

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**CHAPTER 61**

Statutory Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-93-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024

- R.61-33. Drycleaning Facility Restoration Trust Fund.
- R.61-63. Radioactive Materials (Title A).
- R.61-64. X-Rays (Title B).
- R.61-65. Particle Accelerators (Title C).
- R.61-79.124. Permit Administration.
- R.61-79.260. Hazardous Waste Management System; General.
- R.61-79.261. Identification and Listing of Hazardous Waste.
- R.61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
- R.61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- R.61-79.270. Permit Requirements.
- R.61-83. Transportation of Radioactive Waste Into or Within South Carolina.
- R.61-92. Underground Storage Tank Control Regulations.
- R.61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.
- R.61-104. Hazardous Waste Management Location Standards.
- R.61-105. Infectious Waste Management Regulation.
- R.61-106. Tanning Facilities.
- R.61-107.2. Solid Waste Management: Full Cost Disclosure.
- R.61-107.3. Solid Waste Management: Waste Tires.
- R.61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.
- R.61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.
- R.61-107.6. Solid Waste Management: Solid Waste Processing Facilities.
- R.61-107.7. Solid Waste Management: Transfer of Solid Waste.
- R.61-107.8. Solid Waste Management: Lead Acid Batteries.
- R.61-107.9. Solid Waste Management: White Goods.
- R.61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.
- R.61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.
- R.61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.
- R.61-107.15. Solid Waste Management: Land Application and Solid Waste.
- R.61-107.17. Solid Waste Management: Demonstration-of-Need.
- R.61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.
- R.61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.
- R.61-107.279. Solid Waste Management: Used Oil.
- R.61-124. Consumer Electronic Equipment Collection and Recovery.

**Preamble:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and the South Carolina Department of Environmental Services (SCDES) was

created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

These amendments will require legislative review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2023).

SCDES had a Notice of Drafting published in the August 23, 2024, *South Carolina State Register*.

