

(x) [Reserved]

(xi) The total tonnage of increased emissions, in tpy, resulting from a major modification that must be offset in accordance with section 173 of the Clean Air Act shall be determined by summing the difference between the allowable emissions after the modification (as defined by paragraph (b)(3) of Standard 7) and the actual emissions before the modification (as defined in paragraph (c)(1)) for each emissions unit.

(D) The emission offsets must provide a positive net air quality benefit in the affected area as determined by 40 CFR 51, Appendix S, Emission Offset Interpretative Ruling.

(E) Alternative Sites Analysis. An analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification shall be required.

(2) (A) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(B) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

(C) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the plan and any other requirements under local, state, or federal law.

(D) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to this section shall apply to the source or modification as though construction had not yet commenced on the source or modification;

(3) The following provisions apply to projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs (c)(11)(B)(i) through (iii) for calculating projected actual emissions.

(A) If the project requires construction permitting under Regulation 61-62.1, Section II “Permit

Requirements," the owner or operator shall provide a copy of the information set out in paragraph (d)(3)(B) as part of the permit application to the Department. If construction permitting under Regulation 61-62.1, Section II "Permit Requirements," is not required, the owner or operator shall maintain the information set out in paragraph (d)(3).

(B) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(i) A description of the project;

(ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (c)(11)(B)(iii) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(C) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in paragraph (d)(3)(B)(ii); and calculate and maintain a record of the annual emissions, in tpy on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(D) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Department within 60 days after the end of each year during which records must be generated under paragraph (d)(3)(B) setting out the unit's annual emissions during the year that preceded submission of the report.

(E) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Department if the annual emissions, in tpy, from the project identified in paragraph (d)(3)(B), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (d)(3)(B)(iii)), by a significant amount (as defined in paragraph (c)(14)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (d)(3)(B)(iii). Such report shall be submitted to the Department within 60 days after the end of such year. The report shall contain the following:

(i) The name, address and telephone number of the major stationary source;

(ii) The annual emissions as calculated pursuant to paragraph (d)(3)(C); and

(iii) Any other information needed for to make a compliance determination (for example, an explanation as to why the emissions differ from the preconstruction projection).

(4) If a project at a source with a PAL requires construction permitting under Regulation 61-62.1, Section II, "Permit Requirements," the owner or operator shall provide notification of source status as part of the permit application to the Department.

(5) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (d)(3) for review upon a request for inspection by the Department or the

general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

(6) Public Participation. Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted and transmit a copy of such application to EPA. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this regulation, the date on which the Department received all required information.

(7) In accordance with Regulation 61-30, Environmental Protection Fees, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner:

(i) For the purposes of this paragraph (d)(7), the time frame for making a final determination shall be consistent with R. 61-30, Environmental Protection Fees, paragraph (H)(2)(c)(iii).

(ii) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(iii) Make available in at least one location in each region in which the proposed plant or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

(iv) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed plant or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the plant or modification, and the opportunity for comment at a public hearing as well as written public comment.

(v) Send a copy of the notice of public comment to the applicant, the Administrator of EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the plant or modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the plant or modification.

(vi) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the plant or modification, alternatives to the plant or modification, the control technology required, and other appropriate considerations.

(vii) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed plant or modification.

(viii) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

(ix) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the plant or modification.

(x) Notify EPA of every action related to the consideration of the permit.

(e) Exemptions. The provisions of paragraph (d) shall not apply to a particular major stationary source or major modification if the source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(A) Coal cleaning plants (with thermal dryers);

(B) Kraft pulp mills;

(C) Portland cement plants;

(D) Primary zinc smelters;

(E) Iron and steel mills;

(F) Primary aluminum ore reduction plants;

(G) Primary copper smelters;

(H) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(I) Hydrofluoric, sulfuric, or nitric acid plants;

(J) Petroleum refineries;

(K) Lime plants;

(L) Phosphate rock processing plants;

(M) Coke oven batteries;

(N) Sulfur recovery plants;

(O) Carbon black plants (furnace process);

(P) Primary lead smelters;

(Q) Fuel conversion plants;

(R) Sintering plants;

(S) Secondary metal production plants;

(T) Chemical process plants - The term chemical process plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units

per hour heat input;

(V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(W) Taconite ore processing plants;

(X) Glass fiber processing plants;

(Y) Charcoal production plants;

(Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

(AA) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act.

(f) [Reserved]

(g) [Reserved]

(h) [Reserved]

(i) Actuals PALs. The provisions in paragraphs (i)(1) through (15) govern actuals PALs.

(1) **Applicability**.

(i) The Department may approve the use of an actuals PAL for any existing major stationary source (except as provided in paragraph (i)(1)(ii)) if the PAL meets the requirements in paragraphs (i)(1) through (15). The term "PAL" shall mean "actuals PAL" throughout paragraph (i).

(ii) The Department shall not allow an actuals PAL for VOC or NO_x for any major stationary source located in an extreme ozone nonattainment area.

(iii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (i)(1) through (15), and complies with the PAL permit:

(A) Is not a major modification for the PAL pollutant;

(B) Does not have to be approved through Regulation 61-62.5, Standard 7.1, "Nonattainment New Source Review"; however, will be reviewed through Regulation 61-62.1, Section II A. "Permit Requirements,*"* and

(C) Is not subject to the provisions in paragraph (d)(2)(D) (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the nonattainment major NSR program).

(iv) Except as provided under paragraph (i)(1)(iii)(C), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) **Definitions.** The definitions in paragraphs (i)(2)(i) through (xi) shall apply to actuals PALs consistent with paragraphs (i)(1) through (15). When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (c) of this regulation; paragraph (b) of Regulation 61-62.5, Standard 7, "Prevention of Significant Deterioration"("Standard 7"); or in the Clean Air Act.

(i) **Actuals PAL** for a major stationary source means a PAL based on the baseline actual emissions (as defined in paragraph (c)(1)) of all emissions units (as defined in paragraph (b)(20) of Standard 7) at the source, that emit or have the potential to emit the PAL pollutant.

(ii) **Allowable emissions** means "allowable emissions" as defined in paragraph (b)(3) of Standard 7, except as this definition is modified according to paragraphs (i)(2)(ii)(A) through (B).

(A) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(B) An emissions unit's potential to emit shall be determined using the definition in paragraph (b)(37) of Standard 7, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(iii) **Small emissions unit** means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in paragraph (c)(14) or in the Clean Air Act, whichever is lower.

(iv) **Major emissions unit** means:

(A) Any emissions unit that emits or has the potential to emit 100 tpy or more of the PAL pollutant in an attainment area; or

(B) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Clean Air Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

(v) **Plantwide applicability limitation (PAL)** means an emission limitation expressed in tpy, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (i)(1) through (i)(15).

(vi) **PAL effective date** generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) **PAL effective period** means the period beginning with the PAL effective date and ending 10 years later.

(viii) **PAL major modification** means, notwithstanding paragraphs (c)(6) and (8) (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) **PAL permit** means the major NSR permit, the minor NSR permit, or the State operating permit under Regulation 61-62.1 Section II G, or the Title V permit issued by the Department that establishes a PAL for a major stationary source.

(x) **PAL pollutant** means the pollutant for which a PAL is established at a major stationary source.

(xi) **Significant emissions unit** means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (c)(13) or in the Clean Air Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in paragraph (i)(2)(iv).

(3) **Permit application requirements**. As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Department for approval:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown and malfunction.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (i)(13)(i).

(4) **General requirements for establishing PALs**.

(i) The Department is allowed to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (i)(4)(i)(A) through (G) are met.

(A) The PAL shall impose an annual emission limitation in tpy that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(B) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (i)(5).

(C) The PAL permit shall contain all the requirements of paragraph (i)(7).

(D) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(E) Each PAL shall regulate emissions of only one pollutant.

(F) Each PAL shall have a PAL effective period of 10 years.

(G) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (i)(12) through (14) for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under paragraph (d)(1)(c) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) **Public participation requirement for PALs**. PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent paragraph (d)(6) and (d)(7). The Department must address all material comments before taking final action on the permit.

(6) **Setting the 10-year actuals PAL level**. (i) Except as provided in paragraph (i)(6)(ii), the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (c)(2)) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (c)(14) or under the Clean Air Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Department shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Department is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_X to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

(ii) For newly constructed units (which do not include modifications to existing units) on which ~~operation~~actual construction began ~~less than~~after the 24-month~~s~~ period, ~~prior to the date of the PAL permit application,~~ the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

(7) **Contents of the PAL permit**. The PAL permit must contain, at a minimum, the information in paragraphs (i)(7)(i) through (x).

(i) The PAL pollutant and the applicable source-wide emission limitation in tpy.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (i)(10) before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the Department.

(iv) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (i)(9).

(vi) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (i)(13)(i).

(vii) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (i)(12).

(viii) A requirement to retain the records required under paragraph (i)(13) on site. Such records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (i)(14) by the required deadlines.

(x) Any other requirements that the Department deems necessary to implement and enforce the PAL.

(8) **PAL effective period and reopening of the PAL permit**. The requirements in paragraphs (i)(8)(i) and (ii) apply to actuals PALs.

(i) **PAL effective period**. The Department shall specify a PAL effective period of 10 years.

(ii) **Reopening of the PAL permit**.

(A) During the PAL effective period, the Department must reopen the PAL permit to:

(1) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

(2) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under paragraph (d)(2).

(3) Revise the PAL to reflect an increase in the PAL as provided under paragraph (i)(11).

(B) The Department shall have discretion to reopen the PAL permit for the following:

(1) Reduce the PAL to reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date.

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the Department may impose on the major stationary source under the State Implementation Plan.

(3) Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(C) Except for the permit reopening in paragraph (i)(8)(ii)(A)(1) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (i)(5).

(9) **Expiration of a PAL**. Any PAL which is not renewed in accordance with the procedures in paragraph (i)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (i)(9)(i) through (v) shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (i)(9)(i)(A) through (B).

(A) Within the time frame specified for PAL renewals in paragraph (i)(10)(ii), the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Department) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (i)(10)(v), such distribution shall be made as if the PAL had been adjusted.

(B) The Department shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Department determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Department may approve the use of monitoring systems (source testing, emission factors, etc.) other than Continuous Emissions Monitoring System (CEMS), Continuous Emissions Rate Monitoring System (CERMS), Predictive Emissions Monitoring System (PEMS), or Continuous Parameter Monitoring System (CPMS) to demonstrate compliance with the allowable emission limitation.

(iii) Until the Department issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (i)(9)(i)(A), the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition of major modification in paragraph (c)(6).

(v) The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (d)(2)(D), but were eliminated by the PAL in accordance with the provisions in paragraph (i)(1)(iii)(C).

(10) **Renewal of a PAL**.

(i) The Department shall follow the procedures specified in paragraph (i)(5) in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Department.

(ii) **Application deadline**. A major stationary source owner or operator shall submit a timely application to the Department to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline

for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) **Application requirements**. The application to renew a PAL permit shall contain the information required in paragraphs (i)(10)(iii)(A) through (D).

(A) The information required in paragraphs (i)(3)(i) through (iii).

(B) A proposed PAL level.

(C) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(D) Any other information the owner or operator wishes the Department to consider in determining the appropriate level for renewing the PAL.

(iv) **PAL adjustment**. In determining whether and how to adjust the PAL, the Department shall consider the options outlined in paragraphs (i)(10)(iv)(A) and (B). However, in no case may any such adjustment fail to comply with paragraph (i)(10)(iv)(C).

(A) If the emissions level calculated in accordance with paragraph (i)(6) is equal to or greater than 80 percent of the PAL level, the Department may renew the PAL at the same level without considering the factors set forth in paragraph (i)(10)(iv)(B); or

(B) The Department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Department in its written rationale.

(C) Notwithstanding paragraphs (i)(10)(iv)(A) and (B),

(1) If the potential to emit of the major stationary source is less than the PAL, the Department shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The Department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (i)(11) (increasing a PAL).

(v) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Department has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

(11) **Increasing a PAL during the PAL effective period.**

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (i)(11)(i)(A) through (D).

(A) The owner or operator of the major stationary source shall submit a complete application to

request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(B) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(C) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (i)(11)(i)(A), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment major NSR program process (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

(D) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The Department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (i)(11)(i)(B)), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (i)(5).

(12) **Monitoring requirements for PALs**.

(i) General Requirements.

