



SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

# **Fall CAPCA**

## **October 22- 24, 2025**

Rhonda B. Thompson, P.E.  
Chief, Bureau of Air Quality, SCDES

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## **South Carolina Updates**





# Overview

- **New Agency Updates**
  - **BAQ Staffing Updates**
  - **NAAQS Updates**
  - **Permitting Updates**
  - **e-Permitting Update**
  - **Compliance/Enforcement Updates**
  - **Regulatory & SIP Updates**
  - **Air Program Budget Updates**
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# **New Agency Name: Department of Environmental Services (DES)**

- Effective July 1, 2024
- **New Email Addresses:** update your contacts
  - [Firstname.Lastname@des.sc.gov](mailto:Firstname.Lastname@des.sc.gov)
  - **Old DHEC email addresses no longer work**
- **New website:** update website bookmarks
  - <https://www.des.sc.gov/>
- No changes to phone numbers
- Still at 2600 Bull Street, Columbia



# Where is Keith Frost ???



- Retired on October 1
- Worked for agency 32 years
- Many DES roles:
  - ABC for BAQ
  - COVID-19 Response
  - Legislative Liaison
- Expected to return later this year in new role

# New Assistant Bureau Chief (ABC)



- **Heinz Kaiser**
- **24 years in BAQ**
- **Current Division Director**
  - Air Toxics
  - Modeling
  - Regulations/SIP Development & Data Analysis
- **Previous Roles:**
  - Air Toxics Section Manager
  - Air permit writer
- **Starts November 3**

# ePermitting Super User – Alyson Hayes



- Provide customer support
- Lead ePermitting working groups
- Assist small businesses with registration and submissions
- Develop training materials
- Develop internal SOPs and reports
- QA/QC data and make corrections as needed
- Work with contractor and Office of Technology to develop needed system modifications and improvements
- Email address to request assistance [baq\\_epermitting@des.sc.gov](mailto:baq_epermitting@des.sc.gov)

# New Permit Manager – Madeline Florek, P.E.



- **Replaced Alyson Hayes**
- **Minerals & Textiles Section**
  - Concrete plants
  - Asphalt plants
  - Landfills
  - Textiles
  - Quarries
- **Started July 17**
- **Permitting contacts by industry sector:**  
<https://www.des.sc.gov/index.php/programs/bureau-air-quality/air-quality-permits/baq-permitting-contacts-industry-sectors>