**Section-by-Section Discussion of Proposed Amendments:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
<b>R.61-33.</b>		
61-33.2(B)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-33.2(D)	Revision	Updated to remove obsolete references due to the abolishment of DHEC and creation of SCDES.
61-33.4(A)(3)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-63.</b>		
61-63. RHA 1.2.8	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 1.13.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES and clarify the identity of the department.
61-63. RHA 1.16. Schedule A.	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 2.4.2.3.15	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 2.4.8.3.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 2.7.14.8.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 2.22.8.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 2.32.3.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 2.32.3.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.26.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 3.44.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.45.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.45.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES
61-63. RHA 3.46.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-63. RHA 3.47	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 3.49.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.7.2.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.7.3.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.7.3.1.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.11.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 4.117.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.117.4	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.118.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 4.118.4	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.118.6.1	Revision	Updated to clarify the identity of the department.
61-63. RHA 4.119	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 5.25.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-63. RHA 6.5.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 6.9.1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES, and updated, in two instances, to remove obsolete references.
61-63. RHA 12.2.9	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-63. RHA 12.23.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-64.</b>		
61-64. RHB 1.16	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 10.57	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 11.4.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-64. RHB 11.9	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-65.</b>		
61-65. RHC 1.10.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-65. RHC 2.4.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-65. RHC 2.5.2.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-65. RHC 2.6.3	Revision	Updated citation of S.C. Code to reflect the abolishment of DHEC and creation of SCDES.
61-65. RHC 8.7	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-79.124.</b>		
61-79.124.5(b)	Revision	Updated with citation of S.C. Code to reflect the abolishment of the DHEC Board.
61-79.124.15(c)(2)	Revision	Updated with citation of S.C. Code to reflect the abolishment of the DHEC Board.
61-79.124.19(a) and (b)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-79.260.</b>		
61-79.260.10	Revision	Updated, in two instances, to reflect the abolishment of the DHEC Board. Updated to reflect the abolishment of DHEC and creation of SCDES, and updated to remove obsolete references.
61-79.260.41(a)	Revision	Updated with citation of S.C. Code for clarity, to reflect the abolishment of DHEC and creation of SCDES.
<b>R. 61-79.261.</b>		
61-79.261.151. APPENDIX A-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX A-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX B	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX C	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX D	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX G-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX I	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX I, 2(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX J	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX K, 3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX L-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-79.261.151. APPENDIX L-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.261.151. APPENDIX M-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
<b>R. 61-79.264.</b>		
61-79.264.151. APPENDIX A-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX A-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX C	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX D	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX E	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX F	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX G	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX H	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX I	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX J	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX K	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX L	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX M-1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX M-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX N-1	Revision	Updated, in two instances, to reflect the abolishment of DHEC and creation of SCDES.
61-79.264.151. APPENDIX N-2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-79.266.</b>		
61-79.266.510. Appendix IX, Section 2.0, Note to Paragraph 2.2.4.1.2,	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.266.510. Appendix IX, Section 3.0, Note to Paragraph 3.2.3.1.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-79.266.510. Appendix IX, Section 3.0, Paragraph 3.2.4.4.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-79.266.510. Appendix IX, Section 3.0, Paragraph 3.4.8.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-79.270.</b>		
61-79.270.30(a)	Revision	Updated to reflect the abolishment of the DHEC Board, and updated to remove an obsolete reference.
61-79.270.155	Revision	Updated, in four instances, to reflect the abolishment of the DHEC Board.
61-79.270.215(c) and (d)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and updated to reflect the abolishment of the DHEC Board.
<b>R.61-83.</b>		
61-83.2.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.3.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-83.4.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.4.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.1.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-83.5.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-92.</b>		
61-92.280.12(s)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.92(e)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.96(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.99(b)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.103(b)(1), Paragraph 2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-92.280.103, Section 3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-92.280.302, Paragraphs (a) and (b)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-98.</b>		
61-98.I.A.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-104.</b>		
61-104.I.B	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-105.</b>		
61-105.D(1)(b), (f), and (j)	Revision	Updated three paragraphs to reflect the abolishment of DHEC and creation of SCDES and the abolishment of the DHEC Board, and updated to remove an obsolete reference.
61-105.E(2)(d)	Revision	Updated to remove an obsolete reference.
61-105.M(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-105.BB(1)	Revision	Updated to reflect the abolishment of the DHEC Board.
61-105.EE (1) and (2)	Revision	Updated citation of S.C. Code, in each paragraph, to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-106.</b>		
61-106.1.2.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-106.1.11	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-106.1.12.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-106.2.2.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
61-106.2.6.1.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-106.2.6.1.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-106.3.8.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES, and clarify the identity of the department.
<b>R.61-107.</b>		
61-107.2.B.4 and B.22	Revision	Updated two paragraphs to reflect the abolishment of DHEC and creation of SCDES.
61-107.3.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.4.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.5.B.2	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.6.B.4	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.7.B.5	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
61-107.8.B.2, B.5, and B.6	Revision	Updated three paragraphs to reflect the abolishment of DHEC and creation of SCDES.
61-107.9.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.10.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.12.B.6	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.14.B.1	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.15.B.15	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.17.B.6 and B.15	Revision	Updated each paragraph to reflect the abolishment of DHEC and creation of SCDES.
61-107.17.F.2	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-107.18.B.12	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.18.E.2.c.(12)(c)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.18.G.3	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.B.17	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.D.1.c.	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.E.4.i.(1)	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part I.I.1	Revision	Updated citation of S.C. Code, to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part IV.C.12.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part V.A.258.1.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.19, Part V.C.258.36.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.1.c.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.42.b..	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.51.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.62.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
61-107.279.73.b.	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.
<b>R.61-124.</b>		



Section	Type of Change	Purpose
61-124.B.11	Revision	Updated to reflect the abolishment of DHEC and creation of SCDES.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Mary Peyton Wall of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at [marypeyton.wall@des.sc.gov](mailto:marypeyton.wall@des.sc.gov). To be considered, SCDES must receive the comment(s) no later than 5:00 p.m. on November 25, 2024, the close of the comment period.

Should a 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, December 9, 2024, 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 November 25, 2024, the hearing will be cancelled. Should the public hearing be cancelled, SCDES will post the notice of cancellation at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>.

