

Document No. 5455
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

61-62. Air Pollution Control Regulations and Standards.

Preamble:

Pursuant to S.C. Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, the South Carolina Department of Environmental Services (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 (NSPS), 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, 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 also proposes 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.

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.

The Department had a Notice of Drafting published in the February 27, 2026, South Carolina State Register.

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Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-62.60		
Subpart CCCC	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart DDDD	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart OOOO	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart OOOOa	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart OOOOb	Addition	Added to incorporate federal regulations by reference for compliance with federal law.
Subpart OOOOc	Addition	Added to incorporate federal regulations by reference for compliance with federal law.
R.61-62.61		
Subpart A	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
R.61-62.63		
Subpart A	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart L	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart PPP	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart CCCCC	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart FFFFF	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to R. Scott Bigleman of the Air Regulation and Data Analysis Section, Bureau of Air Quality; S.C. Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; scott.bigleman@des.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on June 22, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative

Law Court will conduct a public hearing on July 7, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on June 22, 2026, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at least one week prior to the scheduled hearing at <https://permitting.des.sc.gov/ext/ncore/external/publicnotice/info/2158238726082592592/detail>. Interested persons may also contact R. Scott Bigleman via phone at (803) 898-0561 or email at scott.bigleman@des.sc.gov for more information or to find out if the hearing has been cancelled.

The Department publishes a Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment>.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-62, Air Pollution Control Regulations and Standards.

Purpose: The EPA has promulgated amendments to federal air quality regulations. Recent federal amendments include revisions to Standards of Performance for New Stationary Sources (NSPS), mandated by 42 U.S.C. Section 7411, revisions to federal National Emission Standards for Hazardous Air Pollutants (NESHAP), mandated by 42 U.S.C. Section 7412, and revisions to federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, mandated by 42 U.S.C. Section 7412. The Department, therefore, proposes amending R.61-62, as necessary, to incorporate amendments to federal regulations in 2024 and 2025. Additionally, the Department proposes amending Regulation 61-62.60 to add Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, 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 also proposes to make corrections for internal consistency, clarification, and codification to improve the overall text as necessary for compliance with federal law.

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

Plan for Implementation: Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Update (accessible at <https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2024 and 2025 included revised NSPS rules and emission guidelines, revised NESHAP rules, and revised NESHAP for Source Categories. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. The Department is also proposing to amend Regulation 61-62.60 to add Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, 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

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with federal law. These amendments are reasonable, as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The amendments to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The proposed amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to federal delegation and the authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the proposed amendments to R.61-62 will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Statement of Rationale:

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2024 and 2025 included revised NSPS rules and emission guidelines, revised NESHAP rules, and revised NESHAP for Source Categories. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. The Department is also proposing to amend Regulation 61-62.60 to add Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, 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.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.