# New Outreach Coordinator – Beata Dewitt



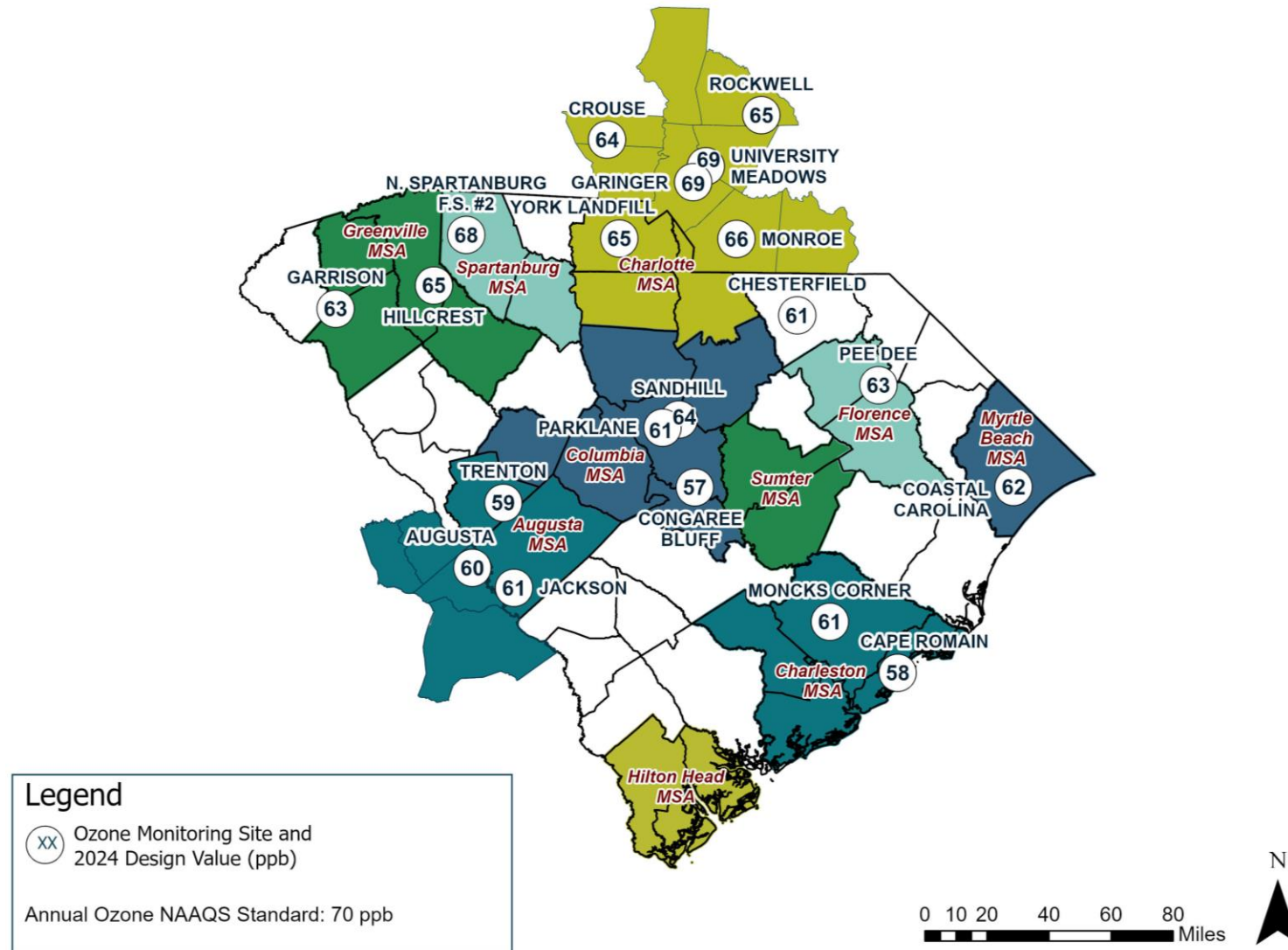
- **Started August 2**
- **Focus: public education and outreach**
  - Educators/Students
  - Local Air Quality Coalitions
- **BAQ's webpage coordinator**
  - Planning updates soon
  - Send webpage suggestions to [Beata.Dewitt@des.sc.gov](mailto:Beata.Dewitt@des.sc.gov)