SCDES 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/laws-regulations-regulatory-updates/regulation-development-update>.

**Preliminary Fiscal Impact Statement**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

**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.61-33. Drycleaning Facility Restoration Trust Fund; R.61-63. Radioactive Materials (Title A), R.61-64. X-Rays (Title B), R.61-65. Particle Accelerators (Title C); R.61-79.124. Permit Administration; R.61-79.260. Hazardous Waste Management System; General; R.61-79.261. Identification and Listing of Hazardous Waste, R.61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; R.61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities; R.61-79.270, Permit Requirements; R.61-83. Transportation of Radioactive Waste Into or Within South Carolina; R.61-92. Underground Storage Tank Control Regulations; R.61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation; R.61-104. Hazardous Waste Management Location Standards; R.61-105. Infectious Waste Management Regulation; R.61-106. Tanning Facilities; R.61-107.2. Solid Waste Management: Full Cost Disclosure; R.61-107.3. Solid Waste Management: Waste Tires; R.61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals; R.61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste; R.61-

107.6. Solid Waste Management: Solid Waste Processing Facilities; R.61-107.7. Solid Waste Management: Transfer of Solid Waste; R.61-107.8. Solid Waste Management: Lead Acid Batteries; R.61-107.9. Solid Waste Management: White Goods; R.61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria; R.61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities; R.61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification; R.61-107.15. Solid Waste Management: Land Application and Solid Waste; R.61-107.17. Solid Waste Management: Demonstration-of-Need; R.61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil; R.61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill; R.61-107.279. Solid Waste Management: Used Oil; and R.61-124. Consumer Electronic Equipment Collection and Recovery.

Purpose: On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes amending the above-referenced regulations, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

Legal Authority: 1976 Code Sections 13-7-10 et seq., 44-2-10 et seq., 44-56-10 et seq., 44-93-10 et seq., 44-96-10 et seq., 48-1-10 et seq., 48-6-10 et seq., 48-60-5 et seq., and 2023 Act No. 60, effective July 1, 2024

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 Update (accessible at <https://des.sc.gov/permits-regulations/laws-regulations-regulatory-updates/regulation-development-update>) 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:

On May 19, 2023, Governor McMaster signed the Act, restructuring DHEC. Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes. These amendments are necessary and reasonable to implement the agency restructuring.

#### 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 the Act, and these 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 proposed amendments to the above-referenced regulations 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 regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

**Statement of Rationale:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and South Carolina Department of Environmental Services (SCDES) was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC including the power and duty to promulgate associated regulations. SCDES proposes these amendments to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

**Text:**

~~Indicates Matter Stricken~~

Indicates New Matter

**61-33. Drycleaning Facility Restoration Trust Fund.**

Statutory Authority: 1976 Code Section(s) 44-56-410 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-33.2 Purpose and Applicability.**

Regulation 61-33.2(B) and (D), shall be revised as follows:

(B) ~~“Board” means the Board of the South Carolina Department of Health and Environmental Control~~[RESERVED].

(D) ~~“Department” means the Department of Health and Environmental Control~~Services, including personnel thereof authorized by the Board to act on behalf of the Department or Board.

**Regulation 61-33.4. General Provisions.**

Regulation 61-33.4(A)(3), shall be revised as follows:

(3) A signed containment certification form.

Forms can be obtained from the ~~DHECSCDES~~ website or by mail from: ~~DHECSCDES~~ - Bureau of Land and Waste Management, Attn.: Drycleaning Facility Restoration Trust Fund Program, 2600 Bull Street, Columbia, SC, 29201.

