

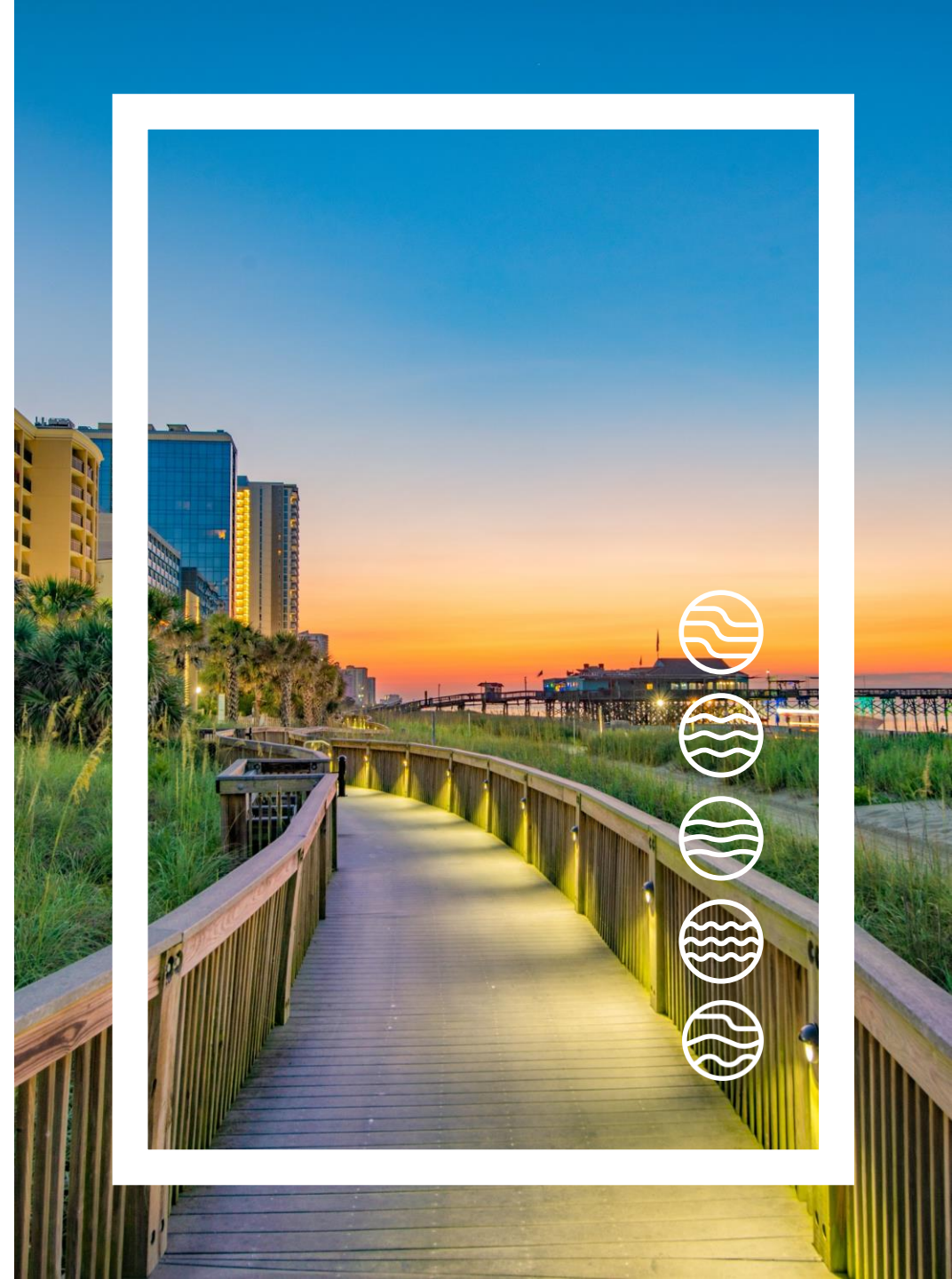


SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

# Bureau of Air Quality Regulation Development

October 22, 2025

---



# South Carolina Air Quality Regulations

- Comply with federal mandates
- Section is tasked with maintaining and revising existing regulations, and amending the State Implementation Plan (SIP) as necessary
- Stakeholder process (internal and external) necessary to determine when and what regulation changes are necessary and expand opportunity for public involvement