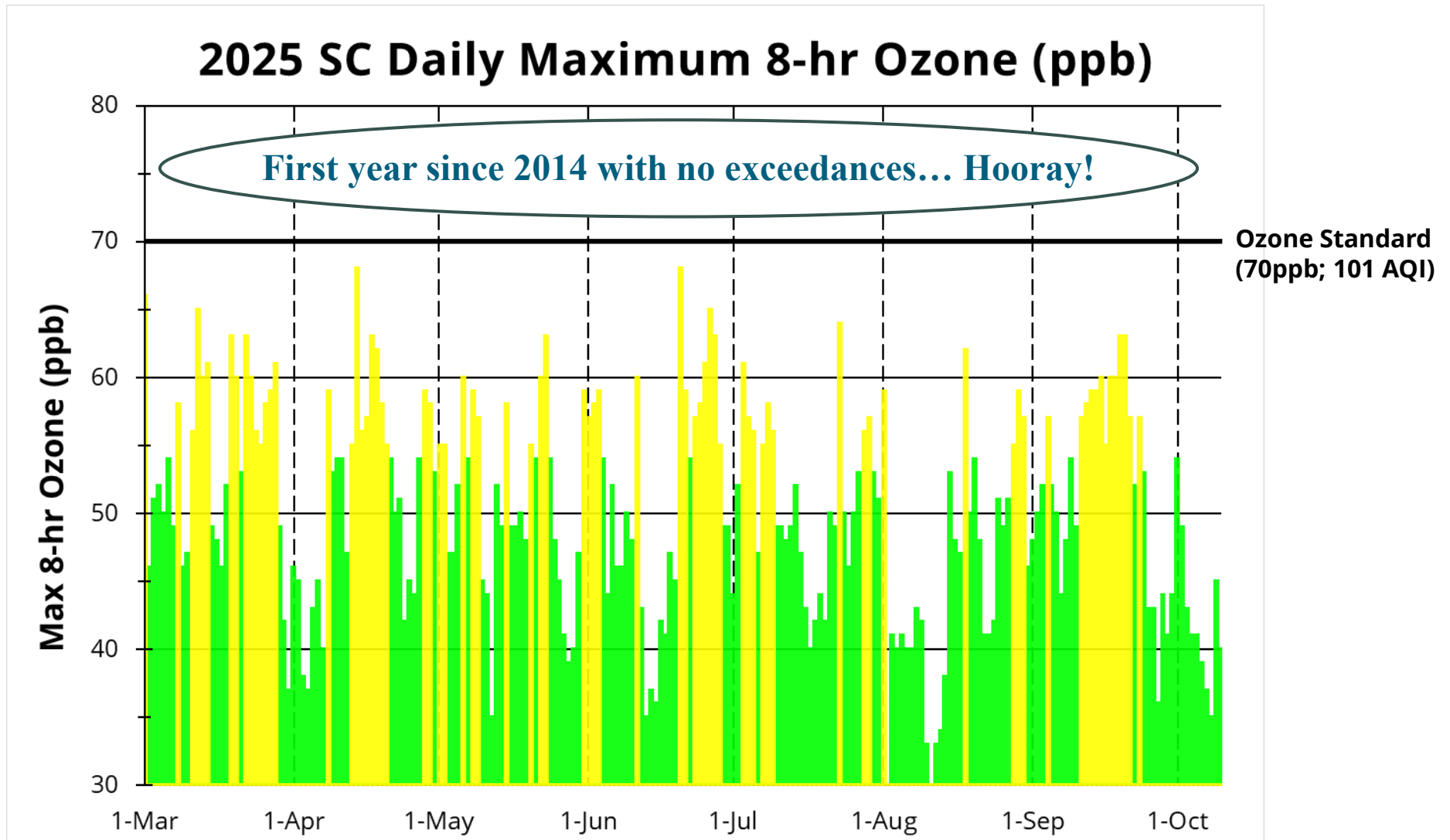


# NAAQS Updates



# 2024 Ozone Design Values

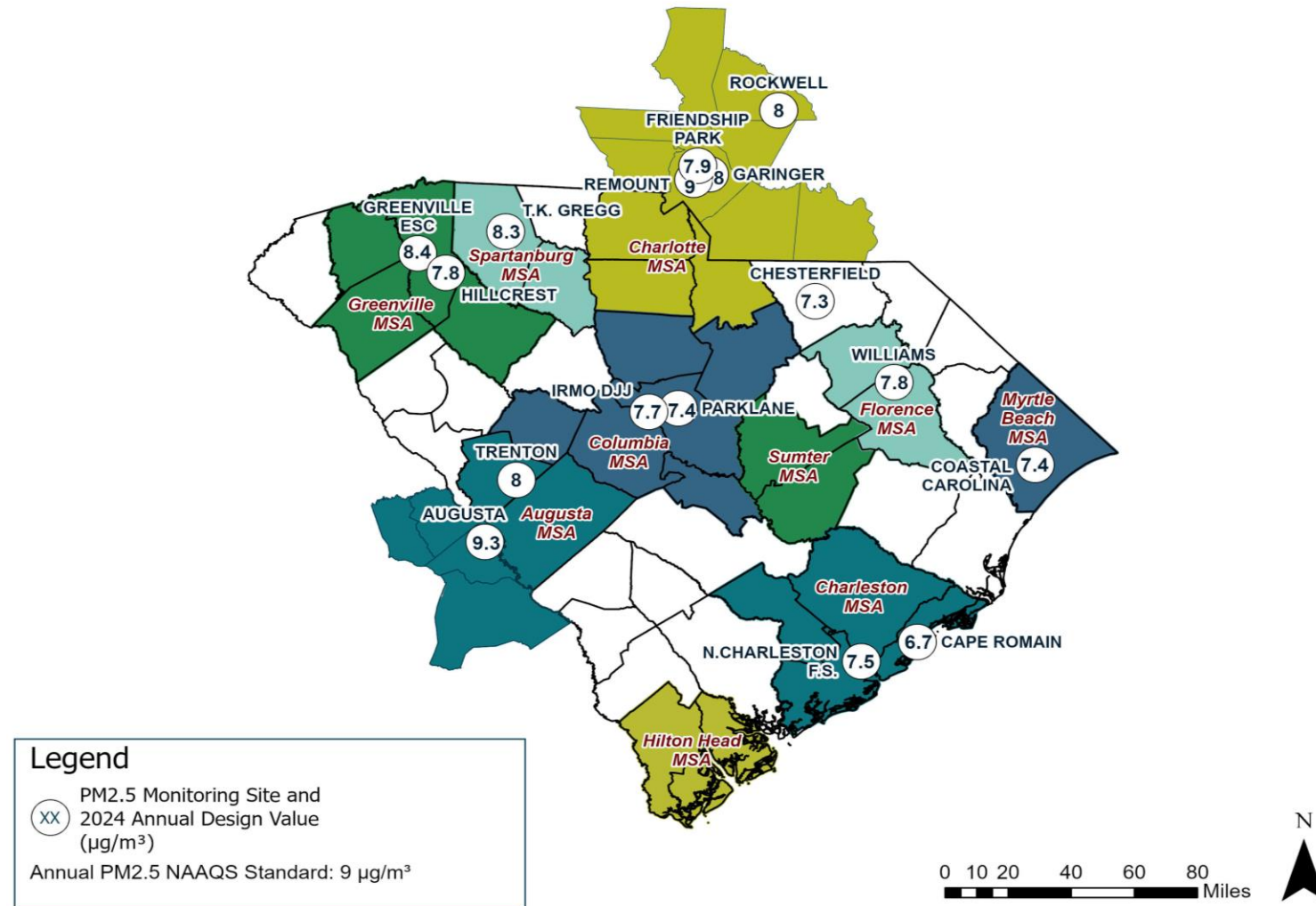




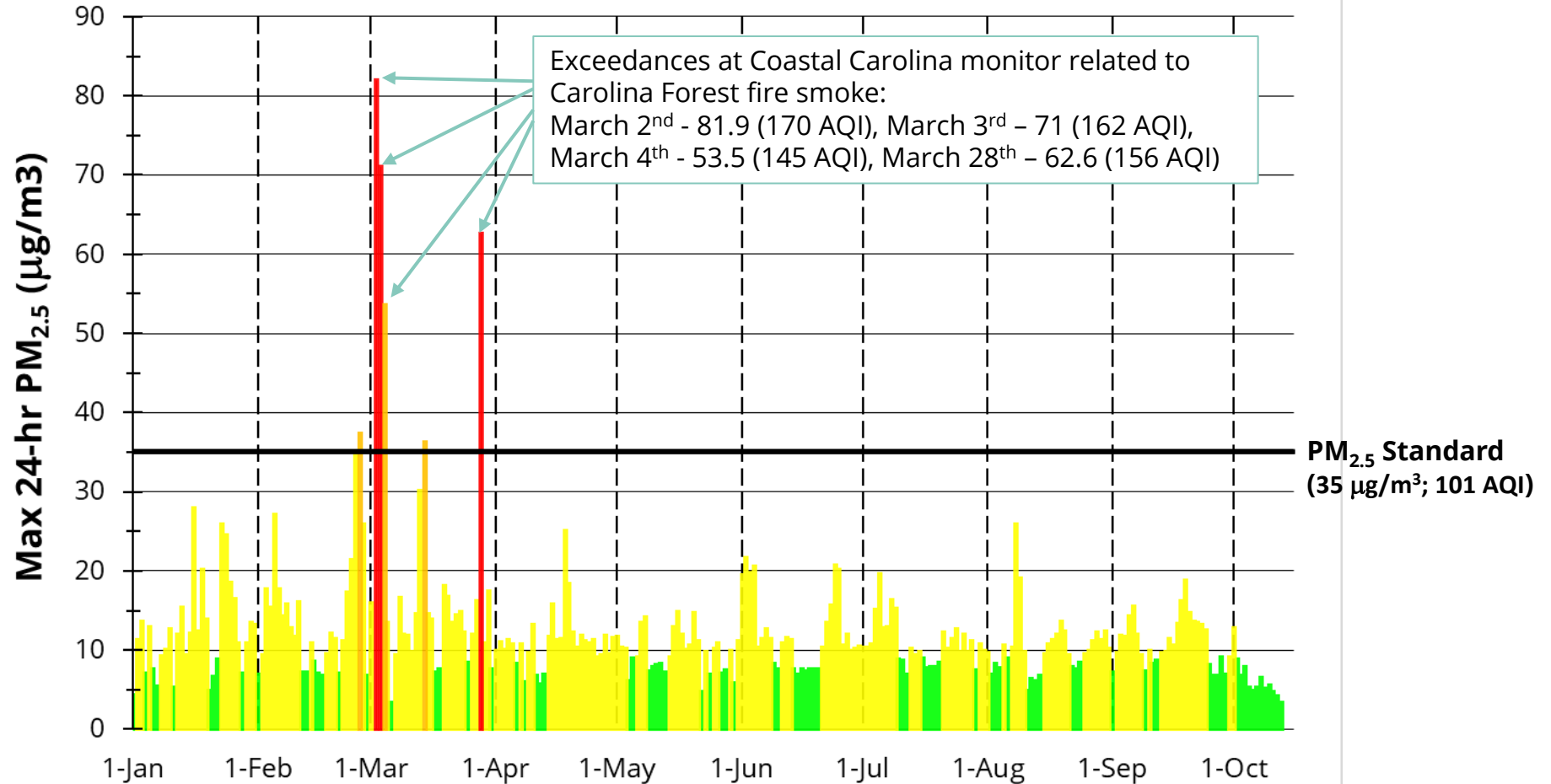
\* Chart shows the daily maximum 8-hour ozone observation among all South Carolina monitors, including Catawba. All data is preliminary.



