



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2025-3625; FRL-13296-01-R4]

#### Air Plan Approval; SC; Department Name Change

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of South Carolina on July 23, 2025.

The proposed revision updates all references to reflect the restructuring of South Carolina Department of Health and Environmental Control (DHEC) to the South Carolina Department of Public Health and the South Carolina Department of Environmental Services (DES).

**DATES:** Comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-OAR-2025-3625 at [regulations.gov](https://www.regulations.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Weston Freund, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8773. Mr. Freund can also be reached via electronic mail at *freund.weston@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On July 1, 2024, DHEC and the DHEC Board were restructured into a health agency, the Department of Public Health, and an environmental agency, DES. As discussed in the July 23, 2025, SIP revision and in a letter from South Carolina to EPA Region 4 dated June 20, 2024, all functions, powers, and duties of the environmental divisions, offices, and programs of DHEC are retained and continued in full force and effect under DES.<sup>1</sup> This includes the authority to administer and enforce SIPs. Therefore, the changes in this SIP revision reflecting the restructuring are merely administrative in nature.

**II. EPA's Analysis of South Carolina's Submittal**

EPA is proposing to approve a SIP revision submitted by DES on July 23, 2025, amending Regulations 61-62.1, *Definitions and General Requirements*, Section I, *Definitions*; 61-62.3, *Air Pollution Episodes*; 61-62.4, *Hazardous Air Pollution Conditions*; 61-62.5, Standard No. 4, *Emissions from Process Industries*; and 61-62.96, *Nitrogen Oxides (NOx) Budget Program*.<sup>2</sup> The revision updates all references in these regulations from DHEC and the DHEC Board to reflect the newly created DES.

Specifically, the SIP revision makes the following changes to Regulation 61-62.1, Section I, *Definitions*: Removes the term “Board” and the associated definition in Paragraph (11)

---

<sup>1</sup> The June 20, 2024, letter is in the docket for the proposed rulemaking.

<sup>2</sup> The July 23, 2025, submission also contains changes to Regulation 61-62.1, Section II, *Permit Requirements* and Regulations 61-62.60, 62.63, 62.70, and 86.1. EPA will act on the changes to Regulation 61-62.1, Section II in a separate SIP-related rulemaking. Regulations 61-62.60, 62.63, 62.70, and 86.1 are not part of the SIP; therefore, EPA will not act on these changes in a SIP-related rulemaking.

and replaces it with “Reserved”; removes the term “Commissioner” and the associated definition in paragraph (20) and replaces it with “Reserved”; and revises the definition of “Department” in paragraph (25) to reference DES instead of DHEC.

The SIP revision makes the following changes to Regulation 61-62.3, Section I, *Episode Criteria*: Replaces “Commissioner” with “Department” in both the prefatory paragraph and in paragraph 1.

The SIP revision similarly replaces “Commissioner” with “Department” in Regulation 61-62.4, *Hazardous Air Pollution Conditions*, at Regulation 61-62.4, Section E, *CLEANUP*.

The SIP revision then replaces “Board” with “Department” in the footnote to Table B of Regulation 61-62.5, Standard No. 4, Section VIII, *OTHER MANUFACTURING*.

Finally, the SIP revision replaces the reference to DHEC with a reference to DES in Regulation 61-62.96, *Nitrogen Oxides (NOx) Budget Program*, at Section 96.2, paragraph (q).

EPA is proposing to approve these changes because they are administrative in nature and therefore would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Clean Air Act (CAA).<sup>3</sup>

### **III. Incorporation by Reference**

In this document, EPA is proposing to include a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Section II of this preamble, EPA is proposing to incorporate by reference Regulation 61-62.1, Section I, *Definitions*, paragraphs (11), (20), and (25);<sup>4</sup> Regulation 61-62.3, Section I, *Episode Criteria*, paragraph 1 and the preceding unnumbered initial paragraph;<sup>5</sup> Regulation 61-62.4, *Hazardous Air Pollution Conditions*, Section E;<sup>6</sup> Regulation 61-62.5,

---

<sup>3</sup> See CAA section 110(l).

<sup>4</sup> The remaining portions of Regulation 61-62.1, Section I, retain the April 24, 2020, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

<sup>5</sup> The remaining portions of Regulation 61-62.3, Section I, retain the April 26, 2013, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

<sup>6</sup> The remaining portions of Regulation 61-62.4 retain the December 20, 1978, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

Standard No. 4, Section VIII, *Other Manufacturing*, footnote to Table B;<sup>7</sup> and Regulation 61-62.96, *Nitrogen Oxides (NOx) Budget Program*, Section 96.2, paragraph (q),<sup>8</sup> all of which are state effective on May 23, 2005, and revise these rules to update outdated references. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 4 office (please contact the person identified in the “**For Further Information Contact**” section of this preamble for more information).

#### **IV. Proposed Action**

EPA is proposing to approve South Carolina’s July 23, 2025, SIP revision consisting of administrative changes to Regulations 61-62.1, *Definition and General Requirements*, Section I; 61-62.3, *Air Pollution Episodes*; 61-62.4, *Hazardous Air Pollution Conditions*; 61-62.5, Standard 4, *Emissions from Process Industries*; and 61-62.96, *Nitrogen Oxides (NOx) Budget Program*, for the reasons discussed above.

#### **V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;

---

<sup>7</sup> The remaining portions of Regulation 61-62.5, Standard No. 4, Section VIII retain the June 24, 2016, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

<sup>8</sup> The remaining portions of Regulation 61-62.96 retain the January 25, 2019, state effective date, as currently approved in the South Carolina SIP under 40 CFR 52.2120(c).

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

Because this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, this proposed action for the State of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Therefore, this proposed action will not impose substantial direct costs on Tribal governments or preempt Tribal law. The Catawba Indian Nation (CIN) Reservation is located within the boundary of York County, South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27-16-120 (Settlement Act), “all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.” The CIN also retains authority to impose regulations applying higher

environmental standards to the Reservation than those imposed by state law or local governing bodies, in accordance with the Settlement Act.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 15, 2026.

**Kevin McOmber,**  
*Regional Administrator,*  
*Region 4.*

[FR Doc. 2026-10640 Filed: 5/27/2026 8:45 am; Publication Date: 5/28/2026]