# Regulatory Process

- Governor McMaster signed 2023 S.C. Act 60, effective July 1, 2024
  - Restructured former DHEC, abolished the Board, created SCDES
- SCDES regulatory staff established a new regulatory process
- Key components remain unchanged through the Administrative Procedures Act (APA)
  - Internal process updated
  - Public hearing process changed

# Administrative Procedures Act

- S.C. Code of Laws Section 1-23-10, et seq.
  - State law that prescribes how state agencies shall promulgate regulations
- Legislative review requirement, Section 1-23-120
  - Final regulations go through Legislative Council for General Assembly review and approval
  - Section 1-23-120(H) exempts General Assembly review for regulations to maintain compliance with federal law

# Administrative Procedures Act

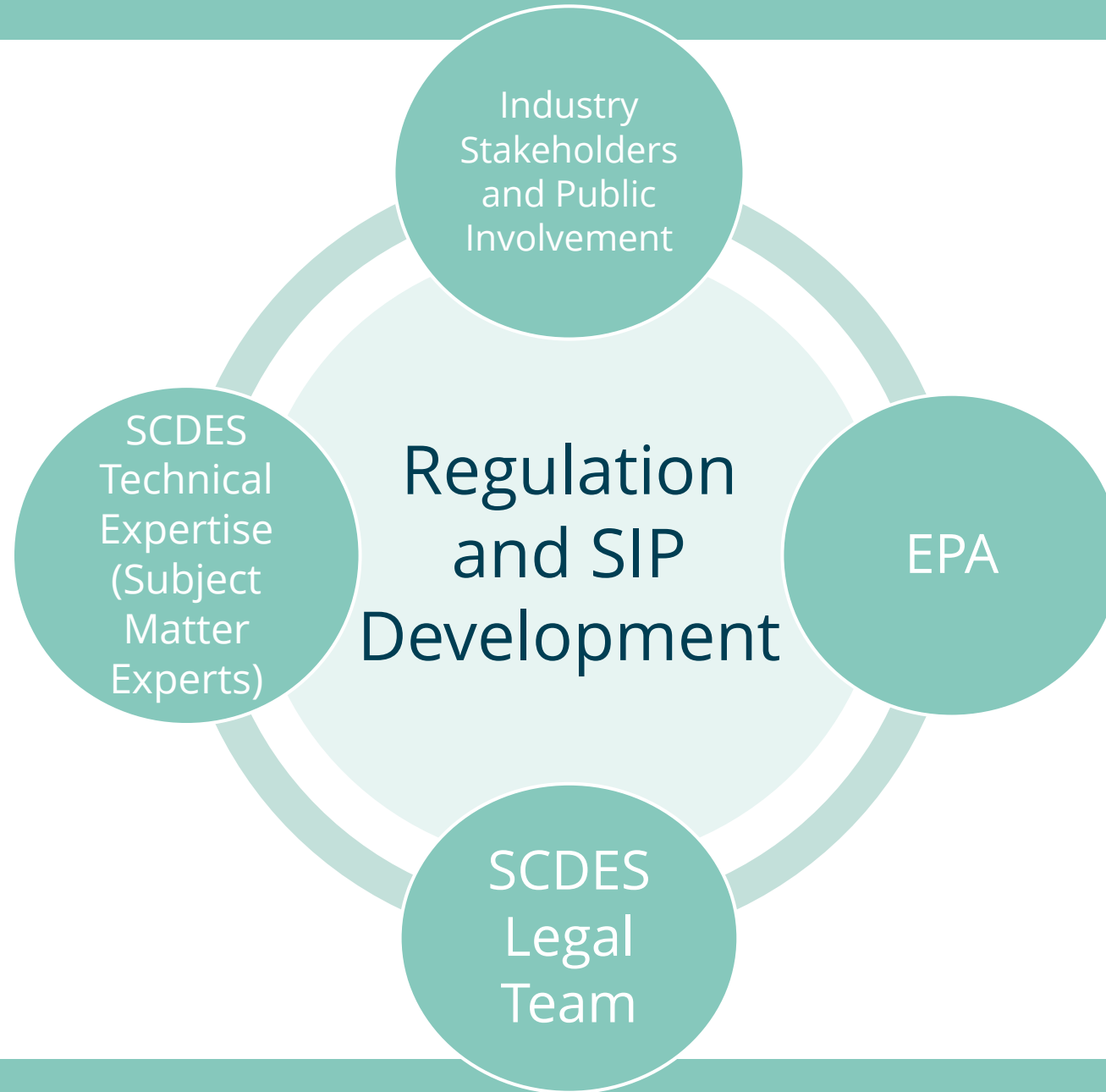
- Administrative Law Court Public Hearings
  - Must be conducted by Administrative Law Judge at the Administrative Law Court
  - Held if requested by 25 persons, a governmental agency, or an association having not less than 25 members
  - Notice of Proposed Regulation: Notice sets date and time of hearing
  - Will be cancelled if no request is made or does not meet the minimum requirements above
- Comment Periods
  - 30-day public notice for drafting and proposed regulations

