

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending R.61-62, Air Pollution Control Regulations and Standards. This will incorporate federal regulations that South Carolina facilities are subject to meet. Interested persons may submit comments on the proposed amendments to Scott Bigleman of the Air Regulation and Data Analysis Section, Bureau of Air Quality; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email at scott.bigleman@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, the Department is authorized to adopt emission control regulations, standards, and limitations.

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments include revisions to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories at 40 CFR Parts 60, 61, and 63.

The Department proposes amending Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to incorporate by reference federal amendments promulgated from January 1, 2025, through December 31, 2025.

The Department proposes amending Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP), to incorporate by reference federal amendments promulgated on October 31, 2024.

The Department proposes amending Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2025, through December 31, 2025.

The Department also proposes amending Regulation 61-62.60, Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015, and Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015, and the Department proposes adding Subpart OOOOb, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After December 6, 2022, and Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, to incorporate recent federal amendments to standards of performance under 40 CFR Part 60, Subparts OOOO, OOOOa, and OOOOb, and to indicate the applicability and scope of EPA emission guidelines provisions (found at 40 CFR Part 60, Subpart OOOOc) incorporated by the Department to ensure compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

18 DRAFTING NOTICES

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The Department Environmental Services (“Department”) proposes amending R.61-68, Water Classifications and Standards, and R.61-69, Classified Waters. Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; wqs@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 30, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to Section 303(c) of the federal Clean Water Act (“CWA”), South Carolina’s water quality standards must be reviewed at least once every three years. Referred to as the triennial review, this required process consists of reviewing and amending, where appropriate, water classifications, designated uses, water quality criteria, site-specific standards, and antidegradation policy. The Department will review and adopt, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a), Section 304(f), and Section 307(a) of the CWA. In reviewing its water classifications and standards, the Department will give consideration to the factors listed in S.C. Code Section 48-1-80.

Accordingly, the Department proposes amending R.61-68, Water Classifications and Standards, to adopt revised water quality standards as deemed appropriate to comply with federal updates and recommendations based on input received from stakeholders. The Department proposes amending R.61-69, Classified Waters, to clarify, update, and correct as needed waterbody names, counties, classes, and descriptions.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.