**Regulation 61-63. Radioactive Materials (Title A).**

Statutory Authority: 1976 Code Section(s) 13-7-40 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-63, RHA 1.2. Definitions.**

Regulation 61-63, RHA 1.2.8, shall be revised as follows:

1.2.8 “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-63, RHA 1.13. Communications.**

Regulation 61-63, RHA 1.13.1, shall be revised as follows:

1.13.1 All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the Department at its office located at:

South Carolina Department of ~~Health and Environmental Control~~Services  
Bureau of ~~Radiological Health~~Land and Waste Management  
2600 Bull Street  
Columbia, South Carolina 29201

**Regulation 61-63, RHA 1.16. Schedule A.**

Regulation 61-63, RHA 1.16, SCHEDULE OF SEVERITY CATEGORIES, shall be revised as follows:

III. Transportation of Radioactive Materials:

For purposes of this Schedule, radioactive material transported as radioactive waste into or within South Carolina is subject to the provisions of the S.C. Department of ~~Health and Environmental Control~~Services Regulation 61-83, Regulation for the Transportation of Radioactive Waste Into or Within South Carolina. Radioactive materials, other than radioactive wastes as defined in S.C. Department of ~~Health and Environmental Control~~Services Regulation 61-83, are subject to the following Severity Categories:

**Regulation 61-63, RHA 2.4. General Licenses—Radioactive Material Other Than Source Material.**

Regulation 61-63, RHA 2.4.2.3.15, shall be revised as follows:

2.4.2.3.15 Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the ~~Chief of the Bureau of Radiological Health~~Radiation Protection Program, SC Department of ~~Health and~~

Environmental ~~Control~~Services, by an appropriate method listed in RHA 1.13 of this regulation, a written justification for the request.

**Regulation 61-63, RHA 2.4. General Licenses—Radioactive Material Other Than Source Material.**

Regulation 61-63, RHA 2.4.8.3.5, shall be revised as follows:

2.4.8.3.5 Shall respond to written requests from the Department to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Director of the Division of Waste Management, South Carolina Department of ~~Health and Environmental Control~~Services, 2600 Bull Street, Columbia SC, 29201, a written justification for the request.

**RHA 2.7. Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials.**

Regulation 61-63, RHA 2.7.14.8.1, shall be revised as follows:

2.7.14.8.1 Each person licensed under RHA 2.7.14 shall file an annual report with the Director, Division of Radioactive Material, ~~Bureau of Radiological Health~~Radiation Protection Program, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under RHA 2.4.4. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under RHA 2.4.4 during the reporting period, the report must so indicate.

**Regulation 61-63, RHA 2.22. Transportation of Radioactive Materials**

Regulation 61-63, RHA 2.22.8.3, shall be revised as follows:

2.22.8.3 Approval of program. Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Department approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: South Carolina Department of ~~Health and Environmental Control~~Services, Division of Waste Management, 2600 Bull Street, Columbia, South Carolina 29201.

**RHA 2.32. Reporting Requirements.**

Regulation 61-63, RHA 2.32.3.1, shall be revised as follows:

2.32.3.1 Licensees shall make reports required by RHA 2.32.1 & 2.32.2 of this section by telephone to the ~~Bureau of Radiological Health~~Radiation Protection Program, to the extent that the information is available at the time of notification, the information provided in these reports must include:

Regulation 61-63, RHA 2.32.3.2, shall be revised as follows:

2.32.3.2 Written report. Each licensee who makes a report required by RHA 2.32.1. or 2.32.2 of this section shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain

all of the necessary information and appropriate distribution is made. These written reports must be sent to the S.C. Department of ~~Health and Environmental Control Services, Bureau of Radiological Health~~Radiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201. The reports must include the following.

**Regulation 61-63, RHA 3.26. Procedures for Receiving and Opening Packages.**

Regulation 61-63, RHA 3.26.4, shall be revised as follows:

3.26.4 The licensee shall immediately notify the final delivery carrier and the S.C. Department of ~~Health & Environmental Control Services, Bureau of Land and Waste Management~~, (803-545-4400 or 888-481-0125), by telephone, when:

**Regulation 61-63, RHA 3.44. Reports of Theft or Loss of Licensed Material.**

Regulation 61-63, RHA 3.44.1, shall be revised as follows:

3.44.1 Telephone reports. Each licensee shall report by telephone to the S.C. Department of ~~Health and Environmental Control Services, Bureau of Radiological Health~~Radiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201, as follows:

