

# *SC Permit Streamlining Regulatory Revisions Spring 2007 CAPCA*

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# Regulation History

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- December 2002 – White Paper from SC Chamber of Commerce (Environmental/Technical Committee)
  - Reduce time and resources for minor construction projects and modification to existing sources
  - Increase operational flexibility for facilities
  - Regulation revisions needed to implement most recommendations

# Stakeholder Groups

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- **BAQ Internal Workgroup**
  - Permitting
  - Enforcement/Compliance
  - Modeling
  - Regulation Development
- **External Workgroup**
  - Industry
  - Consultants
  - Attorneys
  - Environmental groups (SELC)
  - BAQ internal workgroup members

# Legislature Update

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- DHEC Board approved proposed regulations October 12, 2006
- Sent to Legislature January 2007
- Viewed favorable by House Agricultural and Natural Resources & Senate Medical Affairs Subcommittees
- Favorable recommendation from full House/Senate committee
- Regulations expected to “clock-out” May 9, 2007

# Effective Date of Changes

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- State effective when published in *SC State Register*
  - Published May 25, 2007 or June 29, 2007 (fourth Friday of each month)
- Will submit regulations to EPA for incorporation into the State Implementation Plan (SIP) – make federally enforceable
  - EPA approval date uncertain
  - Will start using regulations when state effective

# Summary of Changes

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- Allowed activities prior to permit issuance
- Construction permit exemptions
- Construction permit applications
- Operating permit requests
- General construction permits
- Registrations
- Transfer of ownership
- Public participation
- Miscellaneous changes/clarifications

# Allowed Activities Prior to Construction Permit Issuance\*\*

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- Planning
- Engineering and design
- Geotechnical investigation
- Site land clearing and grading
- Setting up temporary trailers
- Ordering equipment and materials
- Receipt and storing of equipment
- Pouring of the foundation up to and including the mounting pads and slab on grade
- Relocation of utilities
- For existing sources, relocation/installation of piping, electrical services and instrumentation

\*\*Does not apply to federal permit programs with specific definitions of begin/commence construction (i.e., PSD, NSPS, NESHAP)

# Construction Permit Exemptions

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- **Expanded current list of exemptions:**
  - Added boilers and space heaters < 10 mmBTU/hr burning only virgin gas fuels
  - Added generators > 150kW designated for emergency use only and operated < 500 hours/year for testing and maintenance (actually emergency use hours do not count toward 500 hours)
  - Added exemption for total uncontrolled SO<sub>2</sub>, CO, and NO<sub>x</sub> emissions < 1 lb/hr (< 1 lb/hr PM, < 1000 lb/month VOC/TAPs exemptions still in place)

# Construction Permit Exemptions

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- Authority for BAQ to expand exemption list outside of regulation
  - Maintain a list
  - Publish in *SC State Register* periodically
  - Facilities can request case-by-case exemptions for activities similar to those on list (see Section II(B)(5) for information needed)

# Construction Permit Exemptions

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- Written request for exemptions no longer required; no Department pre-approval required
  - Department strongly encourages facilities to keep records, emission calculations on site to be made available to inspectors
  - May have to include exempted equipment in operating permit requests for modeling purposes
- New federal requirements may supersede state exemptions (e.g., Section 112(k) area source program requirements, etc.)

# Construction Permit Applications

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- Regulations revised to reflect additional information needed to process permits
- Revising construction permit forms to match regulations (more detailed forms)
- New forms expected June 2007

# Operating Permit Requests

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- Request operating permit within 15 days after initial startup
- Request of minor operating permit renewals due 90 days prior to expiration of permit
- Added list of requirements for operating permit renewal requests
- New requirement: owner/operator or PE must certify construction was completed in accordance with permit issued, or submit list of modifications with operating permit request

# General Construction Permits

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- New regulations give flexibility to issue general construction permits
  - More appropriate for sources with similar requirements, permits issued frequently
  - Simplified application form
  - Possible examples: NSPS boilers, storage vessels, etc.
  - Will take time to develop

# Registrations

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- Intended for source categories with many affected facilities, small emitters
- Source categories where periodic audits or compliance assistance may be more appropriate than regular inspections, small businesses
  - Possible self-certification compliance approach
- Possible examples: dry cleaners, auto body shops
- Will take time to identify source categories and develop program

# Transfer of Ownership

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- Request to transfer permits within 30 days after transfer/sale
- Added information needed with request

# Public Participation

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- EQC Priority Area
- Gives BAQ authority to notify citizens of activities that don't require public notice
- Gives BAQ flexibility to use more than just newspapers to notify citizens of proposed projects

# Miscellaneous Changes/Clarifications

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- Extended life of construction permit from 12 months to 18 months
- Clarified requirements for conditional major operating permits and synthetic minor construction permits
- Removed most requirements for Portland Cement facilities from Standard 4 (MACT and PSD more stringent)
- Minor changes to Standard 5.2 (NO<sub>x</sub> Regulations)

# Upcoming Efforts

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- Working to update permit templates to match new regulatory language
- Regional training sessions being planned for June 2007 (Upstate, Charleston, Columbia)

## Regulations should help ...

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- Save industry and BAQ time and resources
- Clarify permitting process
- Provide better permit applications
- Minimize incomplete applications
- Issue better permits quicker
- Obtain better compliance!

## For More Information

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- Copy of proposed regulations  
(redline/strikeout version recommended)
  - [www.scdhec.gov/environment/baq/regulatory.aspx](http://www.scdhec.gov/environment/baq/regulatory.aspx)
- Rhonda Thompson – (803)898-4391
- Alyson Hayes – (803)898-3836
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