(A) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(B) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (i)(12)(ii)(A) through (D) and must be approved by the Department.

(C) Notwithstanding paragraph (i)(12)(i)(B), you may also employ an alternative monitoring approach that meets paragraph (i)(12)(i)(A) if approved by the Department.

(D) Failure to use a monitoring system that meets the requirements of this regulation renders the PAL invalid.

(ii) Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (i)(12)(iii) through (ix):

(A) Mass balance calculations for activities using coatings or solvents;

(B) Continuous emissions monitoring system (CEMS);

(C) Continuous parameter monitoring system (CPMS) or Predictive emissions monitoring system (PEMS); and

(D) Emission Factors.

(iii) Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(A) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

(B) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(C) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Department determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(A) CEMS must comply with applicable Performance Specifications found in 40 CFR Part 60, Appendix B; and

(B) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

(v) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(A) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(B) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.

(vi) Emission factors. An owner or operator using emission factors to monitor PAL pollutant

emissions shall meet the following requirements:

(A) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

(B) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(C) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Department determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(viii) Notwithstanding the requirements in paragraphs (i)(12)(iii) through (vii), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Department shall, at the time of permit issuance:

(A) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(B) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

(ix) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Department. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) **Recordkeeping requirements**.

(i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (i) and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:

(A) A copy of the PAL permit application and any applications for revisions to the PAL; and

(B) Each annual certification of compliance pursuant to Title V and the data relied on in certifying the compliance.

(14) **Reporting and notification requirements**. The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Department in accordance with the applicable Title V operating permit program. The reports shall meet the requirements in paragraphs (i)(14)(i) through (iii).

(i) Semi-Annual Report. The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (i)(14)(i)(A) through (G).

(A) The identification of owner and operator and the permit number.

(B) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (i)(13)(i).

(C) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(D) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(E) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(F) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (i)(12)(vii).

(G) A signed statement by the responsible official (as defined by Regulation 61-62.70, Title V Operating Permit Program) certifying the truth, accuracy, and completeness of the information provided in the report.

(ii) Deviation report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to 40 CFR 70.6(a)(3)(iii)(B) shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports shall contain the following information:

(A) The identification of owner and operator and the permit number;

(B) The PAL requirement that experienced the deviation or that was exceeded;

(C) Emissions resulting from the deviation or the exceedance; and

(D) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) Re-validation results. The owner or operator shall submit to the Department the results of any re-validation test or method within 3 months after completion of such test or method.

(15) **Transition requirements**.

(i) The Department may not issue a PAL that does not comply with the requirements in paragraphs (aa)(1) through (15) after the date these provisions become effective.

(ii) The Department may supersede any PAL which was established prior to the date of approval of the plan by the Administrator with a PAL that complies with the requirements of paragraphs (i)(1) through (15).

(j) If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 8
TOXIC AIR POLLUTANTS

I. GENERAL APPLICABILITY.

This Standard is applicable to sources of toxic air pollutants as provided below. This Standard does not apply to fuel burning sources which burn only virgin fuel or specification used oil. The terms in this Standard are used as defined in South Carolina Air Pollution Control Regulations and Standards Regulation 62.1, Section I, "Definitions". The effective date of this Standard is June 28, 1991.

A. EXISTING SOURCES:

(1) Any person with an existing source of any toxic air pollutant shall be required to show compliance with this standard not later than two years after the effective date of this standard. These sources must provide the Department with the name and Chemical Abstract Service (CAS) number of the chemical, stack parameters, and emission rate data. If potential emissions of any single toxic air pollutant are 1000 lbs/month or greater an operating permit will be required. An operating permit may or may not be required for sources with emissions less than 1000 lbs/month. This determination will take into consideration, but not be limited to, the nature and amount of the pollutants, location, proximity to commercial establishments and residences.

(2) Any person holding an operating permit prior to the effective date of this standard shall be required to demonstrate compliance with this standard for all toxic air pollutant emissions prior to renewal of the operating permit. The compliance demonstration must include all sources of toxic air pollutants at the facility, including sources not previously subject to permit requirements. Methods for compliance demonstration may be found in the Air Quality Modeling Guidelines as prepared pursuant to paragraph II(A) of this regulation.

B. NEW SOURCES:

Any person who constructs, alters, or adds to a source of toxic air pollutants after the effective date of this standard, shall comply with this standard. These sources must provide the Department with the name and Chemical Abstract Service (CAS) number of the chemical, stack parameters, and emission rate data. If potential emissions of any single toxic air pollutant are 1000 lbs/month or greater a construction permit will be required. A permit may or may not be required for sources with emissions less than 1000 lbs/month; however, all sources are required to demonstrate compliance with this standard for all toxic emissions. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments. Methods for compliance demonstration may be found in the Air Quality Modeling Guidelines as prepared pursuant to paragraph II(A) of this regulation.

C. This standard will not supersede any requirements imposed by Federal National Emission Standards

for Hazardous Air Pollutants nor any special permit conditions, unless this standard would impose a more restrictive emission limit.

D. Facilities are exempt from the requirements of this standard as follows:

(1) Affected sources that emit Hazardous Air Pollutants (HAPs) (42 U.S.C. 112(b)) and are subject to one or more Federal Maximum Achievable Control Technology (MACT) standards (42 U.S.C. 112(d), (g), (h), or (j)) are exempt. This exemption shall only apply to toxic air pollutants regulated by this standard that are also federally regulated HAPs, except as provided below. This exemption shall apply once the emission sources are in compliance with a proposed or final MACT standard. Affected source, for the purposes of this part, means the stationary source, the group of stationary sources, or the portion of a stationary source that is regulated by a relevant standard or other requirement established pursuant to Section 112 of the Act (42 U.S.C 7401 *et seq*.). Each relevant standard will define the "affected source" for the purposes of that standard.

(2) Emission points that emit HAPs which are not exempt from this standard according to (1) above are granted an exemption once a federally required Residual Risk analysis (42 U.S.C. section 112(f)) that accounts for all facility-wide HAPs has been completed. Such emission points may be exempted prior to a Residual Risk analysis on a case-by-case basis after review by the Department. Exemptions may be granted in cases where off-site impacts from HAP emissions are significantly below levels established by this standard (less than 50% of the standard).[1]

(3) Sources that emit toxic air pollutants regulated by this standard which are not federally regulated HAPs can request an exemption from this standard on a case-by-case basis after review by the Department. Exemptions may be granted in cases where non-HAP emissions are controlled (reduced) by MACT controls applied to reduce HAP emissions and in cases where off-site impacts from non-HAP emissions are significantly below levels established by this standard (less than 50% of the standard).[1]

E. Additions and deletions to the list of Toxic Air Pollutants may be made following normal administrative procedures.

II. TOXIC AIR EMISSIONS.

A. The Department will prepare Air Quality Modeling Guidelines to provide assistance to facilities concerning compliance demonstrations and modeling issues. These guidelines may be updated periodically as new models and/or modeling procedures are developed by the Environmental Protection Agency. Detailed procedures for showing compliance with this standard may be found in the Air Quality Modeling Guidelines. Required modeling must use the latest versions of United States Environmental Protection Agency air dispersion models to determine the concentration of the toxic air pollutant in the ambient air at or beyond the plant property line, using 24-hour averaging.

B. The Bureau may provide modeling assistance to facilities that are designated as "small business stationary source" as defined in the Federal Clean Air Act (42 U.S.C. Sect. 507 (c)). However, the facility is still responsible for submitting the emission and facility data needed for the modeling analyses. Nothing in this section precludes a facility from conducting its own modeling if desired by the facility.

C. Changes in the following parameters will require a review by the facility to determine if they have an adverse impact on the compliance demonstration:

[1] If future construction/modifications cause off-site impacts to exceed 50% of the appropriate standard, the exemption is no longer valid.

(1) Decrease in stack height
(2) Decrease in stack exit temperature
(3) Increase in stack diameter
(4) Decrease in stack exit velocity
(5) Increase in building height or building additions at the facility
(6) Increase in emission rates
(7) Decrease in distance between stack and property line
(8) Changes in stack orientation from vertical
(9) Installation of a rain cap that impedes vertical flow

Exemptions to this requirement may be granted on a case-by-case basis. A revised compliance demonstration will not be required when air dispersion modeling software programs are updated.

D. The air toxics, emission rates, and other information used in the compliance determination will be listed in Attachment A -- Modeling Parameters Used in Compliance Determination of the construction and/or operating permit for the facility. Changes that increase maximum modeled concentrations may be administratively incorporated in these permits provided a compliance demonstration using these changes is submitted to the Department. Variations from the input parameters shall not constitute a violation unless the maximum allowable ambient concentrations identified in this standard are exceeded.

E. The allowable ambient air concentrations of a toxic air pollutant beyond the plant property line as determined by modeling under Part A shall be limited to the value listed in the following table. The pollutants are divided into three categories based on chronic exposure as follows:

Category 1: Low Toxicity - Those pollutants which cause readily reversible changes which disappear after exposure ends.

Category 2: Moderate Toxicity - Those pollutants which may cause chronic reversible or irreversible changes that are not severe enough to result in death or permanent injury.

Category 3: High Toxicity - Those pollutants which may cause chronic effects that result in death or permanent injury after very short exposure to small quantities.

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Acetaldehyde	75-07-0	2	1800.00
Acetamide	60-35-5	3	+
Acetic Anhydride	108-24-7	1	500.00
Acetonitrile	75-05-8	1	1750.00
Acetophenone	98-86-2	3	+
2-Acetylaminofluorene	53-96-3	3	+
Acrolein	107-02-8	3	1.25

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Acrylamide	79-06-1	2	0.30
Acrylic Acid	79-10-7	3	147.50
Acrylonitrile	107-13-1	3	22.50
Aldicarb	116-06-3	2	6.00
Allyl Chloride	107-05-1	2	30.00
p-Aminodiphenyl (4-Aminobiphenyl)	92-67-1	3	0.00
Ammonium Chloride	12125-02-9	1	250.00
Aniline	62-53-3	3	50.00
o-Anisidine	90-04-0	3	2.50
p-Anisidine	104-94-9	3	2.50
Antimony Compounds	>	1	2.50
Arsenic Pentoxide	1303-28-2	3	1.00
Arsenic	7440-38-2	3	1.00
Benzene	71-43-2	3	150.00
Benzidine	92-87-5	3	0.00
Benzotrichloride	98-07-7	3	300.00
Benzyl Chloride	100-44-7	3	25.00
Beryllium Oxide	1304-56-9	3	0.01
Beryllium Sulfate	13510-49-1	3	0.01
Beryllium	7440-41-7	3	0.01
Biphenyl	92-52-4	3	6.00
Bis(Chloromethyl) Ether	542-88-1	3	0.03
Bis(2-ethylhexyl)phthalate (DEHP)	117-81-7	3	25.00
Bromoform	75-25-2	3	25.85
1,3-Butadiene	106-99-0	3	110.50
1-Butanethiol (n-Butyl Mercaptan)	109-79-5	2	15.00
n-Butylamine	109-73-9	3	75.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Cadmium Oxide	1306-19-0	3	0.25
Cadmium Sulfate	10124-36-4	3	0.20
Cadmium	7440-43-9	3	0.25
Calcium Cyanamide	156-62-7	3	2.50
Caprolactam, vapor	105-60-2	1	500.00
Caprolactam, dust	105-60-2	1	25.00
Captan	133-06-2	3	25.00
Carbaryl	63-25-2	3	25.00
Carbon Disulfide	75-15-0	3	150.00
Carbon Tetrachloride	56-23-5	3	150.00
Carbonyl Sulfide	463-58-1	3	12250.00
Catechol	120-80-9	3	297.00
Chloramben	133-90-4	3	+
Chlordane	57-74-9	3	2.50
Chlorine	7782-50-5	1	75.00
Chloroacetic Acid	79-11-8	3	900.00
2-Chloroacetophenone	532-27-4	1	7.50
Chlorobenzene	108-90-7	3	1725.00
Chlorobenzilate	510-15-6	3	+
Chloroform	67-66-3	3	250.00
Chloromethyl Methyl Ether	107-30-2	3	+
p-Chloronitrobenzene	100-00-5	3	5.00
Chloroprene	126-99-8	3	175.00
Chromium (+6) Compounds	>	3	2.50
Cobalt Compounds	>	3	0.25
Coke Oven Emissions	>	3	+
Cresols/cresylic acid and mixture	1319-77-3	3	220.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration (µg/m^3)*
m-Cresol	108-39-4	3	110.50
o-Cresol	95-48-7	3	110.50
p-Cresol	106-44-5	3	110.50
Cumene	98-82-8	2	9.00 #
Cyanamide	420-04-2	1	50.00
Cyanic Acid	420-05-3	1	500.00
Cyanide	57-12-5	1	125.00
Cyanide compounds[1]	>	1	+
Cyanoacetamide	107-91-5	1	125.00
Cyanogen	460-19-5	1	500.00
2,4-D,salts and esters	94-75-7	3	50.00
DDE	3547-04-4	3	+
Diazomethane	334-88-3	3	2.00
Dibenzofuran	132-64-9	3	+
1,2-Dibromo-3-chloropropane	96-12-8	3	0.05
Dibutylphthalate	84-74-2	3	25.00
p-Dichlorobenzene	106-46-7	2	4500.00
3,3 -Dichlorobenzidine	91-94-1	3	0.15
1,3-Dichloropropene	542-75-6	3	20.00 #
Dichlorvos	62-73-7	3	4.52
Diethanolamine	111-42-2	2	129.00
n,n-Diethylaniline (n,n-Dimethylaniline)	121-69-7	2	250.00
Diethyl Phthalate	84-66-2	3	25.00
Diethyl Sulfate	64-67-5	3	+
Diisodecyl Phthalate	2671-40-0	2	50.00
3,3-Dimethoxybenzidine	119-90-4	3	0.30
3,3'-Dimethyl Benzidine	119-93-7	3	+

