



February 2012

This issue includes information on the pesticides general permit, a regulatory update and more. If you have questions or topic suggestions, please reply to this email.

Boiler MACT Update

The Major Source Boiler MACT and the Area Source Boiler Rule were promulgated on March 21, 2011. On the same day, the EPA issued a Notice of Reconsideration to address the massive number of comments received on the rules. The EPA proposed reconsiderations for certain portions of the boiler rules on December 23, 2011. The deadline for comments is February 21, 2012. The EPA expects to finalize the rules in the spring. Web links to the rules can be found in the regulatory update below.

Update – NPDES permit for applying pesticides to water

In March of 2011, DHEC issued its general permit for application of pesticides to waters of the State of South Carolina. This permit was issued following a federal court ruling that National Pollutant Discharge Elimination System (NPDES) permits were needed in certain cases for pesticide application. DHEC's permit went into effect on October 31, 2011.

There are basically two types of operators that need coverage under this permit: owners and for-hire applicators (contractors). There are also two categories of entities: larger operators that exceed a threshold based on the magnitude of application and the smaller operators. "Small" owners and contractors are automatically covered by the permit. "Large" owners and contractors need to register with DHEC prior to starting application in 2012.

With a lot of application activity starting up in the spring, this is the time to confirm your need for this permit and the possible need to register with DHEC by submitting a "notice of intent" (NOI) 15 days prior to beginning application.

If you do not apply pesticides to state waters, you do not need this NPDES permit. In some cases you might be applying to waters of the state (on purpose or unavoidably) without knowing it, such as small streams that only flow when it rains or wetland areas. Please note: with or without an NPDES permit, Clemson's regulatory program has not been changed in this process.

A copy of the permit and guidance are available on our website. Our web site also has a link to the NOI process – which is done electronically. The web page with points of contact is:

http://www.scdhec.gov/environment/water/npdes_pesticide.htm

Regulatory Update

Bureau of Air Quality

1. DHEC Responds to EPA Proposed Sulfur Dioxide (SO₂) NAAQS Guidance - On October 3, 2011, the U.S. Environmental Protection Agency (EPA) published its proposed guidance on its plan for implementing the new 1-hour SO₂ National Ambient Air Quality Standard (NAAQS). On December 2, 2011, DHEC submitted a comment letter to EPA on the proposed guidance.

DHEC's comment letter is available here:

<http://www.scdhec.gov/environment/baq/SO2/SIP.asp>

EPA's guidance is available here:

<http://www.epa.gov/oaqps001/sulfurdioxide/implement.html>

2. State and Tribal Designation Recommendations for the 2008 8-Hour Ozone NAAQS - On October 11, 2011, DHEC submitted an amendment to the 2008 boundary recommendation document to EPA recommending that the entire state be designated attainment. On December 9, 2011, EPA responded to state and tribal ozone designation recommendations for the 2008 Ozone NAAQS, followed by a December 20, 2011, notice in the *Federal Register* inviting public comment (76 FR 78872). However, at the request of stakeholders, EPA extended the original comment period deadline until February 3, 2012, after stakeholders noted that the original 30-day public comment period fell across two federal holidays. South Carolina has been asked to provide any additional information it would like EPA to consider in its final designation by February 29, 2012.

Refer to these updates and the latest information on our website at:

http://www.scdhec.gov/environment/baq/Ozone/StandardsandRequirements/boundaries_nonattainment.asp#12202011

3. EPA Issues Utility MACT Final Rule - On December 21, 2011, EPA released the Utility MACT final rule, also known as "Mercury and Air Toxics Standard" or "MATS." For more information, see <http://www.epa.gov/mats/actions.html>. EPA plans to publish this rule in the *Federal Register* on or about February 16, 2012.

4. EPA Issues Boiler MACT proposals

On December 23, 2011, EPA published the proposed major and area source Boiler MACT rules and the proposed CISWI rule. Comments are due February 21, 2012.

Major source Boiler MACT:

<http://www.gpo.gov/fdsys/pkg/FR-2011-12-23/pdf/2011-31667.pdf>

Area source Boiler MACT:

<http://www.gpo.gov/fdsys/pkg/FR-2011-12-23/pdf/2011-31644.pdf>

CISWI:

<http://www.gpo.gov/fdsys/pkg/FR-2011-12-23/pdf/2011-31648.pdf>

5. Cross State Air Pollution Rule (CSAPR) Stayed - On December 30, 2011, the United States Court of Appeals for the D.C. Circuit stayed CSAPR pending the outcome of judicial review of the rule. The predecessor to CSAPR, the Clean Air Interstate Rule (CAIR) remains in effect.