**Regulation 61-63, RHA 3.45. Notification of Incidents.**

Regulation 61-63, RHA 3.45.1, shall be revised as follows:

3.45.1 Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately notify the S.C. Department of ~~Health & Environmental Control Services, Bureau of Land and Waste Management~~, 2600 Bull Street, Columbia, SC 29201, by telephone (803-545-4400) and confirming letter of any event involving radioactive material possessed by the licensee that may have caused or threatens to cause any of the following conditions—

Regulation 61-63, RHA 3.45.4, shall be revised as follows:

3.45.4 Licensees shall make the reports required by RHA 3.45.1 and 3.45.2 of this section by telephone to S.C. Department of ~~Health & Environmental Control Services, Bureau of Land and Waste Management~~ (803-545-4400 or 888-481-0125).

**RHA 3.46. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits.**

Regulation 61-63, RHA 3.46.4, shall be revised as follows:

3.46.4 All licensees, who make reports under paragraph 3.46.1 of this section shall submit the report in writing to the S.C. Department of ~~Health and Environmental Control Services, Bureau of Radiological Health~~Radiation Protection Program, 2600 Bull Street, Columbia, SC.

**RHA 3.47. Reports of Planned Special Exposures.**

Regulation 61-63, RHA 3.47, shall be revised as follows:

The licensee shall submit a written report to S.C. Department of ~~Health and Environmental Control Services, Bureau of Radiological Health~~ Radiation Protection Program, 2600 Bull Street, Columbia, SC 29201 within 30 days following any planned special exposure conducted in accordance with RHA 3.10, informing the Department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by RHA 3.38.

**RHA 3.49. Reports of Individual Monitoring.**

Regulation 61-63, RHA 3.49.3, shall be revised as follows:

3.49.3 The licensee shall file the report required by 3.49.2, covering the preceding year, on or before April 30 of each year. The licensee shall submit the report to S.C. Department of ~~Health and Environmental Control Services, Bureau of Radiological Health~~ Radiation Protection Program, 2600 Bull Street, Columbia, SC, 29201.

**Regulation 61-63, RHA 4.7. Application for License, Amendment, or Renewal.**

Regulation 61-63, RHA 4.7.2.1, shall be revised as follows:

4.7.2.1 Filing an original of ~~DHECSCDES~~ Form 0813, “Application for Radioactive Material License,” that includes the facility diagram, equipment, and training and experience qualifications of the Radiation Safety Officer, Associate Radiation Safety Officer(s), authorized user(s), authorized medical physicist(s), ophthalmic physicist(s), and authorized nuclear pharmacist(s); and

Regulation 61-63, RHA 4.7.3.1.1, shall be revised as follows:

4.7.3.1.1 ~~DHECSCDES~~ Form 0813, “Application for Radioactive Material License”; or

Regulation 61-63, RHA 4.7.3.1.2, shall be revised as follows:

4.7.3.1.2 A letter containing all information required by ~~DHECSCDES~~ Form 0813; and

**Regulation 61-63, RHA 4.11. License Issuance.**

Regulation 61-63, RHA 4.11.1.1, shall be revised as follows:

4.11.1.1 The applicant has filed ~~DHECSCDES~~ Form 0813 “Application for Radioactive Material License” in accordance with the instructions in RHA 4.7;

**Regulation 61-63, RHA 4.117. Report and Notification of a Medical Event.**

Regulation 61-63, RHA 4.117.3 and its associated footnote 3, shall be revised as follows:

4.117.3 The licensee shall notify by telephone the SC ~~DHECDES Bureau of Radiological Health~~ Radiation Protection Program<sup>3</sup> no later than the next calendar day after discovery of the medical event.

<sup>3</sup>The commercial telephone number of the ~~Bureau of Radiological Health~~ Radiation Protection Program is (803) 545-4400.

Regulation 61-63, RHA 4.117.4, shall be revised as follows:

4.117.4 The licensee shall submit a written report to ~~the Bureau of Radiological Health~~Radiation Protection Program within 15 days after discovery of the medical event.