# SCDES Regulatory Process

- Obtain Director approval to start a package
- Notice of Drafting (NOD)
- Draft Notice of Proposed Regulation (NPR)
- Presentation to Director and Leadership Team for approval to publish NPR
- Notice of Final Regulation
  - Submit to State Register, finalized or sent to Legislative Council for General Assembly review and approval

# Stakeholder Input

- Gauge interest of regulatory changes
- Bureau of Air Quality (BAQ) notifies interested stakeholders via email (BAQ Update) each time a notice is published within the *South Carolina State Register*
- Stakeholder input continues during the NPR process
  - External workgroups may include public, industry, environmental interest groups, etc.





# Air Regulatory/SIP Changes

- Air regulations that address federal compliance with the National Ambient Air Quality Standards (NAAQS) are in the SIP
- Notice of updating the SIP starts with the NOD
- Separate notice of public hearing in the NPR
  - 40 CFR 51.102 requires hearing upon request, regardless of number of persons
  - Will be canceled if no request made
- EPA review: prehearing and final packages

# Regulations Within the SIP

EPA-Approved Regulations in the SIP	Regulations Not in the SIP
<ul style="list-style-type: none"><li>• R.61-62.1</li><li>• R.61-62.2</li><li>• R.61-62.3</li><li>• R.61-62.4</li><li>• R.61-62.5, Standards 1, 2, 4, 5.2, 6, 7, &amp; 7.1</li><li>• R.61-62.96</li><li>• R.61-62.97</li><li>• R.61-62.99</li></ul>	<ul style="list-style-type: none"><li>• R.61-62.5, Standards 3, 3.1, &amp; 8</li><li>• R.61-62.60</li><li>• R.61-62.61</li><li>• R.61-62.63</li><li>• R.61-62.68</li><li>• R.61-62.70</li><li>• R.61-62.72</li></ul>

# Air Regulatory/SIP Changes

- End of Year Revisions
  - Annual revisions to incorporate federal amendments, including:
    - Revisions to New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories (40 CFR Parts 60 and 63)
    - Federal changes to New Source Review, Title V, Cross-State Air Pollution Rule Trading Program
  - SC facilities are already subject
  - Meet the exemption for General Assembly review per the APA



SC DEPARTMENT *of*  
**ENVIRONMENTAL  
SERVICES**

# Questions

**Mary Peyton Wall** // Air Regulation & Data Analysis Section Manager

MaryPeyton.Wall@des.sc.gov

803.898.4064

des.sc.gov

---



South Carolina Department of  
Environmental Services



@SouthCarolinaDES



@SouthCarolinaDES



South Carolina Department of  
Environmental Services



@SC\_EnvServices