# 2024 Annual PM<sub>2.5</sub> Design Values



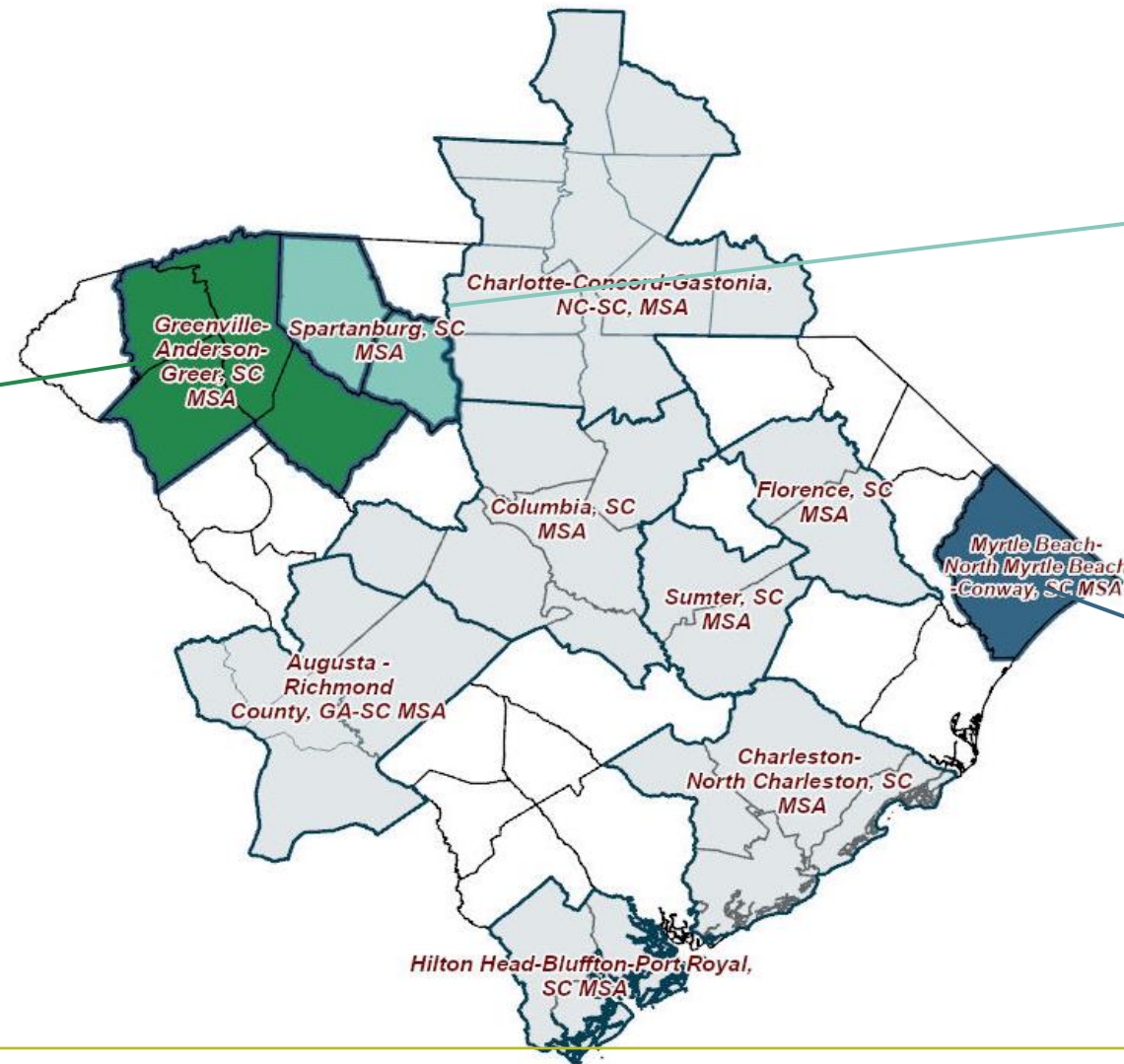
## 2025 SC Maximum 24-hr PM<sub>2.5</sub> (μg/m<sup>3</sup>)



\* Chart shows the 24-hour maximum PM<sub>2.5</sub> observation among all South Carolina continuous monitors, including Catawba. All data is preliminary.