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Dimethyl Carbamoyl Chloride	79-44-7	3	+
Dimethyl Formamide	68-12-2	2	300.00
1,1-Dimethyl Hydrazine	57-14-7	3	5.00
1,2-Dimethyl Hydrazine	540-73-8	3	5.00
Dimethyl Phthalate	131-11-3	3	25.00
Dimethyl Sulfate	77-78-1	3	2.50
4-Dimethylaminoazobenzene	60-11-7	3	125.00
m-Dinitrobenzene	99-65-0	2	10.00
4,6-Dinitro-o-cresol and salts	534-52-1	2	2.00
2,4-Dinitrophenol	51-28-5	3	+
2,4-Dinitrotoluene	121-14-2	3	1.50
Dioctyl Phthalate	117-84-0	2	50.00
1,4-Dioxane	123-91-1	3	450.00
1,2-Diphenylhydrazine	122-66-7	3	+
Epichlorohydrin	106-89-8	3	50.00
1,2-Epoxybutane	106-88-7	3	+
Ethanethiol	75-08-1	2	10.00
Ethanolamine	141-43-5	1	200.00
Ethyl Acrylate	140-88-5	3	102.50
Ethyl Benzene	100-41-4	2	4350.00
Ethyl Chloride	75-00-3	2	26400.00
Ethylene Dibromide	106-93-4	2	770.00
Ethylene Dichloride	107-06-2	3	200.00
Ethylene Glycol	107-21-1	3	650.00
Ethylene Oxide	75-21-8	3	10.00
Ethylene Thiourea	96-45-7	3	+
Ethylene Imine	151-56-4	3	5.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration (µg/m^3)*
Ethylidene Dichloride	75-34-3	3	2025.00
Formaldehyde	50-00-0	2	15.00
Formamide	75-12-7	1	750.00
Formic Acid	64-18-6	1	225.00
Furfural	98-01-1	1	200.00
Furfuryl Alcohol	98-00-0	2	400.00
Glycidaldehyde	765-34-4	3	75.00
Glycol Ethers[2] (mono- and di- ethers of diethylene glycol or triethylene glycol)	>	1	+
Glycol Ethers[2] (mono- and di- ethers of ethylene glycol)	>	3	+
Heptachlor	76-44-8	3	2.50
Hexachlorobenzene	118-74-1	3	+
Hexachlorobutadiene	87-68-3	3	l.20
Hexachlorocyclohexane (multiple isomers)	608-73-1	2	5.00
Hexachlorocylopentadiene	77-47-4	3	0.50
Hexachloroethane	67-72-1	3	48.50
Hexachloronaphthalene	1335-87-1	3	1.00
Hexamethylene-1,6-diisocyanate	822-06-0	2	0.34
Hexamethylphosphoramide	680-31-9	3	l4.50
Hexane	110-54-3	3	900.00
Hydrazine	302-01-2	3	0.50
Hydrochloric Acid	7647-01-0	1	175.00
Hydrogen Cyanide	74-90-8	1	250.00
Hydrogen Fluoride	7664-39-3	3	2.05
Hydrogen Sulfide	7783-06-4	2	140.00
Hydroquinone	123-31-9	2	20.00
Isophorone	78-59-1	2	250.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Isopropylamine	75-31-0	1	300.00
Kepone (Chlordecone)	143-50-0	3	0.00
Ketene	463-51-4	3	4.50
Lead Arsenate	7645-25-2	3	0.75
Lead (+2) Arsenate	7784-40-9	3	0.75
Lindane	58-89-9	3	2.50
Malathion	121-75-5	2	100.00
Maleic Anhydride	108-31-6	2	10.00
Manganese Compounds	>	3	25.00
Mercury	7439-97-6	3	0.25
Methanol	67-56-1	3	1310.00
Methoxychlor	72-43-5	3	50.00
Methyl Bromide	74-83-9	3	100.00
Methyl Chloride	74-87-3	3	515.00
Methyl Chloroform (1,1,1-Trichloroethane)	71-55-6	3	9550.00
Methylene Biphenyl Isocyanate	101-68-8	2	2.00
4,4-Methylene Bis(2-chloroaniline)	101-14-4	3	1.10
4,4-Methylenedianiline	101-77-9	3	4.00
Methyl Ethyl Ketone (2-Butanone)	78-93-3	1	14750.00
Methyl Hydrazine	60-34-4	3	1.75
Methyl Iodide	74-88-4	3	58.00
Methyl Isobutyl Ketone	108-10-1	2	2050.00
Methyl Isocyanate	624-83-9	3	0.23
Methyl Mercaptan	74-93-1	2	10.00
Methyl Methacrylate	80-62-6	1	10250.00
Methylamine	74-89-5	1	300.00
Methylene Chloride	75-09-2	1	8750.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration (µg/m^3)*
Methyl-t-Butyl Ether	1634-04-4	1	+
Mineral Fibers, Fine[3]	>	3	+
Mineral Oil Mist (Paraffin Oil)	8012-95-1	3	25.00
Mirex	2385-85-5	3	4500.00
Naphthalene	91-20-3	1	1250.00
a-Naphthylamine	134-32-7	3	0.00
b-Naphthylamine	91-59-8	3	0.00
Nickel Carbonyl	13463-39-3	3	1.75
Nickel Oxide	1313-99-1	3	5.00
Nickel Sulfate	7786-81-4	3	5.00
Nickel	7440-02-0	3	0.50
Nitric Acid	7697-37-2	1	125.00
p-Nitroaniline	100-01-6	3	15.00
Nitrobenzene	98-95-3	3	25.00
4-Nitrobiphenyl	92-93-3	3	0.00
Nitrogen Mustard	51-75-2	3	0.00
Nitroglycerin	55-63-0	2	5.00
p-Nitrophenol	100-02-7	3	0.00
1-Nitropropane	108-03-2	1	2250.00
2-Nitropropane	79-46-9	3	182.00
p-Nitrosophenol	104-91-6	3	0.00
n-Nitroso-n-methylurea	684-93-5	3	+
n-Nitrosodimethylamine	62-75-9	3	0.00
n-Nitrosomorpholine	59-89-2	3	5000.00
p-Nitrotoluene	99-99-0	3	5.50
Octachloronaphthalene	2234-13-1	3	0.50
Oxalic Acid	144-62-7	2	10.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration (µg/m^3)*
Paraquat	1910-42-5	3	0.50
Parathion	56-38-2	3	0.50
Pentachloronitrobenzene (Quintobenzene)	82-68-8	3	+
Pentachlorophenol	87-86-5	2	5.00
Phenol	108-95-2	2	190.00
p-Phenylenediamine	106-50-3	2	1.00
Phenylhydrazine	100-63-0	2	200.00
Phosgene (Carbonyl Chloride)	75-44-5	2	4.00
Phosphine	7803-51-2	3	2.09
Phosphoric Acid	7664-38-2	1	25.00
Phosphorus	7723-14-0	2	0.50
Phthalic Anhydride	85-44-9	3	30.30
Picric Acid	88-89-1	2	1.00
Polychlorinated Biphenyls (PCB) (multiple compounds)	>	3	2.50
Polycyclic Organic Matter[4]	>	3	160.00
1,3-Propane Sultone	1120-71-4	3	+
b-Propiolactone	57-57-8	3	7.50
Propionaldehyde	123-38-6	1	+
Propoxur	114-26-1	3	2.50
Propylene Dichloride	78-87-5	3	1750.00
Propylene Oxide	75-56-9	3	250.00
1,2-Propylenimine	75-55-8	3	23.35
Pyrethrin I	121-21-1	3	25.00
Pyrethrin II	121-29-9	3	25.00
Pyrethrum	8003-34-7	2	50.00
Quinoline	91-22-5	3	+

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Quinone	106-51-4	3	2.00
Rotenone	83-79-462	2	50.00
Selenium Compounds	>	3	1.00
Sodium Hydroxide[5]	1310-73-2	1	50.00
Styrene	100-42-5	1	5325.00
Styrene Oxide	96-09-3	3	+
Sulfuric Acid	7664-93-9	2	10.00
Tetrachlorinated Dibenzo-p-dioxins	1746-01-6	3	0.00
1,1,2,2-Tetrachloroethane (Acetylene Tetrachloride)	79-34-5	3	35.00
Tetrachloroethylene (Perchloroethylene)	127-18-4	2	3350.00
Titanium Tetrachloride	7550-45-0	1	2500.00
Toluene	108-88-3	3	2000.00
2,4-Toluenediamine	95-80-7	3	+
Toluene Diisocyanate	26471-62-5	2	0.40
Toluene-2,4- diisocyanate	584-84-9	2	0.40
o-Toluidine	95-53-4	3	43.85
Toxaphene	8001-35-2	3	2.50
1,2,4-Trichlorobenzene	120-82-1	2	400.00
1,1,2-Trichloroethane	79-00-5	3	273.00
Trichloroethylene	79-01-6	1	6750.00
2,4,5-Trichlorophenol	95-95-4	3	+
2,4,6-Trichlorophenol	88-06-2	3	+
Triethylamine	121-44-8	3	207.00
Trifluralin	1582-09-8	3	+
2,2,4-Trimethylpentane	540-84-1	1	8750.00
Urethane (Carbamic Acid Ethyl Ester)	51-79-6	2	5000.00

Chemical Name	CAS Number	Category	Maximum Allowable 24-Hour Average Concentration ($\mu g/m^3$)*
Vinyl Acetate	108-05-4	3	176.00
Vinyl Bromide	593-60-2	3	100.00
Vinyl Chloride	75-01-4	3	50.00
Vinyl Fluoride	75-02-5	2	19.00
Vinylidene chloride	75-35-4	3	99.00
Xylene	1330-20-7	2	4350.00
m-Xylene	108-38-3	2	4350.00
o-Xylene	95-47-6	2	4350.00
p-Xylene	106-42-3	2	4350.00
Xylidine	1300-73-8	3	50.00

* For the purpose of this standard, these values shall be rounded to the nearest hundredth of a $\mu g/m^3$. For example, a test or modeled value of 0.005 through 0.01 would be rounded to 0.01 but values less than 0.005 would be rounded to 0.00.

+ to be determined

> No CAS number.

Verified reference concentration (RfC) established by the United States Environmental Protection Agency.

[1] XCN where X = H^+ or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$.

[2] Includes mono- and di- ethers of ethylene glycol, diethylene glycol and triethylene glycol

$$R\text{-}(OCH_2CH_2)_n\text{-}OR'$$

where: n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure:
$R\text{-}(OCH_2CH)_n\text{-}OH$
Polymers are excluded from the glycol category.

Mono- and di- ethers of ethylene glycol are category 3 air toxics; mono- and di- ethers of diethylene glycol and triethylene glycol are category 1 air toxics.

