

Document No. 5457
DEPARTMENT OF ENVIRONMENTAL SERVICES
 CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-62. Air Pollution Control Regulations and Standards.

Preamble:

Pursuant to the federal Clean Air Act (“CAA”), 42 U.S.C. Sections 7401 et seq., and the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., the South Carolina Department of Environmental Services (“Department”) proposes amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (“SIP”), as follows:

1. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
2. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, and to make other select additions and clarifications to definitions and requirements.
3. R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
4. R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
5. R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO_x SIPs.
6. The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

These amendments will require General Assembly review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2025).

SCDES had a Notice of Drafting published in the March 27, 2026, South Carolina State Register.

Section-by-Section Discussion:

| Section | Type of Change | Purpose |
|------------------|-----------------------------|---|
| R.61-62.1 | | |
| R.61-62.1(I) | Revision | Revised definition of Air Curtain Incinerator for consistency with federal definition. |
| | Addition and Reorganization | Inserted definitions for “Air Facility Contact”, “ePermitting”, and “Owner or Operator”, in |

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| Section | Type of Change | Purpose |
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| | | alpha-numeric order, for internal consistency, and recodified section. |
| R.61-62.1(II)(A)(3) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as option of hand delivery. |
| R.61-62.1(II)(B)(2)(h) | Revision | Recodified paragraph (h) to incorporate subparagraph (i), and amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241). |
| R.61-62.1(II)(B)(2)(h)(ii) | Addition | Added subparagraph (ii) to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241). |
| R.61-62.1(II)(B)(3) | Revision | Amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241). |
| R.61-62.1(II)(B)(5) | Revision | Paragraph stricken and marked [Reserved] to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241). |
| R.61-62.1(II)(B)(6) | Revision | Amended to update internal citation and strike unnecessary language, consistent with changes being made to paragraphs II(B)(2)(h) and II(B)(3), to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241). |
| R.61-62.1(II)(C)(1) | Revision | Amended for consistency and clarification. |
| R.61-62.1(II)(C)(3)(a) | Revision | Amended "name" to "legal name" for consistency and clarification. |
| R.61-62.1(II)(C)(3)(f) | Revision | Amended for clarification. |
| R.61-62.1(II)(E)(2)(a) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the options of mail or hand delivery. |
| R.61-62.1(II)(E)(2)(b) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery. |
| R.61-62.1(II)(F)(1) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery. |

| Section | Type of Change | Purpose |
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| R.61-62.1(II)(F)(4)(b) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery. |
| R.61-62.1(II)(F)(4)(c) | Revision | Amended for clarification. |
| R.61-62.1(II)(G)(4)(a) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery. |
| R.61-62.1(II)(G)(4)(b) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery. Also amended to clarify “these facilities” as referring to sources that have obtained a federally enforceable synthetic minor permit. |
| R.61-62.1(II)(H)(2) | Revision | Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery. |
| R.61-62.1(II)(H)(5)(a) | Revision | Amended “name” to “legal name” for consistency and clarification. |
| R.61-62.1(II)(M) | Revision | Amended to update procedures to specify the method of submitting a permit transfer request (by mail, hand delivery, or electronically through ePermitting). Also amended to update provisions as appropriate to address situations in which the current permit holder is not available to request the transfer. |
| R.61-62.1(II)(O)(3) | Revision | Amended for clarity and consistency. |
| R.61-62.5 Standard No. 1 | | |
| R.61-62.5, Standard No. 1, Section IV.A.2. | Revision | Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV. |
| R.61-62.5, Standard No. 1, Section IV.B.1. | Revision | Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV. |
| R.61-62.5, Standard No. 1, Section IV.D.1. | Revision | Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV. |
| R.61-62.5 Standard No. 4 | | |
| R.61-62.5, Standard No. 4, Section VIII, Title | Revision | Amended section title to clarify the applicability of Section VIII. |
| R.61-62.5 Standard No. 5.2 | | |
| R.61-62.5, Standard No. 5.2, Section I (B)(2) through (B)(4) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |

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| Section | Type of Change | Purpose |
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| R.61-62.5, Standard No. 5.2, Section II (K) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section III (A) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (A)(1)(a) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (A)(1)(c) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (A)(2) | Revision | Amended and reorganized to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (B)(2)(a) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (B)(2)(b) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (C)(1)(a) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (C)(1)(c) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (C)(3)(c) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (C)(3)(d) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (D), Introductory Paragraphs | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (D)(2)(a) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |
| R.61-62.5, Standard No. 5.2, Section IV (D)(2)(b) | Revision | Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO _x SIPs. |

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments via the Department's Public Notice website at the following link: <https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/info/2915460212159124958/details>; via mail to Marie Brown 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; or via email at marie.brown@des.sc.gov. To

be considered, the Department must receive the comment(s) no later than 5:00 p.m. on July 27, 2026, the close of the comment period.