# New Monitoring Requirements

One near-road monitoring site with NO<sub>2</sub>, CO, and PM<sub>2.5</sub> monitoring will need to be established once the Greenville MSA passes 1 million people. One additional PM<sub>10</sub> monitor will also be required.



One additional ozone monitor is required in the Spartanburg MSA due to population increase after the addition of Union County to the MSA.

One new ozone monitoring site is required in the Myrtle Beach MSA due to recent Design Value above 85% of the NAAQS.



# Permitting Updates



# Budget Proviso 55.26 - Permitting Timeframes

- SCDES will issue a decision on a completed application for a permit no later than 90 days after the date the application is received
- SCDES will determine if an application is complete within 10 days of receipt
  - If application is determined complete, the 90 days starts from when the application was received
  - If initially incomplete the 90 days will start once all errors/deficiencies are corrected
- For PSD's, 112(g), synthetic minors with community interest, or other permits that cannot be issued within 90 days, Proviso allows for a mutual agreement to extend the 90 days. Must be in writing and provide specific milestone dates and end date
- SCDES will require pre-application meetings for PSDs, 112(g), and synthetic minor construction applications. In some cases, this could just be a phone call
- Does not allow SCDES to stop, stay or otherwise alter review period without written agreement with applicant
- Proviso does not apply to Energy Infrastructure projects as defined (see next slide)
- **Help us help you by submitting good quality complete applications!!**

# South Carolina Energy Security Act

## (Energy Infrastructure Projects)

- Applies to Energy Infrastructure Projects as defined in the Act
  - Includes, but not limited to, electric transmission and generation assets
- Requires SCDES to make a permit decision within 6 months after date a complete application is received
- “Off-ramp” provisions with mutually agreed extended timeframes
  - Must be in writing and provide specific dates
- Application is deemed approved if permit is not issued in 6 months (or agreed time/off-ramp)
- Act requires a pre-application meeting prior to submitting application
  - Identify milestones, key project construction dates and discuss applicable regulatory standards, public participation/community engagement
- SCDES has 30 days to determine if application is complete
  - Applicants have 15 days to respond to incomplete applications, unless otherwise agreed upon
- **Help us help you by submitting good quality complete applications!!!**



# SCDES Energy Team

[des.sc.gov/energy](https://des.sc.gov/energy)



**Jill Stewart**  
Director,  
Office of  
Permitting Support



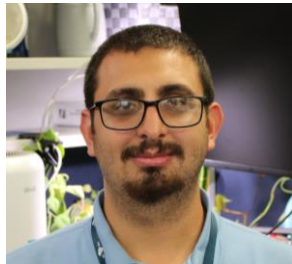
**James White**  
Coastal Zone  
Consistency &  
Critical Area  
Permitting



**Morgan Amedee**  
401 Water Quality  
& Navigable Waters,  
Bureau of Water



**Jim Myers**  
Air Permitting,  
Bureau of Air  
Quality



**Ethan Barela**  
Stormwater  
Permitting,  
Bureau of Water



**Byron Amick**  
Wastewater,  
Permitting  
Bureau of Water

# Application Completeness

- **To meet these tighter timeframes, application completeness will be determined upfront**
  - Administrative **AND** technical completeness upfront
  - Not allowed to “stop the clock” – less back and forth requesting more information during the review process
  - Requested information must be returned in timely manner
  - Return application to applicant if requested information not received
  - **Use NEW checklist on website to determine completeness**
- **Attend permitting session at 4:15pm for more details**

# Background Data For Air Dispersion Modeling

- SCDES updated ambient background concentrations for permit modeling demonstrations
  - 2022-2024 data posted on the Air Modeling webpage:  
<https://des.sc.gov/index.php/programs/bureau-air-quality/air-dispersion-modeling-overview/air-dispersion-modeling-data>
  - PM<sub>10</sub> and PM<sub>2.5</sub> data continue to exclude impacts from 'atypical activity' (prescribed burns, wildfires, fireworks, Saharan dust, etc.)
  - The differences in design value concentrations compared with 2021-2023 data are relatively minor (similar headroom for project modeling demonstrations)



