



January 2011

This issue includes information on the GHG Tailoring Rule, an industrial storm water permit update, regulatory updates and more. If you have questions or topic suggestions, please reply to this email.

#### **Industrial Storm Water Permit Update**

The Reissued NPDES General Permit for Storm Water Discharges Associated with Industrial Activities (Except Construction) SCR000000 became effective on January 1, 2011. Each coverage holder will be required to submit a new Notice of Intent by April 1, 2011. The new permit and fact sheet are posted on the website at [www.scdhec.gov/stormwater](http://www.scdhec.gov/stormwater). Informational forums on the permit will be held in February across the state. Information on the forums will be posted on the storm water website once they are finalized.

#### **Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule**

On May 13, 2010, EPA finalized a rule known as the "tailoring rule" which raises the traditional permitting thresholds for Greenhouse Gases (GHGs) for stationary sources. Initially the requirements for Prevention of Significant Deterioration (PSD) construction permits and Title V operating permits will focus on the largest emitting sources which are more likely to be familiar with the traditional PSD and Title V permitting process. The rule then expands to capture the larger sources of GHGs that may not have been previously subject to PSD construction permits or Title V operating permits for other pollutants. Finally, the rule describes EPA's future plans to address the smallest sources - those whose GHG potential emissions exceed current Clean Air Act thresholds (100/250 tons per year).

For those facilities that trigger PSD construction permitting for GHGs, a Best Available Control Technology (BACT) review will be required. Facilities triggering Title V operating permit requirements for GHGs will either need to update their current Title V permit to include GHG emissions or submit a Title V application if not previously subject to this program. Facilities whose potential GHG emissions are **less than 50,000 tons per year** are not subject to any GHG permitting requirements until 2016. Recently, EPA has committed to complete rulemaking by July 1, 2011, that would defer the application of GHG permitting requirements to biomass and other biogenic CO<sub>2</sub> emissions for three years. EPA has also stated they intend to issue interim GHG permitting guidance on biomass and other biogenic sources.

From **January 2, 2011, to June 30, 2011** (known as **Phase I**), no new permitting actions will be required solely due to GHG emissions. However, sources undertaking PSD permitting for other pollutants will need to address GHGs during this time period. A current or pending PSD project proposing to increase potential GHG emissions by 75,000 tons per year (tpy) carbon dioxide equivalents (CO<sub>2</sub>e) or more would need to submit a BACT analysis for the project's GHG emissions.

From **July 1, 2011** (known as **Phase II**), the PSD permitting requirements will cover for the first time new construction projects that have the potential to emit GHG emissions of at least 100,000 tpy - even if they do not exceed the permitting thresholds for any other pollutant. Modifications at existing PSD major facilities that increase potential GHG emissions by at least 75,000 tpy will be

subject to permitting requirements even if they do not significantly increase emissions of any other pollutant.

As part of Phase II requirements, please be aware that facilities who were issued non PSD construction permits and whose potential to emit GHG emissions is at least 100,000 tpy (or 75,000 tpy for modifications to existing PSD major sources) may require a PSD permit prior to construction if actual construction has not begun by July 1, 2011. SC DHEC defines "begin actual construction" in our PSD regulation (SC Regulation 61.62.5, Standard No. 7). Feel free to contact a member of the GHG workgroup or your Bureau of Air Quality permit writer if you have any questions on this matter (see our website for contact information).

In the tailoring rule, EPA commits to undertake another rulemaking, to begin in 2011 and conclude no later than July 1, 2012. This additional step for phasing in GHG permitting (known as **Phase III**) should detail whether or not smaller sources of GHG emissions or source categories can be excluded from the GHG permitting process. EPA will also look for streamlining options to reduce permitting burdens. EPA does not intend to require permitting for sources with GHG emissions below 50,000 tpy before April 30, 2016.

SC DHEC issued an outreach letter to all permitted facilities on October 13, 2010, further explaining the permitting requirements for the first two phases of the EPA tailoring rule. In December, 2010, three members of the SC DHEC air permitting staff attended an EPA-sponsored training on the implementation of the EPA Tailoring Rule for Greenhouse Gases. Since then, the EPA has made these training modules available on their website at <http://www.epa.gov/apti/broadcast2010.html#GHGTraining1210>.

For more information on the EPA Tailoring Rule, please go to EPA's Web site: <http://www.epa.gov/nsr/actions.html#may10> or to the SC DHEC website at <http://www.scdhec.gov/environment/baq/GHGEmissions/EPATailoringRule/index.asp>.

#### **NPDES General Permit for Discharges from the Application of Pesticides Public Notice**

The public notice period for the NPDES General Permit for Discharges from the Application of Pesticides, SCG160000, began on December 15, 2010 and will continue until January 28, 2011. A public hearing is scheduled on January 25, 2011 at 3:30 pm in Peoples Auditorium. A copy of the public notice and more information regarding the public hearing can be found at <http://www.scdhec.gov/environment/water/publicnote/html/PublicNotice.ashx?pnid=437>.