[3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, and slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

[4] Includes organic compounds with more than one benzene ring and which have a boiling point greater than or equal to 100º C.

[5] The use of sodium hydroxide in a scrubber for air pollution control purposes is exempt from this standard.

Note: For all listings above that contain the word "compounds" and for glycol ethers the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named element (i.e. antimony, arsenic, etc.) as part of that chemical infrastructure

III. CONTROLS.

If modeling by the source indicates that the maximum allowable concentration is exceeded, the Department may allow approved, site specific modeling/ambient monitoring on a case-by-case basis. If this approach does not demonstrate that the public health will be adequately protected, the source will be required to reduce emissions by implementing controls, altering the process, or limiting production.

IV. SOURCE TEST REQUIREMENTS.

The owner or operator of all sources of toxic air pollutants shall conduct such tests as required by the Department to verify toxic air pollutant emission rates. An owner or operator shall ensure that source tests are conducted in compliance with the requirements of R.61-62.1, Section IV, Source Tests.

V. RECORDKEEPING.

A. Copies of all records and reports required under this Standard shall be available for inspection by the Department during normal business hours and copies shall be provided to the Department within ten working days of receipt of a written request by the Department.

B. Copies of all records and reports required under this Standard shall be maintained by the owner/operator for three years after the date on which the record was made or the report submitted.

R. 61-62.5, Standard No. 8 History - *South Carolina State Register*:

Vol. 15, Issue No. 5, (Doc. No. 1266), May 24, 1991;
Vol. 15, Issue No. 6, (Doc. No. 1336), June 28, 1991;
Vol. 15, Issue No. 8, (Errata for Doc. No. 1336), August 23, 1991;
Vol. 19, Issue No. 11, (Errata for Doc. No. 1336), November 1995;
Vol. 22, Issue No. 6, Part 2, (Doc. No. 2244), June 26, 1998;
Vol. 22, Issue No. 6, Part 2, (Doc. No. 2245), June 26, 1998;
Vol. 22, Issue No. 7, (Errata for Doc. No. 2245), July 24, 1998;
Vol. 25, Issue No. 10, (Doc. No. 2648), October 26, 2001;
Vol. 39, Issue No. 6, (Doc. No. 4481), June 26, 2015.

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.60
SOUTH CAROLINA DESIGNATED FACILITY PLAN AND NEW SOURCE PERFORMANCE STANDARDS

Note: Facilities subject to the regulations listed below may be subject to additional requirements specified elsewhere in Regulation 61-62, Air Pollution Control Regulations and Standards.

Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart A			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]

40 CFR Part 60 Subpart A			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]

40 CFR Part 60 Subpart A			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

Subpart B - "Adoption and Submittal of State Plans for Designated Facilities"

The provisions of 40 CFR Part 60 Subpart B, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart B			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 44	November 9, 1979	[44 FR 65071]
Revision	Vol. 54	December 20, 1989	[54 FR 52189]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 65	December 6, 2000	[65 FR 76378]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Subpart C - "Emission Guidelines and Compliance Times"

The provisions of 40 CFR Part 60 Subpart C, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart C			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 42	October 18, 1977	[42 FR 55797]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]

Subpart Ca - [Reserved]

Subpart Cb - "Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994"

The provisions of 40 CFR Part 60 Subpart Cb, as originally published in the Federal Register and as

subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Cb			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65415]
Revision	Vol. 62	August 25, 1997	[62 FR 45119, 45120]
Revision	Vol. 62	August 25, 1997	[62 FR 45125]
Revision	Vol. 69	July 14, 2004	[69 FR 42117]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]

Subpart Cc - "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills"

The provisions of 40 CFR Part 60 Subpart Cc, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Cc			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 64	February 24, 1999	[64 FR 9258]

Subpart Cd - "Emission Guidelines and Compliance Times for Sulfuric Acid Production Units"

The provisions of 40 CFR Part 60 Subpart Cd, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Cd			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65414]

Subpart Ce - "Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators"

The provisions of 40 CFR Part 60 Subpart Ce, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ce			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48379]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 76	April 4, 2011	[76 FR 18407]

Subpart D - "Standards of Performance for Fossil-Fuel-Fired Steam Generators"

The provisions of 40 CFR Part 60 Subpart D, as originally published in the Federal Register and as

subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart D			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 61	September 24, 1996	[61 FR 49976]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Subpart Da - "Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978"

The provisions of 40 CFR Part 60 Subpart Da, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Da			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]

40 CFR Part 60 Subpart Da			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]

Subpart Db - "Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units"

The provisions of 40 CFR Part 60 Subpart Db, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Db			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Subpart Dc - "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units"

The provisions of 40 CFR Part 60 Subpart Dc, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Dc			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Subpart E - "Standards of Performance for Incinerators"

The provisions of 40 CFR Part 60 Subpart E, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart E			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20792]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 54	February 14, 1989	[54 FR 6665]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]

Subpart Ea - "Standards of Performance for Municipal Waste Combustors for Which Construction Is Commenced After December 20, 1989, and on or Before September 20, 1994"

The provisions of 40 CFR Part 60 Subpart Ea, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ea			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 60	December 19, 1995	[60 FR 65384]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]

40 CFR Part 60 Subpart Ea			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Eb - "Standards of Performance for Large Municipal Waste Combustors for Which Construction Is Commenced After September 20, 1994, or for Which Modification or Reconstruction Is Commenced After June 19, 1996"

The provisions of 40 CFR Part 60 Subpart Eb, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Eb			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65419]
Revision	Vol. 62	August 25, 1997	[62 FR 45120, 45121]
Revision	Vol. 62	August 25, 1997	[62 FR 45125, 45126]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	July 12, 2001	[66 FR 36473]
Revision	Vol. 66	November 16, 2001	[66 FR 57824]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]

Subpart Ec - "Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996"

The provisions of 40 CFR Part 60 Subpart Ec, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ec			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	October 30, 2003	[68 FR 61759]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 76	April 4, 2011	[76 FR 18407]
Revision	Vol. 78	May 13, 2013	[78 FR 28052]

Subpart F - "Standards of Performance for Portland Cement Plants"

The provisions of 40 CFR Part 60 Subpart F, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart F			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]

40 CFR Part 60 Subpart F			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]

Subpart G - "Standards of Performance for Nitric Acid Plants"

The provisions of 40 CFR Part 60 Subpart G, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart G			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 50	April 22, 1985	[50 FR 15894]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]

Subpart Ga - "Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011"

The provisions of 40 CFR Part 60 Subpart Ga, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ga			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 77	August 14, 2012	[77 FR 48433]

Subpart H - "Standards of Performance for Sulfuric Acid Plants"

The provisions of 40 CFR Part 60 Subpart H, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart H			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]

40 CFR Part 60 Subpart H			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 48	September 29, 1983	[48 FR 44700]
Revision	Vol. 48	October 20, 1983	[48 FR 48669]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart I - "Standards of Performance for Hot Mix Asphalt Facilities"

The provisions of 40 CFR Part 60 Subpart I, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart I			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 51	April 10, 1986	[51 FR 12325]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart J - "Standards of Performance for Petroleum Refineries"

The provisions of 40 CFR Part 60 Subpart J, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart J			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]

40 CFR Part 60 Subpart J			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 76	February 25, 2011	[76 FR 10524]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]

Subpart Ja - "Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007"

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ja			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]

Subpart K - "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978"

The provisions of 40 CFR Part 60 Subpart K, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart K			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Ka - "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984"

The provisions of 40 CFR Part 60 Subpart Ka, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ka			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 18, 1980	[45 FR 83229]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart Kb - "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984"

The provisions of 40 CFR Part 60 Subpart Kb, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Kb			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 52	June 16, 1987	[52 FR 22780]
Revision	Vol. 54	August 11, 1989	[54 FR 32973]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 68	October 15, 2003	[68 FR 59328]

Subpart L - "Standards of Performance for Secondary Lead Smelters"

The provisions of 40 CFR Part 60 Subpart L, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart L			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

40 CFR Part 60 Subpart L			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart M - "Standards of Performance for Secondary Brass and Bronze Production Plants"

The provisions of 40 CFR Part 60 Subpart M, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart M			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 49	October 30, 1984	[49 FR 43618]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart N - "Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Is Commenced After June 11, 1973"

The provisions of 40 CFR Part 60 Subpart N, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart N			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 43	April 13, 1978	[43 FR 15602]
Revision	Vol. 51	January 2, 1986	[51 FR 160]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Na - "Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Is Commenced After January 20, 1983"

The provisions of 40 CFR Part 60 Subpart Na, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Na			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 51	January 2, 1986	[51 FR 161]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart O - "Standards of Performance for Sewage Treatment Plants"

The provisions of 40 CFR Part 60 Subpart O, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart O			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	March 8, 1974	[39 FR 9319]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	November 10, 1977	[42 FR 58521]
Revision	Vol. 53	October 6, 1988	[53 FR 39416]
Revision	Vol. 54	February 14, 1989	[54 FR 6668]
Revision	Vol. 54	June 27, 1989	[54 FR 27015]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	February 3, 1994	[59 FR 5108]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart P - "Standards of Performance for Primary Copper Smelters"

The provisions of 40 CFR Part 60 Subpart P, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart P			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2338]
Revision	Vol. 41	February 26, 1976	[41 FR 8346]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Q - "Standards of Performance for Primary Zinc Smelters"

The provisions of 40 CFR Part 60 Subpart Q, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Q			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart R - "Standards of Performance for Primary Lead Smelters"

The provisions of 40 CFR Part 60 Subpart R, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart R			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart S - "Standards of Performance for Primary Aluminum Reduction Plants"

The provisions of 40 CFR Part 60 Subpart S, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart S			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	June 30, 1980	[45 FR 44207]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]
Revision	Vol. 62	October 7, 1997	[62 FR 52399]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart T - "Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants"

The provisions of 40 CFR Part 60 Subpart T, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart T			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33154]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart U - "Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants"

The provisions of 40 CFR Part 60 Subpart U, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart U			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart V - "Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants"

The provisions of 40 CFR Part 60 Subpart V, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart V			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart W - "Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants"

The provisions of 40 CFR Part 60 Subpart W, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart W			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart X - "Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities"

The provisions of 40 CFR Part 60 Subpart X, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart X			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 62	April 15, 1997	[62 FR 18280]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Y - "Standards of Performance for Coal Preparation and Processing Plants"

The provisions of 40 CFR Part 60 Subpart Y, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Y			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2234]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 42	September 7, 1977	[42 FR 44812]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]

Subpart Z - "Standards of Performance for Ferroalloy Production Facilities"

The provisions of 40 CFR Part 60 Subpart Z, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Z			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 41	May 4, 1976	[41 FR 18501]
Revision	Vol. 41	May 20, 1976	[41 FR 20659]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart AA - "Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983"

The provisions of 40 CFR Part 60 Subpart AA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart AA			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 40	September 23, 1975	[40 FR 43852]
Revision	Vol. 49	October 31, 1984	[49 FR 43843]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	March 2, 1999	[64 FR 10109, 10110]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 70	February 22, 2005	[70 FR 8523]

Subpart AAa - "Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983"

The provisions of 40 CFR Part 60 Subpart AAa, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart AAa			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	October 31, 1984	[49 FR 43845]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	March 2, 1999	[64 FR 10110, 10111]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 70	February 22, 2005	[70 FR 8523]

Subpart BB - "Standards of Performance for Kraft Pulp Mills"

The provisions of 40 CFR Part 60 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart BB			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

Subpart CC - "Standards of Performance for Glass Manufacturing Plants"

The provisions of 40 CFR Part 60 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by

reference as if fully repeated herein.