The order is available at: <http://www.epa.gov/crossstaterule/pdfs/CourtDecision.pdf>.

For more information on CSAPR, see: <http://www.scdhec.gov/environment/baq/CSAPR/> and <http://www.epa.gov/crossstaterule/>.

6. Regional Haze Better-than-BART Proposal - On December 23, 2011, EPA proposed to approve CSAPR as an alternative to determining source-by-source Best Available Retrofit Technology (BART). This is commonly referred to as CSAPR being "better than BART."

This proposed rule appeared in the *Federal Register* on December 30, 2011, and EPA will accept comments on it until February 28, 2012.

Proposed Rule: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-30/pdf/2011-33586.pdf>

Factsheet: http://www.epa.gov/visibility/2011/BART_Alternative_NPRM_FactSheet.pdf

7. Vacatur of Boiler MACT Stay - On January 9, 2012, the US District Court for the DC Circuit vacated EPA's May 18, 2011, stay of the March 21, 2011, Boiler MACT rules. On January 18,

2012, EPA announced through a letter to Senator Ron Wyden of Oregon that it would use its enforcement discretion and send new and existing Industrial, Commercial and Institutional Boilers a “no action assurance letter” for the requirements of the March 21, 2011, rules.

8. Attainment Demonstration for the York County Portion of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area - On January 12, 2012, at the request of EPA Region 4, DHEC withdrew the attainment demonstration for the Metrolina nonattainment area except for the reasonable further progress plans and emissions inventories.

For more information:

http://www.scdhec.gov/environment/baq/Metrolina-SC_Nonattainment/attainment_demonstration_withdrawal.asp

9. Final Designations for the 2010 NO₂ NAAQS - On January 20, 2012, based on the most recent air quality monitoring data (2008-2010), EPA designated all areas of the country as “unclassifiable/attainment” for the 2010 Nitrogen Dioxide (NO₂) NAAQS.

For more information including state and tribal recommendations to EPA, and EPA’s responses: <http://www.epa.gov/air/nitrogenoxides/designations/state.html>.

The *Federal Register* notice for this action:

<http://www.epa.gov/air/nitrogenoxides/designations/pdfs/20120120FR.pdf>.

10. Regulations 61-62, End of the Year Revision, Notice of Proposed Regulation - On January 27, 2012, DHEC published a Notice of Proposed Regulation in the *State Register* which was preceded by the publication of a Notice of Drafting on October 28, 2011. The primary purpose of the proposed changes to R. 61-62, *Air Pollution Control Regulations* is to demonstrate compliance with federal regulations published from January 1, 2010, through December 31, 2010. DHEC also proposes other changes to R. 61-62 which include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary. The Notice provides for a 30 day public comment period on proposed changes to Regulation 61-62. A Staff Informational Forum will be held on February 27, 2012, and will be open to the public. The public comment period ends February 27, 2012.

For more information: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/proposed-recent_rulemaking.asp

Web Update

The Bureau of Air Quality has added an air permitting exemptions list, guidance on non-PSD like-for-like replacement, and guidance on PSD like-for-like replacement to their permitting page at <http://www.scdhec.gov/environment/baq/permitting.asp>.

The Bureau of Water Stormwater page at <http://www.scdhec.gov/stormwater> has been updated.

The Environmental Health Web pages located on the DHEC Website have been moved from Health to Environment. The Environmental Health home page (former URL <http://www.scdhec.gov/health/envhth>) is now accessible at: <http://www.scdhec.gov/environment/envhealth/>

Green Tip

Have you heard a lot of companies talking about being zero waste and wondered what it is and how to do it? Most of these companies have worked toward becoming zero waste to landfill facilities, which means they are not sending any materials from their site to a landfill. Depending on your facility, the process towards zero waste to landfill can include recycling, lean principles,

and more. If you would like more information on this concept contact the DHEC's Center for Environmental Sustainability at 803-896-8986 or steagacl@dhec.sc.gov.

Additional Newsletters

UST Newsletter

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

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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