#### **208 Water Quality Management Plan Update**

Section 208 of the Clean Water Act requires States to develop and implement regional wastewater management plans, also known as 208 Plans, which guide and document changes to the State's wastewater needs and infrastructure. DHEC serves as the designated planning agency for 22 counties in South Carolina, known as the non-designated area of the State, where a Council of Governments (COG) does not provide regional water quality planning.

DHEC has recently completed a draft of the 208 Water Quality Management Plan for the non-designated area of the state to reflect changes in the State's wastewater management needs since the Plan was last comprehensively modified in 1997. The draft Plan along with a summary of major changes can be found online at: [www.scdhec.gov/environment/water/208.htm](http://www.scdhec.gov/environment/water/208.htm). There you will also find links to maps containing the updated management and sewer service area boundaries for all management agencies designated under the 208 Plan.

Written comments on the draft 208 Plan will be accepted until 5:00 p.m. on March 14<sup>th</sup>, 2011. Please direct all comments or questions to Anne McGovern at [mcgovear@dhec.sc.gov](mailto:mcgovear@dhec.sc.gov) or SCDHEC, 2600 Bull Street, Columbia, SC 29201.

#### **E-Plan Required Method of Reporting Tier II Inventory under EPCRA**

The Emergency Planning & Community Right-to-Know Act (**EPCRA**) requires facilities storing any substance for which a material safety data sheet (MSDS) is required by OSHA and in quantities exceeding the Threshold Planning Quantity (specified for Extremely Hazardous Substance or 10,000 pounds for all other substances) to report these substances to the State, Local Emergency Planning Committees (LEPC's) and fire departments. The SC State Emergency Response Commission requires an annual submission of a Tier II report due March 1 from qualifying facilities. For more information about Tier II reporting, visit the South Carolina EPCRA website at <http://www.scdhec.gov/environment/baq/EPCRA-Tier2Reporting> .

Beginning in 2011, the South Carolina State Reporting point will require the use of E-Plan to satisfy the State's Tier II reporting requirements. E-Plan is a highly secure, web-based information system that holds facility-specific hazard information from numerous sources. Facilities have to [sign up for an account in E-Plan](#) and authorize a user to have access to the system. Facilities can enter information directly into E-Plan or import the Tier II Submit files into the system. **We no longer accept other reporting methods.** E-Plan has online training on <http://eplannews.utdallas.edu/Training.htm>.

The E-Plan's online Tier2 Reporting System will not allow facilities to submit their Tier II data until the Submission Validation Report indicates all required fields are correct and "Upload Data to E-Plan" has been pressed. The system will send an email message to the reporting facility stating their submittal was received, after their Tier II data is submitted.

#### **SC DHEC and SC Dental Association Partner to Reduce Mercury in the Environment**

Although dental offices represent less than one percent of all mercury emissions, studies have shown that dentists are the leading contributor of mercury to wastewater. Dental offices can help to reduce mercury emissions to the environment by installing amalgam separators and following best management practices as recommended by the American Dental Association. Amalgam separators serve to filter out 95 to 99 percent of mercury.

The S.C. Dental Association and the S.C. Department of Health and Environmental Control have partnered to encourage installation of amalgam separators. This partnership, which started in the spring of 2010, recognizes the leadership of specific dental offices that have voluntarily installed amalgam separators as a way to improve the environment. A second query by the SCDA is still in process and as of November 2010, 260 member dentists have been identified as leaders in taking this step to benefit their community and state. These dental offices received a certificate of recognition from SCDA and DHEC, and recognition on the SCDA website.

The SCDA plans to encourage more dental offices on a yearly basis to install the amalgam separators. These offices will be recognized for their efforts to reduce mercury. Please encourage your dentist to use amalgam separators. For more information contact Shelly Wilson at [wilsonmd@dhec.sc.gov](mailto:wilsonmd@dhec.sc.gov).

#### **Name Change – Center for Environmental Sustainability**

In 1989, due to a legislative requirement, the Center for Waste Minimization was created within EQC Administration to provide hazardous waste reduction and minimization opportunities to businesses throughout South Carolina. Since then, the focus of the Center's mission has expanded to include multimedia technical assistance and assessments as well as compliance assistance activities. In addition to these core functions, the Center's focus also includes environmental management systems, LEAN technologies and support for the South Carolina Environmental Excellence Program. The mission of the Center is "to help our clients improve environmental performance through technical assistance, information sharing and innovative approaches to environmental management." As a result of these changes, the current name of the Center does not accurately reflect the services they offer. To better reflect their mission, the name is being changed to the **Center for Environmental Sustainability**. This change will provide a clearer picture of the Center's services and what they offer to the public and other areas of DHEC.