40 CFR Part 60 Subpart CC			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 45	October 7, 1980	[45 FR 66751]
Revision	Vol. 49	October 19, 1984	[49 FR 41035]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart DD - "Standards of Performance for Grain Elevators"

The provisions of 40 CFR Part 60 Subpart DD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart DD			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 52	November 5, 1988	[54 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart EE - "Standards of Performance for Surface Coating of Metal Furniture"

The provisions of 40 CFR Part 60 Subpart EE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart EE			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	October 29, 1982	[47 FR 49287]
Revision	Vol. 50	April 30, 1985	[50 FR 18248]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart FF - [Reserved]

Subpart GG - "Standards of Performance for Stationary Gas Turbines"

The provisions of 40 CFR Part 60 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart GG			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]

40 CFR Part 60 Subpart GG			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 71	February 24, 2006	[71 FR 9453]

Subpart HH - "Standards of Performance for Lime Manufacturing Plants"

The provisions of 40 CFR Part 60 Subpart HH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart HH			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	April 26, 1984	[49 FR 18080]
Revision	Vol. 52	February 17, 1987	[52 FR 4773]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart II - [Reserved]

Subpart JJ - [Reserved]

Subpart KK - "Standards of Performance for Lead-Acid Battery Manufacturing Plants"

The provisions of 40 CFR Part 60 Subpart KK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart KK			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16573]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart LL - "Standards of Performance for Metallic Mineral Processing Plants"

The provisions of 40 CFR Part 60 Subpart LL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart LL			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	February 21, 1984	[49 FR 6464]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart MM - "Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations"

The provisions of 40 CFR Part 60 Subpart MM, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart MM			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 48	February 4, 1983	[48 FR 5454]
Revision	Vol. 50	September 9, 1985	[50 FR 36834]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 59	October 11, 1994	[59 FR 51386]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart NN - "Standards of Performance for Phosphate Rock Plants"

The provisions of 40 CFR Part 60 Subpart NN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart NN			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16589]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart OO - [Reserved]

Subpart PP - "Standards of Performance for Ammonium Sulfate Manufacture"

The provisions of 40 CFR Part 60 Subpart PP, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart PP			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 45	November 12, 1980	[45 FR 74850]

40 CFR Part 60 Subpart PP			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart QQ - "Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing"

The provisions of 40 CFR Part 60 Subpart QQ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart QQ			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	November 8, 1982	[45 FR 50649]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart RR - "Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations"

The provisions of 40 CFR Part 60 Subpart RR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart RR			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48375]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart SS - "Standards of Performance for Industrial Surface Coating: Large Appliances"

The provisions of 40 CFR Part 60 Subpart SS, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart SS			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	October 27, 1982	[47 FR 47785]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart TT - "Standards of Performance for Metal Coil Surface Coating"

The provisions of 40 CFR Part 60 Subpart TT, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart TT			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 48	January 10, 1983	[48 FR 1056]
Revision	Vol. 51	June 24, 1986	[51 FR 22938]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 56	May 3, 1991	[56 FR 20497]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart UU - "Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture"

The provisions of 40 CFR Part 60 Subpart UU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart UU			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	August 6, 1982	[47 FR 34143]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart VV - "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006"

The provisions of 40 CFR Part 60 Subpart VV, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart VV			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 49	May 30, 1984	[49 FR 22607]
Revision	Vol. 49	June 29, 1984	[49 FR 26738]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 60	August 18, 1995	[60 FR 43258]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Subpart VVa - "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006"

The provisions of 40 CFR Part 60 Subpart VVa, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart VVa			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Subpart WW - "Standards of Performance for the Beverage Can Surface Coating Industry"

The provisions of 40 CFR Part 60 Subpart WW, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart WW			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 55	December 13, 1990	[55 FR 51384]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart XX - "Standards of Performance for Bulk Gasoline Terminals"

The provisions of 40 CFR Part 60 Subpart XX, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart XX			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 48	August 18, 1983	[48 FR 37590]
Revision	Vol. 48	December 22, 1983	[48 FR 56580]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]

Subpart AAA - "Standards of Performance for New Residential Wood Heaters"

The provisions of 40 CFR Part 60 Subpart AAA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart AAA			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 53	February 26, 1988	[53 FR 5873]
Revision	Vol. 53	April 12, 1988	[53 FR 12009]
Revision	Vol. 53	April 26, 1988	[53 FR 14889]
Revision	Vol. 57	February 13, 1992	[57 FR 5328]
Revision	Vol. 60	June 29, 1995	[60 FR 33925]
Revision	Vol. 63	November 24, 1998	[63 FR 64874]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart BBB - "Standards of Performance for the Rubber Tire Manufacturing Industry"

The provisions of 40 CFR Part 60 Subpart BBB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart BBB			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 52	September 15, 1987	[52 FR 34874]
Revision	Vol. 52	October 9, 1987	[52 FR 37874]
Revision	Vol. 54	September 19, 1989	[54 FR 38635]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart CCC - [Reserved]

Subpart DDD - "Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry"

The provisions of 40 CFR Part 60 Subpart DDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart DDD			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 55	December 11, 1990	[55 FR 51035]
Revision	Vol. 56	March 5, 1991	[56 FR 9178]
Revision	Vol. 56	March 22, 1991	[56 FR 12299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 64	March 9, 1999	[64 FR 11541]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart EEE - [Reserved]

Subpart FFF - "Standards of Performance for Flexible Vinyl and Urethane Coating and Printing"

The provisions of 40 CFR Part 60 Subpart FFF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart FFF			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	June 29, 1984	[49 FR 26892]
Revision	Vol. 49	August 17, 1984	[49 FR 32848]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart GGG - "Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006"

The provisions of 40 CFR Part 60 Subpart GGG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart GGG			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	May 30, 1984	[49 FR 22606]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Subpart GGGa - "Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006"

The provisions of 40 CFR Part 60 Subpart GGGa, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart GGGa			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Subpart HHH - "Standards of Performance for Synthetic Fiber Production Facilities"

The provisions of 40 CFR Part 60 Subpart HHH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart HHH			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	April 5, 1984	[49 FR 13651]

40 CFR Part 60 Subpart HHH			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 49	April 27, 1984	[49 FR 18096]
Revision	Vol. 55	December 13, 1990	[55 FR 51384]
Revision	Vol. 59	June 23, 1994	[59 FR 32341]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart III - "Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes"

The provisions of 40 CFR Part 60 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart III			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart JJJ - "Standards of Performance for Petroleum Dry Cleaners"

The provisions of 40 CFR Part 60 Subpart JJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart JJJ			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 49	September 21, 1984	[49 FR 37331]
Revision	Vol. 50	November 27, 1985	[50 FR 49026]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart KKK - "Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants"

The provisions of 40 CFR Part 60 Subpart KKK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart KKK			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 50	June 24, 1985	[50 FR 26124]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Subpart LLL - "Standards of Performance for Onshore Natural Gas Processing~~;~~: SO_2 Emissions"

The provisions of 40 CFR Part 60 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart LLL			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Subpart MMM - [Reserved]

Subpart NNN - "Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations"

The provisions of 40 CFR Part 60 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart NNN			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 74	June 24, 2009	[74 FR 29948]

Subpart OOO - "Standards of Performance for Nonmetallic Mineral Processing Plants"

The provisions of 40 CFR Part 60 Subpart OOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOO			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 51	August 1, 1985	[51 FR 31337]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]
Revision	Vol. 62	June 9, 1997	[62 FR 31360]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 74	April 28, 2009	[74 FR 19294]

Subpart PPP - "Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants"

The provisions of 40 CFR Part 60 Subpart PPP, as originally published in the Federal Register and as

subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart PPP			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 50	February 25, 1985	[50 FR 7699]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart QQQ - "Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems"

The provisions of 40 CFR Part 60 Subpart QQQ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart QQQ			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 53	November 23, 1988	[53 FR 47623]
Revision	Vol. 60	August 18, 1995	[60 FR 43259]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart RRR - "Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes"

The provisions of 40 CFR Part 60 Subpart RRR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart RRR			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 58	August 31, 1993	[58 FR 45948]
Revision	Vol. 60	November 27, 1995	[60 FR 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart SSS - "Standards of Performance for Magnetic Tape Coating Facilities"

The provisions of 40 CFR Part 60 Subpart SSS, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart SSS			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 53	December 9, 1988	[53 FR 49822]

40 CFR Part 60 Subpart SSS			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Subpart TTT - "Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines"

The provisions of 40 CFR Part 60 Subpart TTT, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart TTT			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 53	January 29, 1988	[53 FR 2676]
Revision	Vol. 53	May 27, 1988	[53 FR 19300]
Revision	Vol. 54	June 15, 1989	[54 FR 25459]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart UUU - "Standards of Performance for Calciners and Dryers in Mineral Industries"

The provisions of 40 CFR Part 60 Subpart UUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart UUU			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 57	September 28, 1992	[57 FR 44503]
Revision	Vol. 58	July 29, 1993	[58 FR 40591]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart VVV - "Standards of Performance for Polymeric Coating of Supporting Substrates Facilities"

The provisions of 40 CFR Part 60 Subpart VVV, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart VVV			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]

Subpart WWW - "Standards of Performance for Municipal Solid Waste Landfills"

The provisions of 40 CFR Part 60 Subpart WWW, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart WWW			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 64	February 24, 1999	[64 FR 9262]
Revision	Vol. 65	April 10, 2000	[65 FR 18906]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

Subpart XXX - [Reserved]

Subpart YYY - [Reserved]

Subpart ZZZ - [Reserved]

Subpart AAAA - "Standards of Performance for Small Municipal Waste Combustion Units for Which Construction Is Commenced After August 30, 1999, or for Which Modification or Reconstruction Is Commenced After June 6, 2001"

The provisions of 40 CFR Part 60 Subpart AAAA, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart AAAA			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76350]

Subpart BBBB - "Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999"

The provisions of 40 CFR Part 60 Subpart BBBB, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart BBBB			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76378]

Subpart CCCC - "Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001"

The provisions of 40 CFR Part 60 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart CCCC			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]

40 CFR Part 60 Subpart CCCC			
Federal Register Citation	**Volume**	**Date**	**Notice**
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]

Subpart DDDD - "Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999"

The provisions of 40 CFR Part 60 Subpart DDDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart DDDD			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]

Subpart EEEE - "Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006"

The provisions of 40 CFR Part 60 Subpart EEEE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart EEEE			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	November 24, 2006	[71 FR 67802]

Subpart FFFF - "Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004"

The provisions of 40 CFR Part 60 Subpart FFFF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart FFFF			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	November 24, 2006	[71 FR 67802]

Subpart GGGG - [Reserved]

Subpart HHHH - [Reserved]

Subpart IIII - "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"

The provisions of 40 CFR Part 60 Subpart IIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart IIII			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

Subpart JJJJ - "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines"

The provisions of 40 CFR Part 60 Subpart JJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

Subpart KKKK – "Standards of Performance for Stationary Combustion Turbines"

The provisions of 40 CFR Part 60 Subpart KKKK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart KKKK			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 74	March 20, 2009	[74 FR 11858]

Subpart LLLL – "Standards of Performance for New Sewage Sludge Incineration Units"

The provisions of 40 CFR Part 60 Subpart LLLL, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart LLLL			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 76	March 21, 2011	[76 FR 15372]

Subpart MMMM – "Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units"

The provisions of 40 CFR Part 60 Subpart MMMM, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart MMMM			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 76	March 21, 2011	[76 FR 15372]

Subpart NNNN – [Reserved]

Subpart OOOO – "Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution"

The provisions of 40 CFR Part 60, Subpart OOOO, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOO			
Federal Register Citation	**Volume**	**Date**	**Notice**
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]

R. 61-62.60 History - ***South Carolina State Register:***

Vol. 23, Issue 2, (Doc. No. 2373), February 26, 1999;
Vol. 24, Issue 10, (Doc. No. 2535), October 27, 2000;
Vol. 25, Issue No. 10, (Doc. No. 2648), October 26, 2001;
Vol. 26, Issue No. 8, (Doc. No. 2736), August 23, 2002;
Vol. 27, Issue No. 6, (Doc. No. 2840), June 27, 2003;
Vol. 28, Issue No. 9, (Doc. No. 2913), September 24, 2004;
Vol. 29, Issue No. 8, (Doc. No. 2980), August 26, 2005;
Vol. 30, Issue No. 9, (Doc. No. 3066), September 22, 2006;
Vol. 31, Issue No. 6, (Doc. No. 3083), June 22, 2007;
Vol. 31, Issue No. 12, (Doc. No. 3153), December 28, 2007;
Vol. 32, Issue No. 10, (Doc. No. 3224), October 24, 2008;
Vol. 33, Issue No. 10, (Doc. No. 4082), October 23, 2009;
Vol. 34, Issue No. 5, (Doc. No. 4070), May 28, 2010;
Vol. 34, Issue No. 11, (Doc. No. 4131), November 26, 2010;
Vol. 34, Issue No. 4, (Doc. No. 4280), April 27, 2012;
Vol. 37, Issue No. 4, (Errata), April 26, 2013;
Vol. 37, Issue No. 5, (Errata), May 24, 2013;
Vol. 37, Issue No. 12, (Doc. No. 4387), December 27, 2013;
Vol. 38, Issue No. 9, (Doc. No. 4465), September 26, 2014;
Vol. 39, Issue No. 6, (Doc. No. 4481), June 26, 2015.