Should a public hearing be requested 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 Monday, August 24, 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 July 27, 2026, the hearing will be cancelled.

If the hearing at the ALC is cancelled, but a hearing is requested pursuant to 40 CFR 51.102, as amended, such hearing will be conducted at SCDES Headquarters, 2600 Bull Street, Columbia, S.C. 29201, on Monday, August 24, 2026, at 10:00 a.m. in Room 2380 of the Sims Building. If a qualifying request pursuant to 40 CFR 51.102 is not received by 5:00 p.m. on July 27, 2026, the hearing will be cancelled.

Should the public hearing be cancelled at either or both locations, the Department will post the notice of cancellation at least one week prior to the scheduled hearing at <https://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>. Interested persons may also contact Marie Brown via phone at (803) 898-1796 or email at marie.brown@des.sc.gov for more information or to find out if the hearing has been cancelled.

SCDES provides information tracking the status of its proposed new regulations, amendments, and repeals and provides links to associated State Register documents at <https://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP include revisions that will help clarify state requirements and therefore reduce economic burden.

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, and the South Carolina State Implementation Plan (“SIP”).

Purpose: The proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, support the Department’s goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner. These amendments address outstanding matters related to previously submitted SIPs concerning Regulation 61-62.1 and Regulation 61-62.5, Standard No. 5.2; update terminology and procedures to reflect implementation of the Department’s ePermitting system; update transfer of ownership procedures for permittees for clarity and ease of implementation; clarify select definitions and other language in Regulation 61-62.1; and make limited clarifications to Regulation 61-62.5, Standards No. 1 and 4.

Legal Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024., and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Updates webpage (accessible at

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<https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>) 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:

- (1) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
- (2) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, and to make other select additions and clarifications to definitions and requirements.
- (3) The Department proposes amending R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
- (4) The Department proposes amending R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
- (5) The Department proposes amending R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO_x SIPs.

The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

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

The intent of these amendments is to simplify, clarify, and correct elements of the Department's air quality regulations to support the Department's goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner, and to address outstanding matters related to previous SIP submittals. These amendments are reasonable and beneficial, as they promote consistency, clarity, certainty, and ease of use, and are consistent with federal air quality regulations. There would be no detrimental effect on the environment or public health if the proposed amendments to R.61-62 and the SIP are adopted.

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 proposed amendments are consistent with federal air quality statutes and regulations, which the Department implements pursuant to its authority under Section 48-1-50 of the Pollution Control Act. These amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use, and by addressing outstanding matters related to previous SIP submittals, increasing certainty and clarity for the Department, the regulated community, and the public.

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 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 Department does not anticipate any detrimental effect on the environment and/or public health associated with these revisions. To the contrary, certainty and clarity with respect to the status of State Implementation Plan provisions may be compromised if these amendments are not adopted. The regulatory text updates and clarifications seek to have a positive effect on both the environment and public health.

Statement of Rationale:

The Department proposes amending Regulation 61-62, Air Pollution Control Regulations and Standards, to support the goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner. These amendments address outstanding matters related to previously submitted SIPs concerning Regulation 61-62.1 and Regulation 61-62.5, Standard No. 5.2; update terminology and procedures to reflect implementation of the Department’s ePermitting system; update transfer of ownership procedures for permittees for clarity and ease of implementation; clarify select definitions and other language in Regulation 61-62.1; and make limited clarifications to Regulation 61-62.5, Standards No. 1 and 4.

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.

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DEPARTMENT OF ENVIRONMENTAL SERVICES
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Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-79. Hazardous Waste Management Regulations.

Preamble:

Pursuant to 1976 Code Ann. Sections 44-56-30 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026, the Department of Environmental Services (Department) promulgates regulations establishing and enforcing procedures, standards, and other requirements for the proper management of hazardous waste in South Carolina. The Department proposes amending R.61-79 to adopt six (6) rules published in the Federal Register by the United States Environmental Protection Agency (EPA). These rules are summarized as follows:

1. The Department proposes adopting the rule titled “Canada Import Export Recovery and Disposal Code Changes,” published by the EPA on October 1, 2021, at 86 FR 45381 - 45386. The rule makes conforming changes to remain consistent with import/export requirements for both the United States and Canada. The changes in this rule are due to Canada’s import-export recovery and disposal operations promulgated on March 17, 2021, which became effective October 31, 2021.