Currently, the Center is staffed by Christine Steagall ([steagacl@dhec.sc.gov](mailto:steagacl@dhec.sc.gov)) and Stacey Washington ([washinsv@dhec.sc.gov](mailto:washinsv@dhec.sc.gov)). The services they provide are free, non-regulatory and confidential. If you feel that you can benefit from these services, please contact Christine or Stacey. The Center's website is [www.scdhec.gov/cwm](http://www.scdhec.gov/cwm) or they may also be reached at (803) 896-8986.

## Regulatory Update

### Bureau of Air Quality

1. 40 CFR Part 63 Subpart BBBB (6B) Gasoline Distribution (Stage I) Bulk Terminals, Bulk Plants, and Pipeline Facilities  
Compliance Date for existing sources **January 10, 2011**  
More information: <http://www.epa.gov/ttn/atw/gasdist/gasdispg.html>  
Final amendments notice signed on January 10, 2011 is planned to be published in the Federal Register on January 24, 2011.
2. 40 CFR Part 63 Subpart CCCCC (6C) Gasoline Distribution (Stage I) Gasoline Dispensing Facilities  
Compliance Date for existing sources **January 10, 2011**  
More information: <http://www.scdhec.gov/environment/baq/AreaSources/Standards/6C.asp>  
Final amendments notice signed on January 10, 2011 is planned to be published in the Federal Register on January 24, 2011.
3. 40 CFR Part 63 Subpart HHHHH (6H) National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources  
Compliance Date for existing sources **January 10, 2011**  
More information: <http://www.scdhec.gov/environment/baq/AreaSources/Standards/6H.asp>
4. The S.C. DHEC Bureau of Air Quality published the following Notice in the November 26, 2010, *State Register*:  
  
Notice of Proposed Regulation for 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 the state implementation plan (SIP).  
  
The Department proposes to amend 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 the SIP to incorporate the provisions of the Phase 2 Ozone Rule and the NSR PM2.5 Implementation Rule, and to add a nonsubstantive clarification to correct a scrivener's error. A staff-led informational forum was held on December 29, 2010, and a Board Public Hearing for permission to publish as final will be held on February 10, 2011.  
  
For more information, please contact Alan Hancock at (803) 898-4139 or [hancocam@dhec.sc.gov](mailto:hancocam@dhec.sc.gov).  
[http://www.scdhec.gov/environment/baq/docs/regs/NPR\\_20101126\\_NSR.pdf](http://www.scdhec.gov/environment/baq/docs/regs/NPR_20101126_NSR.pdf)
5. National Ambient Air Quality Standard (NAAQS) Update

On December 8, 2010, the EPA announced that a decision regarding the National Ambient Air Quality Standard (NAAQS) for ground-level ozone, expected by December 31, 2010, has been delayed once again. EPA Administrator Lisa Jackson has asked the

Clean Air Scientific Advisory Committee (CASAC) for further interpretation of the epidemiological and clinical studies they used to make their recommendation for reducing the standard. To ensure that the EPA's decision is grounded in the best science, the EPA plans to review the input that CASAC provides before the new standard is selected. In [a motion](#) filed with the court, the EPA now predicts that it will release the new standard by the end of July, 2011.

For additional information, visit [EPA's webpage](#).

6. On October 14, 2010, the EPA's proposed new source performance standards (NSPS) and emission guidelines (EG) for new and existing sewage sludge incineration (SSI) units were published in the *Federal Register*. The proposal would reduce emissions of air toxics and several of the common pollutants called criteria pollutants.

The rule will be finalized in 2011 and become effective in 2015.

For more information: <http://www.epa.gov/ttn/atw/129/ssi/ssipg.html>

7. The EPA published a proposed Transport Rule in the August 2, 2010, *Federal Register* (75 FR 45210). The Transport Rule is to replace the Clean Air Interstate Rule (CAIR) which was promulgated May 12, 2005 and vacated July 11, 2008.

On January 7, 2011, the EPA published in the *Federal Register* a notice of data availability (NODA) seeking comment on alternative methodologies for distributing allowances under the Transport Rule. Comments to the NODA will be accepted until February 7, 2011.

For more information:

<http://origin.www.gpo.gov/fdsys/pkg/FR-2011-01-07/pdf/2011-109.pdf>

8. GHG Permitting and BACT Guidance

On November 10, 2010, the EPA issued PSD and Title V Permitting Guidance For Greenhouse Gases (GHGs). This guidance document provides statutory and regulatory background for the permitting and regulation of GHGs, explains that the PSD and Title V permitting requirements are generally no different for GHGs, but reiterates that this document is guidance, not a rule.