**Regulation 61-63, RHA 4.118. Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child.**

Regulation 61-63, RHA 4.118.3, shall be revised as follows:

4.118.3 The licensee shall notify by telephone the ~~SC DHECDES Bureau of Radiological Health~~Radiation Protection Program no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in RHA 4.118.1 or 4.118.2.

Regulation 61-63, RHA 4.118.4, shall be revised as follows:

4.118.4 The licensee shall submit a written report to ~~the Bureau of Radiological Health~~Radiation Protection Program within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in RHA 4.118.1 or 4.118.2.

Regulation 61-63, RHA 4.118.6.1, shall be revised as follows:

4.118.6.1 Annotate a copy of the report provided to ~~the Bureau of Radiological Health~~Radiation Protection Program with the:

**Regulation 61-63, RHA 4.119. Report of a Leaking Source.**

Regulation 61-63, RHA 4.119, shall be revised as follows:

A licensee shall file a report within 5 days if a leak test required by RHA 4.29 reveals the presence of 185 Bq (0.005 uCi) or more of removable contamination. The report must be filed with ~~SC DHECDES, Bureau of Radiological Health~~Radiation Protection Program. The written report must include the model number and serial number if assigned, of the leaking source; the radionuclide and its estimated activity; the results of the test; the date of the test; and the action taken.

**RHA 5.25. Reporting Requirements.**

Regulation 61-63, RHA 5.25.1, shall be revised as follows:

5.25.1 In addition to the reporting requirements specified in RHA 2.32, each licensee shall provide a written report to the S.C. Department of ~~Health and Environmental Control~~Services, Bureau of Radiological HealthRadiation Protection Program, 2600 Bull Street, Columbia, S.C. 29201 within 30 days of the occurrence of any of the following incidents involving radiographic equipment.

**Regulation 61-63, RHA 6.5. Notification and Reports to Individuals.**

Regulation 61-63, RHA 6.5.1, shall be revised as follows:

6.5.1 Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or license conditions, as shown in records maintained by the



licensee pursuant to Department regulations. Each notification and report shall; be in writing, include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement; "This report is furnished to you under the provisions of the South Carolina Department of ~~Health and Environmental Control's~~Services' 'Radiation Control Regulations.' You should preserve this report for future reference."

#### **RHA 6.9. Inspections Not Warranted; Informal Review.**

Regulation 61-63, RHA 6.9.1, shall be revised as follows:

6.9.1 If the Department determines, with respect to a complaint under RHA 6.8, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the ~~Commissioner~~Director for the South Carolina Department of ~~Health and Environmental Control~~Services who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position with the Department who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Department may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the ~~Commissioner~~Director for the South Carolina Department of ~~Health and Environmental Control~~Services shall affirm, modify, or reverse the determination of the Department and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

#### **Regulation 61-63, RHA 12.2. Definitions.**

Regulation 61-63, RHA 12.2.9, shall be revised as follows:

12.2.9 "**Department**" means the SC Department of ~~Health and Environmental Control's~~Services or its duly authorized representatives.

#### **Regulation 61-63, RHA 12.23. Advance notification of shipment of Category 1 quantities of radioactive material.**

Regulation 61-63, RHA 12.23.1.1, shall be revised as follows:

12.23.1.1 The notification must be made to the Department and to the office of each appropriate governor or governor's designee. The contact information, including telephone numbers and mailing addresses, of governors and governors' designees, is available on the NRC's Web site at <https://scp.nrc.gov/special/designee.pdf>. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the Department may be made by email to [RAMQC\\_shipments@dhec.sc.gov](mailto:RAMQC_shipments@dhec.sc.gov) or by fax to 803-898-0391. Notifications to the Department must be to the Director, ~~Division~~Bureau of Land & Waste Management, ~~Bureau~~Division of Waste Management, 2600 Bull Street, Columbia, SC 29201.

#### **Regulation 61-64, X-Rays (Title B).**

Statutory Authority: 1976 Code Section(s) 13-7-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-64, RHB 1.16. Appeals.**

Regulation 61-64, RHB 1.16, shall be revised as follows:

Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title ~~44~~48, Chapter ~~46~~; and Title 1, Chapter 23.