# ePermitting Update

- After January 1, 2024, all submissions for Title V facilities must be through ePermitting system
- After February 1, 2025, all submissions for non-Title V facilities must be through ePermitting system
- All facilities can now:
  - Submit permit applications online
  - Submit required reports, notifications through the system
  - ePermitting will notify the facility when reports are due

# ePermitting Update

- If you do not have access to your air site in ePermitting, please email [baq\\_epermitting@des.sc.gov](mailto:baq_epermitting@des.sc.gov)
- General Training: <https://des.sc.gov/permits-regulations/permit-central/epermitting-training>
- Air Quality Training: <https://des.sc.gov/ePermittingTrainingAir>
- Troubleshooting: <https://des.sc.gov/permits-regulations/permit-central/epermitting-troubleshooting>

# ePermitting Update

- Certifier agreements required for owners/operators and PE signing construction permit applications **(facilities have to invite consultants to their sites)**
  - However, this process is changing soon. The identity verification process is transitioning to a digital format using LexisNexis, streamlining the workflow and eliminating the need for paper-based submissions. More details on the process can be found in the Electronic Identity Verification training document:
  - <https://des.sc.gov/sites/des/files/Documents/ePermitting/Training/ElectronicIdentityVerification.pdf>

# New Compliance Assistance Office

- Received funding in FY26 Budget to create new office
- Keith Frost expected to return to help set up new office in November 2025
- Goals of new office:
  - Provide multi-media compliance assistance services and access to experts who can identify compliance risks, upon request
  - Engage with regulated facilities early (new facilities) to prevent adverse environmental impacts and non-compliance costs
  - Collect and analyze data to determine non-compliance trends and compliance assistance needs
  - Increase compliance rates and pollution prevention strategies
  - Work directly with businesses (especially small businesses), industry groups, and local governments to enhance environmental education and protect public health
- **Hear more at 2025 Environmental Assistance Conference (EAC) on November 3**



# 2025 Environmental Assistance Conference

- First one since COVID
- November 3rd
  - 8:30am – 4:30pm
  - Columbia Metropolitan Convention Center
  - Individual registration has closed
- A few Exhibitor Spaces left
  - Exhibitors Fee: \$350
  - Includes 2 registrations, food & drink
  - Must register by tonight!!!

<https://des.sc.gov/events/2025-environmental-assistance-conference>

Nov. 3, 2025 | 8:30 a.m.-4:30 p.m.  
Columbia Metropolitan Convention Center

ENVIRONMENTAL ASSISTANCE CONFERENCE

KEYNOTE SPEAKER:  
**Myra Reece**, *SCDES Director*

**Sessions topics:**

- Permitting & compliance assistance
- Environmental Programs 101
- AI & regulatory streamlining
- Demonstration of existing tools & best practices

**Target audience:**

- Environmental compliance professionals
- Business & industry representatives
- Local government officials who manage environmental programs
- Environmental consultants

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# Enforcement Updates

- Enforcement Section fully staffed
- Making good progress on case backlog
- Transitioning to in-person enforcement conferences w/ virtual option
- Most common violations at permitted facilities:
  - Monitoring and Recordkeeping
  - On-site implementation logs (OSIL) recordkeeping
  - Stack test failures

# New Appeals Process for SCDES

- Agency Board was dissolved July 1, 2024
- Contest a Department Decision (permit/order)
  - Request a contested case hearing before the S.C. Administrative Law Court (ALC) **within 30 calendar** days of SCDES **mailing** the decision
- S.C Code Ann. § 48-6-30(D)(2)
- [www.scalc.net](http://www.scalc.net)

# Regulation Updates

- Updated the agency name in all regulations
- Changed SC DHEC to SCDES
  - Notice of Drafting published - August 23, 2024
  - Notice of Proposed Regulations - October 25, 2024
    - No public comments received
  - Sent to General Assembly for approval - January 2025
  - Became effective in *State Register* on March 23, 2025



# Regulatory Updates

- 2023-2024 End of Year Revisions
- Incorporate by reference:
  - 40 CFR Part 60 New Source Performance Standards (NSPS) updates for 2023 and 2024
  - 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories updates for 2023 and 2024
    - Does not include NESHAPs the EPA is reconsidering/revisiting
  - 40 CFR Part 97 Cross-State Air Pollution Rule (CSAPR)
    - Administrative amendments