The guidance can be found at:

[PSD and Title V Permitting Guidance for Greenhouse Gases \(PDF\)](#)

A series of training videos for the GHG Permitting Guidance can be accessed at <http://www.epa.gov/apti/broadcast.html#GHGTraining1210>.

## **Bureau of Land and Waste Management**

### Hazardous Waste Management Regulation 61-79

The Division of Waste Management is proposing to amend the State's Hazardous Waste Management Regulation 61-79. This package includes three proposed actions. First, the Division is proposing to adopt one new amendment the EPA published in the *Federal Register* between June 30, 2008 and July 1, 2009, the Academic Laboratories Generator Standards Rule. The Department is also proposing to adopt a state initiated transfer facility rule. The last action in this package includes the removal of all text in the state regulation that addresses the federal Environmental Performance Track Program as well as the analogous South Carolina Environmental Excellence Program because the Environmental Protection Agency discontinued the national program.

A staff informational forum will be held January 25, 2011 at 8911 Farrow Road, Suite 109, in conference room 2102 at 10:00 am to answer questions and accept comments on these proposed amendments. Letters containing comments should be addressed to Richard Haynes, Director, Division of Waste Management, Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia SC 29201. Comment letters should be received by 5:00 pm on January 25, 2011. A copy of the proposed changes can be viewed at: [http://www.scdhec.gov/environment/lwm/public\\_notice.asp](http://www.scdhec.gov/environment/lwm/public_notice.asp) then scroll down to the Notice of Proposed Regulation R.61-79 RCRA 19 to see the proposed package.

Information or copies of the proposed text for public notice and comment may be obtained by clicking on *Regulation Development Update* and going to the Land and Waste Category at <http://www.scdhec.gov/regulatory.htm>, or at the Land and Waste website at: <http://www.scdhec.gov/environment/lwm/pubs/notices/NOPR%20R61%2079%20RCRA%2019%20fin.pdf> or by calling Carolyn McLaughlin at (803) 896-4254.

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-79 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on March 10, 2011. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

#### Electronics Recycling Regulation

The DHEC Board approved the Notice of Proposed Regulation and it will be published in the State Register on January 28, 2011. Following a 30-day period for public comments and a Public Information Forum scheduled for Feb. 28, 2011, the final draft will be submitted by March 24, 2011 for approval by the DHEC Board at the April 14, 2011 meeting.

The draft regulation, known as SWM: Electronic Equipment Collection and Recovery can be found on the Bureau of Land & Waste Management web page for Public Notices: [http://www.scdhec.gov/environment/lwm/pubs/notices/ElectronicsBoardSummary\\_NOPR\\_attachments.pdf](http://www.scdhec.gov/environment/lwm/pubs/notices/ElectronicsBoardSummary_NOPR_attachments.pdf). The document as published in the state register is the official document for comment and can be found at [http://www.scdhec.gov/environment/lwm/public\\_notice.asp](http://www.scdhec.gov/environment/lwm/public_notice.asp) after January 28, 2011.

You may comment: in writing to Ms. Jana White, DHEC, Bureau of Land & Waste Management, 2600 Bull St., Columbia, SC 29201; orally and in writing at an Informational Forum on February 28, 2011 at 10:00 AM in the DHEC Stern Building Conference Room 2102, 8911 Farrow Rd., Columbia, SC, and at a Public Hearing before the DHEC Board during the April 14, 2011 meeting at 10:00 AM in the Board Room, DHEC, 2600 Bull St., Columbia, SC.

#### **Green Tip**

##### **Packaging**

Does your facility have a lot of packaging waste? Are you able to recycle it? Would you like to reduce this material? Some ways to reduce packaging waste are to work with your vendors on reusable packaging options, determine if your vendors can offer packaging that can be recycled through your facility, or determine if the material can be sent back to the vendor for recycling through their facility. Additionally, look at your product packaging. Is it reusable or recyclable? Would you be able to recycle it at your facility if requested by a customer? If you would like

further assistance please contact the Center for Environmental Sustainability at [www.scdhec.gov/cwm](http://www.scdhec.gov/cwm) or 803-896-8986.

### **Additional Newsletters**

UST Newsletter

[http://www.scdhec.gov/environment/lwm/html/ust\\_news.htm](http://www.scdhec.gov/environment/lwm/html/ust_news.htm)

Swimming Pool Newsletter - Newsplash

<http://www.scdhec.gov/environment/water/recreation.htm#splash>

Smart Business Recycling Program

[http://www.scdhec.gov/environment/lwm/recycle/smart\\_business/archive.htm](http://www.scdhec.gov/environment/lwm/recycle/smart_business/archive.htm)

Non-Point Source Newsletter - Turning the Tide

<http://www.dhec.sc.gov/environment/water/npspage.htm#npsnews>

Environmental Laboratory Certification – Update

<http://www.scdhec.gov/environment/envserv/lcupdates.htm>

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