deviations. DHEC has committed to include the following standard permit condition in each title V permit which defines "prompt":

Deviations from limits or specific conditions contained in this permit, including those attributable to upset conditions, shall be reported promptly (within 24 hours) to the EQC District office. A written report, including the probable cause of such deviations and any corrective actions or preventive measures taken, shall be submitted within thirty days (30) to the Department.

South Carolina has the authority to issue a variance from requirements imposed by State law. Sections 48-1-50(5) and 48-1-100 of the Pollution Control Act allow the permitting board discretion to grant relief from compliance with State rules and regulations. EPA regards this provision as wholly external to the program submitted for approval under part 70, and consequently is proposing to take no action on this provision of State law. EPA has no authority to approve provisions of State law, such as the variance provision referred to, that are inconsistent with the Clean Air Act. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a federally enforceable part 70 permit, except where such relief is granted through procedures allowed by part 70. EPA reserves the right to enforce the terms of the part 70 permit where the permitting authority purports to grant relief from the duty to comply with those terms in a manner inconsistent with part 70 procedures.

The complete DHEC program submittal and the Technical Support Document are available for review for more detailed information.

3. Permit Fee Demonstration

The DHEC has opted to charge the presumptive minimum fee (\$25/ton + Consumer Price Index (CPI) from 1989). The fees will be based on a stationary source's actual emissions using actual operating hours, production rates, inplace control equipment, and types of material processed, stored, or combusted during the period of calculation. EPA has determined that South Carolina's fee demonstration is adequate and meets the requirements of 40 CFR 70.9.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or commitments for section 112 implementation. South Carolina has identified in its title V program submittal broad legal authority to incorporate into permits and enforce

all applicable requirements; however, South Carolina has also indicated that additional regulatory authority may be necessary to carry out specific section 112 activities. South Carolina has therefore supplemented its broad legal authority with a commitment to "expeditiously seek additional authority as necessary to incorporate into title V permits any future applicable requirements promulgated by EPA to enable title III implementation through permit issuance." EPA has determined that this commitment, in conjunction with South Carolina's broad statutory and regulatory authority, adequately assures compliance with all section 112 requirements. EPA regards this commitment as an acknowledgement by South Carolina of its obligation to obtain further regulatory authority as needed to issue permits that assure compliance with section 112 applicable requirements. This commitment does not substitute for compliance with part 70 requirements that must be met at the time of program approval.

EPA interprets the above legal authority and commitment to mean that South Carolina is able to carry out all section 112 activities. For further rationale on this interpretation, please refer to the Technical Support Document accompanying this proposed full approval and the April 13, 1993, guidance memorandum titled "Title V Program Approval Criteria for Section 112 Activities," signed by John Seitz.

b. Implementation of section 112(g) upon program approval. As a condition of approval of the part 70 program, South Carolina is required to implement section 112(g) of the Act from the effective date of the part 70 program. Imposition of case-by-case determinations of maximum achievable control technology (MACT) or offsets under section 112(g) will require the use of a mechanism for establishing federally enforceable restrictions on a source-specific basis. EPA is proposing to approve South Carolina's preconstruction permitting program found in Regulation 62.1, Section II of the South Carolina State Implementation Plan (SIP) under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a State rule implementing EPA's section 112(g) regulations. EPA believes this approval is necessary so that South Carolina has a mechanism in place to establish federally enforceable restrictions for section 112(g) purposes from the date of part 70 approval. The scope of this approval is narrowly limited to section 112(g), and does not

confer or imply approval for purposes of any other provision under the Act. If South Carolina does not wish to implement section 112(g) through its preconstruction permit program and can demonstrate that an alternative means of implementing section 112(g) exists, the EPA may, in the final action approving South Carolina's part 70 program, approve the alternative instead. Overall, section 112(l) provides the authority for approval for the use of State air programs to implement 112(g), and title V and section 112(g) provide authority for this limited approval because of the direct linkage between implementation of section 112(g) and title V.

This use of the preconstruction program for this approval only extends until such time as the State is able to adopt regulations consistent with any regulations promulgated by EPA to implement section 112(g). Accordingly, EPA is proposing to limit the duration of this approval to a reasonable time following promulgation of section 112(g) regulations so that South Carolina, acting expeditiously, will be able to adopt regulations consistent with the section 112(g) regulations. EPA proposes here to limit the duration of this approval to 12 months following promulgation by EPA of section 112(g)regulations.

c. Program for straight delegation of section 112 standards as promulgated. Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 General Provisions Subpart A and standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 to South Carolina for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs such as those programs authorized under sections 112(i)(5), 112(g), 112(j), and 112(r). The proposed approval of South Carolina's delegation mechanism extends to those standards and infrastructure programs that are unchanged from Federal rules as promulgated. In addition, EPA is proposing delegation of all existing standards and programs under 40 CFR parts 61 and 63 for part 70 sources and