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION 61-62.70
TITLE V OPERATING PERMIT PROGRAM

70.1 Program overview.

(a) The regulations in this part provide for the establishment of comprehensive State air quality permitting systems consistent with the requirements of Title V of the Clean Air Act (Act) (42 U.S.C. 7401, et seq.). These regulations define the minimum elements required for South Carolina's Part 70 operating permit program and the corresponding standards.

(b) All sources subject to these regulations shall have a permit to operate that assures compliance by the source with all applicable requirements. While Title V of the Clean Air Act does not impose substantive new requirements, it does require that fees be imposed on sources and that certain procedural measures be adopted especially with respect to compliance.

(c) Nothing in this part shall prevent the Department from establishing additional or more stringent requirements not inconsistent with this Act. The U.S. Environmental Protection Agency will approve South Carolina's program submittal to the extent that it is not inconsistent with the Act and the federal Part 70 regulations. No permit, however, can be less stringent than necessary to meet all applicable requirements. In the case of federal intervention in the permit process, the Administrator reserves the right to implement the State operating permit program, in whole or in part, or the federal program contained in regulations promulgated under Title V of the Act.

(d) The requirements of Part 70, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under Title IV of the Act (acid rain program).

(e) Issuance of state permits under this part may be coordinated with issuance of permits under other applicable laws, whether issued by state or federal agencies.

(f) RESERVED

(g) Severability. If any section, subsection, phrase, clause, or portion of this regulation, or the applicability to any person, is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portions of this regulation shall not be affected.

(h) Appeals. Any final determination made by the Department pursuant to these regulations shall be subject to the appeals provisions of Regulation No. 61-72 and the S.C. Administrative Procedures Act Section 1-23-310, et seq.

70.2 Definitions.

(a) "Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

(b) "Administrator" means the Administrator of the United States Environmental Protection Agency (EPA) or his designee.

(c) "Affected source" means a source that includes one or more affected units that are subject to the acid rain provisions under Title IV of the Act.

(d) "Affected States" are:

(1) The States of Georgia and/or North Carolina if, as determined by the Department, their air quality may be directly affected by emissions from the facility seeking a Part 70 permit, permit modification or permit renewal being proposed; or

(2) That are within 50 miles of the permitted source.

(e) "Affected unit" means a unit that is subject to the acid rain emission reduction requirements or limitations and regulations promulgated under Title IV of the Act.

(f) "Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source subject to these regulations (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future-effective compliance dates):

(1) Any standard or other requirement provided for in the South Carolina State Implementation Plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the pertinent requirements of the Act, including any revisions to that plan promulgated in 40 Code of Federal Regulations (CFR) 52;

(2) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the Act;

(3) Any standard or other requirement under Section 111 of the Act, including Section 111(d);

(4) Any standard or other requirement under Section 112 of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act;

(5) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the Act;

(7) Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;

(8) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;

(9) Any standard or other requirement for tank vessels, under Section 183(f) of the Act;

(10) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the Act;

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be

contained in a Title V permit; and

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act.

(g) "Area source" means any stationary source of hazardous air pollutants that is not a major source.

(h) "Department" means the Department of Health and Environmental Control.

(i) "Designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit under acid rain requirements of Title IV of the Act and regulations promulgated thereunder.

(j) "Draft permit" means the version of a permit for which the Department offers public participation under Section 70.7(h) or affected State review under Section 70.8.

(k) "Effective date" of this Part 70 regulation, including any partial or interim program approved under this Part, shall be the effective date of approval by the Administrator as published in the Federal Register.

(l) "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(m) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of the Title IV acid rain requirements of the Act.

(n) The "EPA" means the Administrator of the U.S. Environmental Protection Agency or his designee.

(o) "Final permit" means the version of a Part 70 permit issued by the Department that has completed all review procedures required by Sections 70.7 and 70.8.

(p) "Fugitive emissions" are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

(q) "General permit" means a Part 70 permit that meets the requirements of Sections 70.6(d).

(r) "Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraphs (1), (2), or (3) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (that is, all have the same two-digit code) as described in the Standard Industrial Classification Manual, latest revision.

(1) A major source under Section 112 of the Act, which is defined as:

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

(2) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plant;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industrial Classification System (NAICS) codes 325193 or 312140;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the Act;

(3) A major stationary source as defined in Part D of Title I of the Act, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (1) that are classified as "serious," and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and

(iv) For particulate matter (PM_{10}) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM_{10}.

(s) "Non-major source" means a source that is not major under this Part.

(t) "Part 70 permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this Part.

(u) "Part 70 program" or "State program" means a program approved by the Administrator under this Part.

(v) "Part 70 source" means any source subject to the permitting requirements of this Part, as provided in Sections 70.3(a) and 70.3(b).

(w) "Permit modification" means a revision to a Part 70 permit that meets the requirements of Section 70.7(e).

(x) "Permit revision" means any permit modification or administrative permit amendment.

(y) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air 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 if the limitation is federally enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in the Title IV acid rain requirements of the Act or the regulations promulgated thereunder.

(z) "Proposed permit" means the version of a permit that the Department proposes to issue and forwards to the Administrator for review in compliance with Section 70.8.

(aa) "Regulated air pollutant" means the following:

(1) Nitrogen oxides or any volatile organic compounds;

(2) Any pollutant for which a national ambient air quality standard has been promulgated;

(3) Any pollutant that is subject to any standard promulgated under Section 111 of the Act;

(4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act; and

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

(bb) "Renewal" means the process by which a permit is reissued at the end of its term.

(cc) "Responsible official" means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter l980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the Department;

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (for example, a Regional Administrator of EPA); or

(4) For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under the Title IV acid rain requirements of the Act or the regulations promulgated thereunder are concerned; and

(ii) The designated representative for any other purposes under Part 70.

(dd) "Section 111" means that portion of the Clean Air Act that addresses New Source Performance Standards (NSPS).

(ee) "Section 112" means that portion of the Clean Air Act that addresses standards for hazardous air pollutants.

(ff) "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

(gg) "Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the Act.

(hh) "Title I modification or modification under any provision of Title I of the Act" means any modification under Sections 111 or 112 of the Act and any physical change or change in method of operations that is subject to the preconstruction regulations promulgated under Part C and D of the Act.

(ii) "Title III" means that portion of the Clean Air Act that addresses requirements for the administration and control of emissions of toxic air pollutants.

(jj) "Title IV" means that portion of the Clean Air Act that addresses requirements for the administration and control of air emissions contributing to acid deposition (acid rain).

(kk) "Title V" means that portion of the Clean Air Act that established the requirements for federal operating permits, permit fees, and approval of comparable State programs.

(ll) "Title VI" means that portion of the Clean Air Act that provides for Stratospheric Ozone and Global Climate Protection, primarily through the control and reduction of emissions of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).

(mm) "Title VII" means that portion of the Clean Air Act that addresses enforcement of the Act, including the

provisions for civil, administrative, and criminal penalties (as codified in Section 113 of the Act).

70.3 Applicability.

(a) Part 70 sources. The following sources are subject to the permitting requirements of this Part:

(1) Any major source;

(2) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act;

(3) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of this Act;

(4) Any affected source under the Title IV Acid Rain Program;

(5) Any source in a source category designated by the Administrator pursuant to this Section; and

(6) Any source listed in Section 70.3(a) that is exempt from the requirement to obtain a permit under Section 70.3(b) may opt to apply for a permit under this Part 70 program.

(b) Source category exemptions.

(1) All sources listed in Section 70.3(a) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Act, shall be exempted by the State from the obligation to obtain a Part 70 permit for 4 years after the effective date of the program or until such time as the Administrator completes a rulemaking to determine how the program should be structured for non-major sources and the appropriateness of any permanent exemptions in addition to those provided for in Section 70.3(b)(4).

(2) In the case of non-major sources subject to a standard or other requirement under either Section 111 or Section 112 of the Act after July 21, 1992, publication, the Administrator will determine whether to exempt any or all such applicable sources from the requirement to obtain a Part 70 permit at the time that the new standard is promulgated.

(3) RESERVED.

(4) The following source categories are exempted from the obligation to obtain a Part 70 permit, but are not exempted from other Department and EPA requirements:

(i) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation.

(c) Emissions units and Part 70 sources.

(1) For major sources, the permitting authority shall include in the permit all applicable requirements for

all relevant emissions units in the major source.

(2) For any non-major source subject to the Part 70 program under Sections 70.3(a) or (b), the Department shall include in the permit all applicable requirements that apply to emissions units that cause the source to be subject to the Part 70 program.

(d) Fugitive emissions. Fugitive emissions from a Part 70 source shall be included in the permit application and the Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(e) Applicability Determinations. Any person that operates or proposes to operate a particular source or installation may submit a request in writing that the Department make a determination as to whether a particular source or installation is subject to the permit requirements of this regulation. The request must contain such information as is believed sufficient for the Department to make the requested determination. The Department may request any additional information that it needs for purposes of making the determination.

70.4 State program submittals and transition. RESERVED.

70.5 Permit applications.

(a) Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Section.

(1) Timely application.

(i) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.

(ii) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the South Carolina Implementation Plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before such earlier date as the permitting authority may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

(iii) For purposes of permit renewal, a timely application is one that is submitted at least 6 months prior to the date of permit expiration.

(iv) Applications for initial phase II acid rain permits shall be submitted to the Department by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

(v) The applicant is encouraged to consult with Department personnel before submitting an application or, at any other time, concerning the operation, construction, expansion, or modification of any installation, or concerning the required pollution control devices or systems, the efficiency of such devices or systems, or the level of emissions related to the installation. In addition, a source that is required to obtain a preconstruction permit may submit an application for an operating permit or permit modification for concurrent processing. An operating permit application submitted for concurrent processing shall be submitted with the source's preconstruction review application or at such later time as the Department may allow.

(2) Complete application. To be deemed complete, an application must provide all information required pursuant to Section 70.5(c), except that applications for permit revision need supply such information only if it is related to the proposed change. Information required under Section 70.5(c) must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official shall certify that the submitted information is consistent with Section 70.5(d).

(i) Unless the Department determines that an application is not complete within 60 days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in Section 70.7(a)(4).

(ii) If, while processing an application that has been determined or deemed to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.

(iii) The source's ability to operate without a permit, as set forth in Section 70.7(b), shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Department.

(iv) In submitting an application for renewal of an operating permit issued under these regulations, a source may identify terms and conditions in its previous permit that should remain unchanged and incorporate by reference those portions of its existing permit and previous permit application(s) and any subsequently issued permit amendment(s) or modification(s) that describe products, processes, operations, and emissions to which those terms and conditions apply. The source must identify specifically and list which portions of its previous permit and/or applications are incorporated by reference. In addition, a renewal application must contain:

(A) Information specified in Section 70.5(c) for those products, processes, operations, and emissions that

(1) Are not addressed in the existing permit;

(2) Are subject to applicable requirements that are not addressed in the existing permit; or

(3) As to which the source seeks permit terms and conditions that differ from those in the existing permit; and

(B) A compliance plan and certification as required in Section70.5(c)(8).

(3) Confidential information. Where a source has submitted information to the Department under a claim of confidentiality, the Department may also require the source to submit a copy of such information directly to the Administrator.

(b) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(c) Standard application form and required information. Information as described below for each emissions unit at a Part 70 source shall be included in a Department approved application. Air emissions or air emission units that are insignificant are exempted. However, for these emission units which are exempted, a list of the

emission units must be included in the application. "Insignificant Activity" generally means any air emissions or air emissions unit at a plant that has the potential to emit less than 5 tpy of any criteria pollutant or less than 1000 pounds per ~~year~~month of any compound listed in Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants. The Department may determine that certain types or classes of units may be considered insignificant at higher emission levels, or that, due to the nature of the pollutant(s) emitted, a unit may be considered significant at a lower emission rate. The Department shall maintain a list subject to EPA approval of air emissions or air emission units which are considered to be insignificant. No emission or activity can be excluded from a Title V operating permit to the extent it is needed to determine compliance with an applicable requirement, as defined under Section 70.2(f) An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to Section 70.9. The Department approved forms and attachments shall include the elements specified below:

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.