**Regulation 61-64, RHB Part X. Definitions.**

Regulation 61-64, RHB 10.57, shall be revised as follows:

10.57 “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-64, RHB 11.4. Notification and Reports to Individuals.**

Regulation 61-64, RHB 11.4.1, shall be revised as follows:

11.4.1 The Registrant shall report to the individual, radiation exposure data and the results of any measurements, analyses, and calculations of radiation exposure to the body as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or inspections. Each notification and report shall: be in writing, include appropriate identifying data such as the name of the registrant, the name of the individual, an additional personal identifier for the individual, the individual’s exposure information, and contain the following statement: "This report is furnished to you under the provisions of the South Carolina Department of ~~Health and Environmental Control~~Services’ Radiation Control Regulations. You should preserve this report for future reference."

**Regulation 61-64, RHB 11.9. Right to Inspect and Investigate.**

Regulation 61-64, RHB 11.9, shall be revised as follows:

The Department of ~~Health and Environmental Control~~Services is the state agency responsible for the control and regulation of radiation sources. Section 13-7-40(A), S.C. Code of Laws (1976, as amended). By statute, the Department is authorized to enter, at all reasonable times, private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of its regulations. Section 13-7-40(A), S.C. Code of Laws (1976, as amended). Because the Department is authorized by law to enter and inspect property in order to determine compliance with Department regulations, such entry and inspection falls under the health oversight activities exception of Health Insurance Portability and Accountability Act (HIPAA). Therefore, where protected health information is necessary for determining compliance with Department regulations, protected health information may be used and disclosed to the Department without the subject’s authorization under HIPAA.

**Regulation 61-65, Particle Accelerators (Title C).**

Statutory Authority: 1976 Code Section(s) 13-7-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-65, RHC 1.10. Communications.**

Regulation 61-65, RHC 1.10.1, shall be revised as follows:

1.10.1 All communications and reports concerning these regulations and registrations filed thereunder, shall be addressed to the Department at:

SC Department of ~~Health and Environmental Control~~ Services  
~~Bureau of Radiological Health~~ Radiation Protection Program  
2600 Bull Street  
Columbia, SC 29201

**Regulation 61-65, RHC 2.4. Equipment Registration Requirements, Users of Particle Accelerators.**

Regulation 61-65, RHC 2.4.1, shall be revised as follows:

2.4.1 Initial Equipment Registration. Every person possessing a particle accelerator shall register the machine's control and tubes with the Department within 30 days of the date of acquisition. Registration shall be made on Form ~~DHEC~~SCDES 819 furnished by the Department.

**Regulation 61-65, RHC 2.5. Vendor Registration and Obligation.**

Regulation 61-65, RHC 2.5.2.4, shall be revised as follows:

2.5.2.4 Notification to the Department shall be made on ~~DHEC~~SCDES Form 823. A ~~DHEC~~SCDES 823 form shall be submitted to the Department each month by Class I and Class II vendors, as outlined in Part II "Registration of X-Ray Machines and Services" of R.61-64, X-Rays (Title B), regardless of whether a particle accelerator was sold that month.

**Regulation 61-65, RHC 2.6. Modification, Revocation, Termination of Registrants.**

Regulation 61-65, RHC 2.6.3, shall be revised as follows:

2.6.3 An order of revocation may be appealed pursuant to applicable law, including S.C. Code Title ~~44~~48, Chapter ~~46~~; and Title 1, Chapter 23.

**Regulation 61-65, RHC Part VIII. Definitions.**

Regulation 61-65, RHC 8.7, shall be revised as follows:

8.7 "Department" means the South Carolina Department of ~~Health and Environmental Control~~ Services.

**Regulation 61-79.124. Permit Administration.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.124.5. Modification, revocation and reissuance, or termination of permits under these regulations.**

Regulation 61-79.124.5(b), shall be revised as follows:

(b) If the Department decides the request is not justified, it will send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Department may be appealed by requesting of the Board of Health and Environmental Control an adjudicatory hearing as specified under R.61-72 Section II within 15 days of the date of the decision pursuant to S.C. Code Title 48-6-30.