# Regulatory Updates

- 2023-2024 End of Year Revisions, continued
- June 2025 revisions for incinerator rules
  - Incorporate by reference 40 CFR Part 60, Subparts CCCC and EEEE
    - NSPS for Commercial and Industrial Solid Waste Incinerators (CISWI) and Other Solid Waste Incinerators (OSWI)
  - Update and clarify S.C. R.61-62.60, Subparts DDDD and FFFF
    - Performance Standards and Compliance Times for CISWI and Emission Guidelines and Compliance Times for OSWI
    - Model rules used for state plans under CAA Section 129
- New process for Regulations (hearings held by ALC): first hearing scheduled with ALC – December 8, 2025 for End of Year package
  - Hearing canceled if no request for a hearing
  - At least 25 people, organization with over 25 members, or other state agency must request a hearing

# EPA's Partial Approval/Disapproval of SC's Minor Source NSR State Implementation Plan (SIP) - History

- BAQ submitted original SIP to the EPA for approval in 2007 (several updates)
- Purpose of SIP: streamline the permitting process to reduce burden on industry and agency – worked closely with stakeholders to update regulations
  - Created general and registration permits for minor sources; expanded exemptions; gave us more authority to require public notice for minor sources permits when there is community interest
- **EPA proposed approval of SIP in 2017 (first Trump Administration),** but it received adverse comments, no final action taken
- EPA held listening sessions in 2023 with states on public noticing of true minor sources and exemption levels – EPA had plans to do rulemaking or issue guidance

# SIP Approval/Disapproval –Recent Developments

- EPA never developed regulations or guidance to address public noticing or exemptions
- **EPA proposed partial approval/partial disapproval of same SIP on Jan 21, 2025 (as the EPA Administration was changing)**
  - Proposed approval of the administrative changes
  - Proposed disapproval of the exemption changes
  - Proposed disapproval of the public noticing language
- 30-day public comment period on proposed action (closed Feb 20, 2025)
- EPA had a court-ordered deadline to finalize action on SIP by June 30, 2025
  - Extended to October 30, 2025
  - Extended to December 5, 2025



# Comments on EPA's Proposed Action

- EPA received comments from:
  - South Carolina Department of Environmental Service (SCDES)
  - South Carolina Chamber of Commerce
  - South Carolina Manufacturers Alliance (SCMA)
  - Century Aluminum Company
  - BWM Manufacturing Company, LLC
  - Southern Environmental Law Center (SELC)



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# SCDES Concerns:

- EPA appears to be interpreting CAA to mean all true minor source permits require public notice
  - SCDES believes that interpretation is legally questionable, and inconsistent over time
  - Very difficult to meet 90-day permit issuance budget proviso if public notice required for every permit and added resources needed
    - **FACT:** only 6% of draft permits since 2012 received any comments, including EPA comments
  - Current regulations allow us to public notice minor source permits when there is community interest
  - Most states not required to public notice true minor source permits (unfair disadvantage to South Carolina)
- EPA appears to be interpreting CAA to mean all exemptions need a demonstration showing no interference/violation of the NAAQS
  - States are allowed to exempt sources at de minimis levels
  - SC's minor source/exemption program has been in place for over 50 years; no issues meeting the NAAQS
  - SC's exemption levels lower than many other states

# SCDES Concerns/Questions:

- EPA needs to address these issues nationally, not state by state
  - EPA is scheduled to propose rulemaking on minor source NSR public participation requirements in January 2026 (final by August 2026)
  - Will this SIP decision conflict with this rulemaking?
  - Why not stay this decision until this rulemaking is complete?
- Current rules have been “state effective” for many years (approved by Legislature, signed by Governor)
  - Many facilities have complied with these rules
  - If rules now get disapproved by EPA, are there litigation risks to facilities that obtained an exemption instead of a permit? or was issued a permit without a public notice?

# FY26 Air Program Budget Request

- Requested \$2.27 Million in additional state appropriations to cover projected Title V and minor source fee shortfalls **(RECEIVED)**
- Requested \$346K for Asbestos Program to cover projected fee shortfall **(NOT RECEIVED)**
  - Began fee stakeholder working group in Fall 2023 to discuss program improvements and possible fee adjustments
    - SC's asbestos fees are lowest in Southeast - no fee increase since first established in 1986
- **Agency received \$6.9 Million for staff retention/recruitment**
- **Requesting more retention/recruitment \$ for FY27**
- **Need your continued support!!!**





**Thank You to Our Heroes – SC DES Air Program Team**



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**Rhonda B. Thompson, PE // Chief, Bureau of Air Quality, SCDES**

rhonda.thompson@des.sc.gov

803.898.4391

des.sc.gov

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@SouthCarolinaDES

