



April 2012

Happy Earth Month! This issue includes updates on the NPDES construction general permit, UST fees and more. If you have questions or topic suggestions, please reply to this email.

Update - Reissuance of NPDES Construction General Permit

The current NPDES Construction General Permit (CGP) expired on August 31, 2011. This permit remains in effect until a new permit can be issued. A draft permit was placed on public notice on October 14, 2011 and a public hearing was held on November 14, 2011. Stormwater permitting staff is currently working to address comments received during the public comment period.

The draft permit contains requirements for operators of on-going construction projects to update their Stormwater Pollution Prevention Plans (SWPPP) in order to come into compliance with the reissued permit. Most of the proposed changes are related to records that must be maintained as a part of the SWPPP and several requirements brought about by EPA's issuance of the Construction & Development Rule within federal regulations in late 2009.

It is anticipated that a final permit may be issued in early summer of 2012 and become effective approximately three months later. In the time period between the issuance date and effective date, staff plans to conduct informational sessions on the revised permit and make available a SWPPP template and update the Best Management Practices Manual to aid with implementation of the new permit.

Guidance and updates related to the reissuance of the CGP will be posted on the Stormwater Program's website:

<http://www.scdhec.gov/stormwater>

For more information on the Construction & Development Rule see EPA's website:

<http://water.epa.gov/scitech/wastetech/guide/construction/index.cfm>

Separation of the State Coastal Zone Consistency (CZC) and Stormwater Land Disturbance Permitting Processes

Effective April 16, 2012, SC DHEC Ocean and Coastal Resource Management (OCRM) will separate the State Coastal Zone Consistency (CZC) certification review process from Stormwater Land Disturbance Permitting in an effort to bring simplicity and clarity to both regulatory programs by taking advantage of built in, yet unrealized, efficiencies within each program area. From an organizational standpoint, SC DHEC OCRM will retain the State CZC certification process and resources, and SC DHEC's Bureau of Water will process all requests for State Stormwater/Land Disturbance permits. Additional information can be found at:

http://www.scdhec.gov/environment/ocrm/docs/PN031612/PN031612_CZC_Process.pdf

UST Fee Increase

On May 19, 2010, South Carolina Congress passed Bill H.3270 into law. The Bill increases underground storage tank (UST) registration fees (annual fees) for the South Carolina Division of

Underground Storage Tank Management. The fee will increase by \$100 dollars per tank each year over four years until a cap of \$500 dollars per tank is reached. The tank fee will remain at \$500 dollars per tank until \$36 million dollars is generated into the State Underground Petroleum Environmental Response Bank (SUPERB) Account. Once the SUPERB account is funded, the fee will revert back to the original \$100 per tank. The fee increase will help to cover expenses related to assessment and corrective action activities past the deductible provided thru Financial Responsibility.

The Bill went into effect on January 1, 2012, which will affect the invoices to be mailed in June 2012.

If you have any questions, please feel free to call Eric Cathcart, at (803) 896-6847.

Did you know?

EPCRA Reporting and Forklift Batteries

Many companies are not aware that they may have reporting requirements under Emergency Planning and Community Right-to-Know Act (EPCRA) because of the forklift batteries used at the facility. If you have batteries at your facility that contain sulfuric acid, the limit that triggers EPCRA reporting is 500 pounds because sulfuric acid is an extremely hazardous substance. More information on EPCRA can be found on DHEC's EPCRA website at <http://www.scdhec.gov/environment/baq/tier2.aspx>. You may also use EPA's "List of Lists" to determine reporting limits at <http://www.epa.gov/ceppo/pubs/title3.pdf>.

Regulatory Update

Bureau of Air Quality

1. GHG Tailoring Rule Step 3 Proposal Published - The EPA published the greenhouse gas (GHG) Tailoring Rule Step 3 proposed rule in the March 8, 2012, Federal Register. The comment period for this proposed rule closes on April 20, 2012.

The Proposed Rule is available at:

<http://www.gpo.gov/fdsys/pkg/FR-2012-03-08/pdf/2012-5431.pdf>

2. DHEC Responds to EPA's proposed 2008 8-hour ozone boundary designation - On February 29, 2012, DHEC responded to the EPA's proposed boundary for the 2008 ozone National Ambient Air Quality Standard (NAAQS). DHEC submitted additional information to further support York County, in its entirety, including the Catawba Indian Nation Reservation, be designated "attainment" for the 2008 8-hour ozone NAAQS. The EPA is expected to issue final ozone designations by the end of May 2012.

A copy of DHEC's submission is available here:

http://www.scdhec.gov/environment/baq/docs/ozone/120_day_response_2008_ozone_proposed_designations.pdf

3. Proposed Limited Approval of the South Carolina Regional Haze State Implementation Plan (SIP) - The EPA published a proposed limited approval of DHEC's Regional Haze SIP in the February 28, 2012, Federal Register. The EPA is proposing "limited" approval based on the remanded Clean Air Interstate Rule and the stayed Transport Rule. DHEC submitted this SIP to the EPA on December 17, 2007. The comment period for this proposed approval closed on March 29, 2012.

The Regional Haze approval Federal Register notice is available here:

<http://www.gpo.gov/fdsys/pkg/FR-2012-02-28/pdf/2012-4680.pdf>

Information on the Cross-State Air Pollution Rule/Clean Air Interstate Rule/Transport Rule is available here: <http://www.scdhec.gov/environment/baq/csapr>

A copy of the submission is available here:

<http://www.scdhec.gov/environment/baq/docs/regs/other/SIPR%2020071221.pdf>

4. Notice to Amend the State Implementation Plan (SIP) - The EPA has recently informed DHEC of the need to address two matters related to previously submitted SIP amendments required by Clean Air Act Section 110(a)(1) and (2), commonly called "infrastructure SIPs," before it can approve those SIP amendments. The two matters deal with emergency episode plans for particulate matter and Clean Air Act Section 128, State Boards. (We have never reached the particulate matter thresholds for an emergency episode plan required under CAA section 110 and we have existing state law covering the CAA section 128 requirements.) DHEC proposes to amend the SIP accordingly, as described in the Notice, published in the February 24, 2012, South Carolina State Register. The comment period for this proposed amendment closed at 5:00 p.m. on March 26, 2012. DHEC is also providing the public with the opportunity to request a public hearing on the proposed SIP amendment.

The notice of SIP amendment is available here:

http://www.scdhec.gov/environment/baq/docs/regs/Infrastructure_SIP_notice_20120224.pdf

Personnel Update

Renee Shealy has been named as the new Bureau Chief of the Bureau of Environmental Services. The Bureau of Environmental Services comprises the Environmental Quality Control (EQC) Regional offices and the EQC labs. Renee has over 23 years of environmental regulatory experience and most recently served as the Assistant Bureau Chief for the Bureau of Air Quality.

Green Tip

SC DHEC started forecasting for ground-level ozone April 1st. Ground-level ozone is a pollutant that can affect the young, elderly, asthmatics, and others with pre-existing respiratory health conditions. For more information about ground-level ozone, what you can do, and how to subscribe to the forecast, go to: www.scdhec.gov/ozone

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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