(3) The following emissions-related information:

(i) A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under Section 70.5(c). The Department shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule approved pursuant to Section 70.9(b).

(ii) Identification and description of all points of emissions described in Section 70.5(c)(3)(i) in sufficient detail to establish the basis for fees and applicability of requirements of the Act.

(iii) Emissions rates in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method(s).

(iv) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the Part 70 source.

(vii) Other information required by any applicable requirement (including information related to stack height limitations in Regulation 61-62.7).

(viii) Calculations on which the information in items (i) through (vii) above is based.

(4) The following air pollution control requirements:

(i) Citation and description of all applicable requirements, and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information that may be necessary for proper evaluation of the source as determined by the Department.

(6) An explanation of any proposed exemptions from otherwise applicable requirements.

(7) Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the source pursuant to Section 70.6(a)(9) or to define permit terms and conditions implementing Section 70.7(e)(5) or Section 70.6(a)(10).

(8) A compliance plan for all Part 70 sources that contains all the following:

(i) A description of the source's compliance status and where appropriate a compliance schedule with respect to all applicable requirements as follows:

(A) For applicable requirements with which the source is in compliance, a statement that during the permit term the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement.

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a narrative description of how the source will achieve compliance with such requirements, a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

(ii) RESERVED.

(iii) RESERVED.

(iv) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(9) Compliance certification requirements as follows:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with Section 70.5(d) and Section 114(a)(3) of the Act;

(ii) A statement of methods used for determining compliance, including a description of monitoring,

recordkeeping, and reporting requirements and test methods;

(iii) A schedule for annual submission of compliance certifications during the permit term, unless a more frequent schedule is specified by the underlying applicable requirement or by the Department; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(10) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act.

(d) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

70.6 Permit content.

(a) Standard permit requirements. Each permit issued under this Part shall include the following elements:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

(i) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(ii) The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

(iii) If the Department allows the use of alternative emission limit(s) at a Part 70 source in the South Carolina State Implementation Plan, alternative emission limit(s), that are made in the permit issuance, renewal, or significant modification process, shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(2) The Department shall issue permits for a fixed term not to exceed 5 years. Sources subject to Title IV of the Act shall be issued permits with a fixed term of 5 years. Notwithstanding this requirement, the Department shall issue permits for solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the Act for a period not to exceed 12 years and shall review such permits at least every 5 years.

(3) Monitoring and related recordkeeping and reporting requirements.

(i) Each permit shall contain the following requirements with respect to monitoring:

(A) All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including 40 CFR 64, Compliance Assurance Monitoring (October 22, 1997, [64 FR 54900]), and any other procedures and methods that may be promulgated pursuant to Sections 114(a)(3) or 504(b) of the Clean Air Act Amendments of 1990. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the

specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(B) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Section 70.6(a)(3)(iii) below. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of Section 70.6(a)(3)(i)(B); and

(C) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(ii) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(A) Records of required monitoring information that include the following:

(1) The date, place as defined in the permit, and time of sampling or measurements;

(2) The date(s) analyses were performed;

(3) The company or entity that performed the analyses;

(4) The analytical techniques or methods used;

(5) The results of such analyses; and

(6) The operating conditions as existing at the time of sampling or measurement;

(B) Retention of records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(iii) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(A) Submittal of reports of any required monitoring at least every 6 months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Section 70.5(d).

(B) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Department shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements.

(4) A permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.

(i) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

(ii) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(iii) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.

(5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(6) Provisions stating the following:

(i) The permittee must comply with all conditions of the Part 70 permit. Any permit noncompliance constitutes a violation of the South Carolina Pollution Control Act and/or the Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(ii) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(iii) The permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(iv) The permit does not convey any property rights of any sort, or any exclusive privilege.

(v) The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. The Department may also request that the permittee furnish such records directly to the Administrator along with a claim of confidentiality.

(7) A provision to ensure that a Part 70 source pays fees to the Department consistent with the fee schedule approved pursuant to Section 70.9. Failure to pay applicable fee can be considered grounds for permit revocation.

(8) A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.

(9) Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Department. Such terms and conditions:

(i) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(ii) May extend the permit shield described in Section 70.6(f) to all terms and conditions under each such operating scenario; and

(iii) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this Part.

(10) Terms and conditions, if requested by the permit applicant and approved by the Department, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(i) Shall include all terms required under Sections 70.6(a) and (c) to determine compliance;

(ii) May extend the permit shield described in Section 70.6(f) to all terms and conditions that allow such increases and decreases in emissions; and

(iii) Must meet all applicable requirements and requirements of this Part.

(11) Risk Management Plans. If the source is required to develop and register a risk management plan pursuant to Section 112(r) of the Act, the permit need only specify that it will comply with the requirement to register such a plan. The content of the risk management plan need not itself be incorporated as a permit term.

(b) Federally-enforceable requirements.

(1) All terms and conditions in a Part 70 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.

(2) Notwithstanding Section 70.6(b)(1), the Department shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 70.7, 70.8, or of this Section, other than those contained in Section 70.6(b).

(c) Compliance requirements. All Part 70 permits shall contain the following elements with respect to compliance:

(1) Consistent with Section 70.6(a)(3), compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a Part 70 permit shall contain a certification by a responsible official that meets the requirements of Section 70.5(d).

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

(i) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) Inspect any facilities, equipment (including monitoring and air pollution control equipment),

practices, or operations regulated or required under the permit; and

(iv) As authorized by the Clean Air Act and/or the South Carolina Pollution Control Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(3) A schedule of compliance consistent with Section 70.5(c)(8).

(4) Progress reports consistent with an applicable schedule of compliance and Section 70.5(c)(8) to be submitted at least semi-annually, or at a more frequent period if specified in the applicable requirement or by the Department. Such progress reports shall contain the following:

(i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(i) A schedule for annual submission of compliance certifications during the permit term, unless a more frequent schedule is specified in the applicable requirement or by the Department;

(ii) In accordance with Section 70.6(a)(3), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(iii) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under paragraph (a)(3) of this section;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the method or means designated in paragraph (c)(5)(iii)(B) of this section. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under Part 64 of this chapter occurred; and

(D) Such other facts as the permitting authority may require to determine the compliance status of the source.

(iv) A requirement that all compliance certifications be submitted to the Administrator as well as to the permitting authority.

(6) Such other provisions as the Department may require.

(d) General permits.

(1) The Department may, after notice and opportunity for public participation provided under Section 70.7(h), issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other Part 70 permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Department shall grant the conditions and terms of the general permit. Notwithstanding the shield provisions of Section 70.6(f), the source shall be subject to enforcement action for operation without a Part 70 permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Act.

(2) Part 70 sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for a Part 70 permit consistent with Section 70.5. The Department may, in the general permit, provide for applications which deviate from the requirements of Section 70.5, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under Section 70.7(h), the Department may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

(e) Temporary sources. The Department may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No sources subject to Title IV of the Clean Air Act shall be permitted as a temporary source. Permits for temporary sources shall include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(2) Requirements that the owner or operator notify the Department at least 10 days in advance of each change in location; and

(3) Conditions that assure compliance with all other provisions of this Section.

(4) Such other conditions as the Department may require.

(f) Permit shield.

(1) The Department may expressly include in a Part 70 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(i) Such applicable requirements are included and are specifically identified in the permit; or

(ii) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) A Part 70 permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

(3) Nothing in Section 70.6(f) or in any Part 70 permit shall alter or affect the following:

(i) The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that Section;

(ii) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(iii) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Act; or

(iv) The ability of EPA to obtain information from a source pursuant to Section 114 of the Act.

(4) The permit shield shall not apply to sources subject to Sections 70.7(e)(5) and 70.7(e)(2) and (3).

(g) Emergency provision.

(1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section70.6(g)(3) are met.

(3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(ii) The permitted facility was at the time being properly operated;

(iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(iv) The permittee shall submit verbal notification of the emergency to the Department within 24 hours of the time when emission limitations were exceeded, followed by written notification within 30 days. This notice fulfills the requirement of Section 70.6(a)(3)(iii)(B). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

70.7 Permit issuance, renewal, reopenings, and revisions.

(a) Action on application.

(1) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

(i) The Department has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under Section70.6(d);

(ii) Except for modifications qualifying for minor permit modification procedures under Sections 70.7(e)(2) and (3), the Department has complied with the requirements for public participation under Section 70.7(h);

(iii) The Department has complied with the requirements for notifying and responding to affected States under Section 70.8(b);

(iv) The conditions of the permit provide for compliance with all applicable requirements and the requirements of Part 70; and

(v) The Administrator has received a copy of the proposed permit and any notices required under Sections 70.8(a) and 70.8(b), and has not objected to issuance of the permit under Section 70.8(c) within the time period specified therein.

(2) The Department shall take final action on each permit application (including a request for permit modification or renewal) within 18 months, after receiving a complete application. Exceptions to this schedule are provided in the initial transition plan required under 40 CFR 70.4(b)(11) or under regulations promulgated under Title IV or Title V of the Clean Air Act for the permitting of affected sources under the acid rain program.

(3) RESERVED.

(4) The Department shall promptly provide notice to the applicant of whether the application is complete. Unless the Department requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. For modifications processed through minor permit modification procedures, such as those in Section 70.7(e)(2) and (3), the Department will not require a completeness determination.

(5) The Department shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Department shall send this statement to EPA and to any other person who requests it.

(6) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Title I of the Act.

(b) Requirement for a permit. No Part 70 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under a Part 70 program. If a Part 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation of this Part until the Department takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to paragraph Section 70.7(a)(4), and as required by Section 70.5(a)(2), the applicant fails to submit by the deadline specified in writing by the Department any additional

information identified as being needed to process the application. Exceptions to this section are provided in Section 70.7(e)(5)(i) and Section 70.7(e)(2)(v) and (3)(v).

(c) Permit renewal and expiration.

(1) Renewal and expiration of permits

(i) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance; and

(ii) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with Section 70.5(a)(1)(iii), Section 70.5(a)(2)(iv), and Section 70.7(b). In this case, the permit shall not expire until the renewal permit has been issued or denied. All the terms and conditions of the permit including any permit shield that may be granted pursuant to Section 70.6(f) shall remain in effect until the renewal permit has been issued or denied.

(2) RESERVED.

(d) Administrative permit amendments.

(1) An "administrative permit amendment" is a permit revision that:

(i) Corrects typographical errors;

(ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

(iii) Requires more frequent monitoring or reporting by the permittee;

(iv) Allows for a change in ownership or operational control of a source where the Department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department;

(v) Incorporates into the Part 70 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of Sections 70.7 and 70.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in Section 70.6; or

(vi) Incorporates any other type of change which the Administrator has determined as part of the approved Part 70 program to be similar to those in Section 70.7(d)(1)(i) through (iv).

(2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

(3) An administrative permit amendment may be made by the Department consistent with the following:

(i) The Department shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been

made pursuant to this paragraph.

(ii) The Department shall submit a copy of the revised permit to the Administrator.

(iii) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request, except transfer/ownership which must comply with Regulation 61-62.1 Section II.M.

(4) The Department may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in Section 70.6(f) for administrative permit amendments made pursuant to Section 70.7(d)(1)(v) which meet the relevant requirements of Sections 70.6, 70.7, and 70.8 for significant permit modifications.

(e) Permit modification. A permit modification is any revision to a Part 70 permit that cannot be accomplished under the program's provisions for administrative permit amendments under Section 70.7(d). A permit modification for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

(1) Program description. RESERVED.

(2) Minor permit modification procedures.

(i) Criteria.

(A) Minor permit modification procedures may be used only for those permit modifications that:

(1) Do not violate any applicable requirement;

(2) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

(3) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(4) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(A) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act; and

(B) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Act;

(5) Are not modifications under any provision of Title I of the Act; and

(6) Are not required by the Department to be processed as a significant modification.

(B) Notwithstanding Sections 70.7(e)(2)(i)(A) and (e)(3)(i), minor permit modification

procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the South Carolina State Implementation Plan or in applicable requirements promulgated by EPA.

(ii) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of Section 70.5(c) and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(B) The source's suggested draft permit;

(C) Certification by a responsible official, consistent with Section 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(D) Completed forms for the Department to use to notify the Administrator and affected States as required under Section 70.8.

