



Board:

Mark Elam, Chairman Richard (Rick) Toomey, DHA, FACHE
David W. Gillespie, MD, Vice-Chairman Seema Shrivastava-Patel
Charles M. Joye II, P.E., Secretary Jim Creel, Jr.

**Minutes of the January 3, 2019, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, January 3, 2019, at 10:00 a.m. in the Boardroom (#3420) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Mark Elam, Chairman
Richard K. Toomey, 1st District
David W. Gillespie, MD, 6th District

In attendance via telephone
Charles M. Joye, II, P.E., 3rd District
Jim Creel, Jr., 7th District

Not in attendance
Seema Shrivastava-Patel, 2nd District,

4th and 5th Congressional District seats are currently vacant.

Also, in attendance were W. Marshall Taylor, Acting Director; Jackie S. Dickman, Legal Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Elam called the meeting to order and stated notice of this meeting had been provided to all persons, organizations and news media, which have requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Public Hearing for Notice of Final Regulation -- Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Exempt from General Assembly review, Document No. 4870

Mr. Robbie Brown, Director, Division of Air Assessment and Regulations, presented this item to the Board.

The South Carolina Pollution Control Act, authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the state the benefits of federal air pollution control laws. The Department proposes this amendment for compliance with federal air pollution control laws.

Pursuant to the Pollution Control Act and the federal Clean Air Act, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations.

The United States Environmental Protection Agency promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include revisions to New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412.

The Department proposed to amend Regulation 61-62 as follows:

- Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; 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, to adopt the federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017;
- Regulation 61-62.68, Chemical Accident Prevention Provisions, which include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary;
- Regulation 61-62.70, Title V Operating Permit Program, by striking paragraph (a)(6) of Section 70.3, Applicability, to maintain state compliance with federal regulations;
- Regulation 61-62.96, Nitrogen Oxides (NOX) and Sulfur Dioxide (SO₂) Budget Trading Program, is based on the federal Clean Air Interstate Rule (CAIR). CAIR has been replaced by the federal Cross-State Air Pollution Rule (CSAPR) Trading Program, adopted by the Department as Regulation 61-62.97 on August 25, 2017. As a result, federal CAIR requirements implemented by Regulation 61-62.96 have sunsetted and are no longer in effect. The Department, therefore, proposes repealing Regulation 61-62.96 in its entirety;
- other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Ms. Dickman opened the meeting up for public comments on this matter, but no one wished to speak. (Attachment 1-2)

After discussion, ***Dr. Gillespie moved, seconded by Mr. Creel, that based on the public hearing and documents herein, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Document No. 4870, and grant approval to publish the attached Notice of Final Regulation for legal effect as of the December 28, 2018 publication in the State Register.***

Mr. Toomey moved to amend the motion to change the publication in the State Register date to January 25, 2019. Dr. Gillespie and Mr. Creel concurred. The Board voted and Motion carried.

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 1-3)

Item 2: Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly required (Attachment 2-1)

Mr. Brown, presented this item to the Board.

The South Carolina Pollution Control Act authorizes the Department to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate

to secure to the state the benefits of federal air pollution control laws. General Assembly review is required.

Pursuant to the Federal Clean Air Act ("CAA) and the South Carolina Pollution Control Act, the Department proposed amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, as follows:

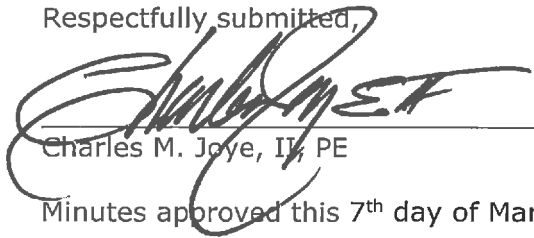
- R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits;
- The introductory paragraph to R.61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation's text;
- R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOX), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for consistency with federal regulations, internal consistency, punctuation, codification, and spelling;
- R.61-62.1, Definitions and General Requirements; R.61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and R.61-62.70, Title V Operating Permit Program, to update public participation procedures;
- R.61-62, Air Pollution Control Regulations and Standards, including definitional updates, clarification of certain permitting provisions, and other changes and additions deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62 as necessary.

After discussion, ***Dr. Gillespie moved, seconded by Mr. Joye, to grant approval to publish the Notice of Proposed Regulation amending Regulation 61-62, Air Pollution Control Regulations and Standards, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.***

Be no further business, Chairman Elam adjourned the meeting.

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 7th day of March 2019.

ATTEST:



Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 **Public Hearing for Notice of Final Regulation** -- Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Exempt from General Assembly review, Document No. 4870
- 1-2 Public Hearing Sign-in Sheet
- 1-3 Verbatim Transcript of Public Hearing
- 2-1 Notice of Proposed Regulation Amending Regulation 61-62, Air Pollution Control Regulations and Standards, Review by General Assembly required