(iii) Within five working days of receipt of a complete permit modification application, the Department shall meet its obligation under Sections 70.8(a)(1) and (b)(1) to notify the Administrator and affected States of the requested permit modification. The Department promptly shall send any notice required under Section 70.8(b)(2) to the Administrator.

(iv) Within 90 days of the Department's receipt of an application under minor permit modification procedures or 15 days after the end of the Administrator's 45-day review period under Section 70.8(c), whichever is later, the Department shall:

(A) Issue the permit modification as proposed;

(B) Deny the permit modification application;

(C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(D) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by Section 70.8(a).

(v) The Department may allow the source to make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the Department takes any of the actions specified in Section 70.7(e)(2)(iv) (A) through (C) above, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(vi) The permit shield under Section 70.6(f) may not extend to minor permit modifications.

(3) Group processing of minor permit modifications. Consistent with this paragraph, the Department may

modify the procedure outlined in Section 70.7(e)(2) to process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(i) Criteria. Group processing of modifications may be used only for those permit modifications:

(A) That meet the criteria for minor permit modification procedures under Section 70.7(e)(2)(i)(A); and

(B) That collectively are below the threshold level approved by the Administrator as part of the Department's approved program. This threshold shall be 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in Section 70.2, or 5 tpy, whichever is least.

(ii) Application. An application requesting the use of group processing procedures shall meet the requirements of Section 70.5(c) and shall include the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(B) The source's suggested draft permit.

(C) Certification by a responsible official, consistent with Section 70.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

(D) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under Section 70.7(e)(3)(i)(B).

(E) Certification, consistent with Section 70.5(d), that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

(F) Completed forms for the Department to use to notify the Administrator and affected States as required under Section 70.8.

(iii) On a quarterly basis or within 5 business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under Section 70.7(e)(3)(i)(B) of this Section, whichever is earlier, the Department promptly shall meet its obligation under paragraphs (a)(1) and (b)(1) of Section 70.8 to notify the Administrator and affected States of the requested permit modifications. The Department shall send any notice required under Section 70.8(b)(2) to the Administrator.

(iv) The provisions of Section 70.7(e)(2)(iv) shall apply to modifications eligible for group processing, except that the Department shall take one of the actions specified in Section 70.7(e)(2)(iv)(A) through (D) within 180 days of receipt of the application or 15 days after the end of the Administrator's 45-day review period under Section 70.8(c), whichever is later.

(v) The Department may allow the source to make the changes proposed for group processing in its minor permit modification application immediately after it files such application. After the source makes the changes allowed by the preceding sentence, and until the Department takes any of the actions specified in Section 70.7(e)(2)(iv)(A) through (C), the source must comply with both the applicable requirements

governing the changes and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(vi) The permit shield under Section 70.6(f) may not extend to minor permit modifications eligible for group processing.

(4) Significant modification procedures.

(i) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that:

(A) Involve a significant change in existing monitoring permit terms or conditions, or constitute a relaxation of reporting or recordkeeping permit terms or conditions;

(B) Require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or visibility or increment analysis;

(C) Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(1) A Federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I;

(2) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Act; and

(D) Are modifications under any provision of Title I of the Act, except those that qualify for processing as administrative permit amendments under Section 70.7(d).

Nothing herein shall be construed to preclude the permittee, upon appropriate approval by the Department, from making changes consistent with this part that would render existing permit compliance terms and conditions irrelevant.

(ii) Significant permit modifications shall meet all requirements of this part, including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal. The Department shall complete review on the majority of significant permit modifications within 9 months after receipt of a complete application.

(5) Operational Flexibility. A permitted facility is authorized to make changes within their facility without requiring a permit revision, if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions): Provided that the facility provides the Administrator and the Department with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, unless the Department provides in its regulations a different time frame for emergencies. The source, Department, and EPA shall attach each such notice to their copy of the relevant permit. The following provisions implement this authorization:

(i) The permitted sources are allowed to make Section 502(b)(10) changes without requiring a permit revision, if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).

(A) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(B) The permit shield described in Section 70.6(f) of this part shall not apply to any change made pursuant to Section 70.7(e)(5)(i).

(ii) The Department may provide for permitted sources to trade increases and decreases in emissions in the permitted facility, where the South Carolina State Implementation Plan provides for such emissions trades without requiring a permit revision and based on the 7-day notice prescribed in Section 70.7(e)(5). This provision is available in those cases where the permit does not already provide for such emissions trading.

(A) Under Section 70.7(e)(5)(ii), the written notification required above shall include such information as may be required by the provision in the South Carolina State Implementation Plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the South Carolina State Implementation Plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the South Carolina State Implementation Plan and that provide for the emissions trade.

(B) The permit shield described in Section 70.6(f) of this part shall not extend to any change made under Section 70.7(e)(5)(ii). Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the South Carolina State Implementation Plan authorizing the emissions trade.

(iii) The Department shall, if a permit applicant requests it, issue permits that contain terms and conditions, including all terms required under Sections 70.6(a) and (c) to determine compliance, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Department shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(A) Under Section 70.7(e)(5)(iii), the written notification required above shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(B) The permit shield described in Section 70.6(f) of this part may extend to terms and conditions that allow such increases and decreases in emissions.

(6) Off-Permit Changes. Except as provided in Section 70.7(e)(6)(v) below, a facility is allowed to make changes that are not addressed or prohibited by the permit without a permit revision. The provisions under this Section do not excuse any facility from the preconstruction permitting requirements under South Carolina Regulation No. 61-62.1. Any such change shall be subject to the following requirements and restrictions:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(ii) Sources must provide contemporaneous written notice to the Department and EPA of each such change, except for changes that qualify as insignificant under Section 70.5(c). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(iii) The change shall not qualify for the shield under Section 70.6(f).

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(v) No permittee shall make, without a permit revision, a change that is not addressed or prohibited by the facility's Part 70 permit, if such a change is subject to any requirements under Title IV of the Act or is a modification under any provision of Title I of the Act.

(f) Reopening for cause.

(1) Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to Section 70.7(c)(1)(ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The Department or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the Department determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under Section 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the Department at least 30 days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

(g) Reopenings for cause by EPA.

(1) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit pursuant to Section 70.7(f), the Administrator will notify the Department and the permittee of such finding in writing.

(2) The Department shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend this 90-day period for an additional 90 days if he finds that a new or revised permit application is necessary or that the Department must require the permittee to submit additional information.

(3) The Administrator will review the proposed determination from the Department within 90 days of receipt.

(4) The Department shall have 90 days from receipt of an EPA objection to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the Administrator's objection.

(5) If the Department fails to submit a proposed determination pursuant to §70.7(g)(2) or fails to resolve any objection pursuant to Section 70.7(g)(4), the Administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:

(i) Providing at least 30 days' notice to the permittee in writing of the reasons for any such action. This notice may be given during the procedures in Section 70.7(g)(1) through (4).

(ii) Providing the permittee an opportunity for comment on the Administrator's proposed action and an opportunity for a hearing.

(h) Public participation. Except for modifications qualifying for minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, and renewals, shall provide adequate procedures for public notice including offering an opportunity for public comment and a hearing on the draft permit. These procedures shall include the following:

(1) Notice shall be given: by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; to persons on a mailing list developed by the Department, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public;

(2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to Section 114(c) of the Act (the contents of a Part 70 permit shall not be entitled to protection under Section 114(c) of the Act), and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures required by this part; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

(3) The Department shall provide such notice and opportunity for participation by affected States as is provided for by Section 70.8; and

(4) The Department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.

(5) The Department shall keep a record of the commenters and also of the issues raised during the public participation process so that the Administrator may fulfill his obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted, and such records shall be available to the public.

70.8 Permit review by EPA and affected States.

(a) Transmission of information to the Administrator.

(1) Unless otherwise agreed to between the Department and the Administrator, the Department shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final Part 70 permit. The applicant may be required by the Department to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement with the Administrator, the Department may submit to the Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan.

(2) RESERVED.

(3) The Department shall keep for at least 5 years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the Department complies with the requirements of the Act or of this Part.

(b) Review by affected States.

(1) Unless otherwise agreed to between the Department and the Administrator, the Department shall give notice of each draft permit to any affected State on or before the time that the Department provides this notice to the public under Section 70.7(h), except to the extent Section 70.7(e)(2) or (3) requires the timing of the notice to be different.

(2) The Department, as part of the submittal of the proposed permit to the Administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under Section 70.7(e)(2) or (3)), shall notify the Administrator and any affected State in writing of any refusal by the Department to accept all recommendations for the proposed permit that any affected State submitted during the public or affected State review period. The notice shall include the Department's reasons for not accepting any such recommendation. The Department is not required to accept recommendations that are not based on applicable requirements or the requirements of this Part.

(c) EPA objection.

(1) No permit for which an application must be transmitted to the Administrator under Section 70.8(a) shall be issued if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

(2) RESERVED.

(3) Failure of the Department to do any of the following shall constitute grounds for an EPA objection:

(i) Failure to comply with Sections 70.8(a) or (b);

(ii) Failure to submit any information necessary to review adequately the proposed permit;

(iii) Failure to process any permit under the procedures approved to meet Section 70.7(h) except for minor permit modifications; or

(iv) Failure of any proposed permit to be in compliance with applicable requirements or requirements under this part.

(4) If the Department fails, within 90 days after the date of an EPA objection under Section 70.8(c)(1), to revise and submit a proposed permit in response to the objection, the Administrator will issue or deny the permit in accordance with the requirements of the Federal program promulgated under Title V of this Act.

(d) If the Administrator does not object in writing under Section 70.8(c), any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in Section 70.7(h), unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under this paragraph, the Department shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Department has issued a permit prior to receipt of an EPA objection under this paragraph, the Administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in Sections 70.7(g)(4) or (5)(i) and (ii) except in unusual circumstances, and the Department may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(e) Prohibition on default issuance. RESERVED.

70.9 Fee determination and certification.

(a) The Department shall require that the owners or operators of Part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and shall ensure that any fee required by this Section will be used solely for permit program costs. "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in Section 70.9(b).

(b) Fee schedule adequacy.

(1) The Department shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs. These costs include, but are not limited to, the costs of the following activities as they relate to the operating permit program for stationary sources:

(i) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;

(ii) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;

(iii) General administrative costs of running the permit program, including the supporting and

tracking of permit applications, compliance certification, and related data entry;

(iv) Implementing and enforcing the terms of any Part 70 permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;

(v) Emissions and ambient monitoring;

(vi) Modeling, analyses, or demonstrations;

(vii) Preparing inventories and tracking emissions; and

(viii) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program contained in Section 507 of the Act in determining and meeting their obligations under this part.

(2) (i) RESERVED.

(ii) The Department may exclude from such calculation:

(A) The actual emissions of sources for which no fee is required under §70.9(b)(4);

(B) The amount of a Part 70 source's actual emissions of each regulated pollutant that the source emits in excess of four thousand (4,000) tpy;

(C) A Part 70 source's actual emissions of any regulated pollutant, the emissions of which are already included in the minimum fees calculation; or

(D) The insignificant quantities of actual emissions not required in a permit application pursuant to Section 70.5(c).

(iii) "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant emitted from a Part 70 source over the preceding calendar year or any other period determined by the Department to be representative of normal source operation and consistent with the fee schedule approved pursuant to this section. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the Department pursuant to the preceding sentence.

(iv) The program shall provide that the $25 per ton per year to be collected by the fee schedule shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989.

(A) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(B) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1989 shall be used.

(v) "Regulated pollutant," which is used only for purposes of Section 70.9(b)(2), means any "regulated air pollutant" except the following:

(A) Carbon monoxide;

(B) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(C) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Act.

(3) The Department's fee schedule may include emissions fees, application fees, service-based fees or other types of fees, or any combination thereof, to meet the requirements of Section 70.9(b)(1) or (b)(2). Nothing in the provisions of this section shall require a Department to calculate fees on any particular basis or in the same manner for all Part 70 sources, all classes or categories of Part 70 sources, or all regulated air pollutants, provided that the Department collects a total amount of fees sufficient to meet the program support requirements of Section 70.9(b)(1).

(4) Notwithstanding any other provision of this Section, during the years 1995 through 1999 inclusive, no fee for purposes of Title V shall be required to be paid with respect to emissions from any affected unit under Section 404 of the Act.

(5) RESERVED.

(c) RESERVED.

(d) RESERVED.

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