**Regulation 61-79.124.15. Issuance and effective date of permit.**

Regulation 61-79.124.15(c)(2), shall be revised as follows:

(2) A request for an adjudicatory hearing, as specified under R.61-72 Section II, is served on the Board within fifteen (15) days after notification of the final permit decision by the Department is timely made pursuant to S.C. Code Title 48-6-30; or

**Regulation 61-79.124.19. Appeal of Permit**

Regulation 61-79.124.19(a) and (b), shall be revised as follows:

(a) Department decision involving the issuance, denial, renewal, modification, suspension, or revocation of a permit, license, certificate or certification may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 4448, Chapter 46; Title 1, Chapter 23; and Title 40, Chapter 61.

(b) Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title 4448, Chapter 46; Title 1, chapter 23; and Title 40, Chapter 61.

**Regulation 61-79.260. Hazardous Waste Management System; General.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.260.10. Definitions.**

Regulation 61-79.260.10, shall be revised as follows:

—“Board” means the South Carolina Board of Health and Environmental Control.

—“Commissioner” means the commissioner of the Department or his authorized agent.

“Department” means the Department of Health and Environmental Control Services, including personnel thereof authorized by the Board to act on behalf of the Department or Board.

“These Regulations” refers to all regulations contained under R.61-79 of the State Regulations which have been promulgated by the Board/Department as authorized under Section 44-56-30 of the 1976 Code of Laws, as amended.

**Regulation 61-79.260.41. Procedures for case-by-case regulation of hazardous waste recycling activities.**

Regulation 61-79.260.41(a), shall be revised as follows:

(a) If a generator is accumulating the waste, the Department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of subparts A, C, D, and E of R.61-79.262. The notice will become final within thirty (30) days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the Department will hold a public hearing. The Department will provide notice of the hearing to the public and allow public participation at the hearing. The Department will issue a final order after the hearing stating whether or not compliance with part 262 is required. The order becomes effective 30 days after service of the decision unless the Department specifies a later date or unless review by the Department is requested. The order may be appealed ~~to the Department by any person who participated in the public hearing. The Department may choose to grant or to deny the appeal pursuant to S.C. Code of Laws Section 48-6-30.~~ Final Department action occurs when a final order is issued and Department review procedures are exhausted.

**Regulation 61-79.261. Identification and Listing of Hazardous Waste.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.261.151. Wording of the instruments.**

Regulation 61-79.261.151. APPENDIX A-1, title paragraph and second paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL SERVICES~~ BUREAU OF LAND AND WASTE MANAGEMENT TRUST AGREEMENT, the “Agreement,” entered into as of [date] by and between [name of the owner or operator], a [name of State] [insert “corporation,” “partnership,” “association,” or “proprietorship”], the “Grantor,” and [name of corporate trustee], [insert “incorporated in the State of \_\_\_ -----” or “a national bank”], the “Trustee.”

WHEREAS, the South Carolina Department of ~~Health and Environmental Control Services~~, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a facility regulated under R.61-79.264 or 265, or satisfying the conditions of the exclusion under section 261.4(a)(24) shall provide assurance that funds will be available if needed for care of the facility under subpart G of R.61-79.264 or 265, as applicable,

Regulation 61-79.261.151. APPENDIX A-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL SERVICES~~ BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX B, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL SERVICES~~ BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX B, first paragraph, shall be revised as follows:

Know All Persons By These Presents, That we, the Principal and Surety(ies) are firmly bound to the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department,” in the event that the hazardous secondary materials at the reclamation or intermediate facility listed below no longer meet the conditions of the exclusion under section 261.4(a)(24), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.261.151. APPENDIX C, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX D, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX E, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX G-1, title and first paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

#### Corporate Guarantee for Facility Care

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of South Carolina, herein referred to as guarantor. This guarantee is made on behalf of the [owner or operator] of [business address], which is [one of the following: “our subsidiary”; “a subsidiary of [name and address of common parent corporation], of which guarantor is a subsidiary”; or “an entity with which guarantor has a substantial business relationship, as defined in sections 264.141(h) and 265.141(h)” to the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department.”

Regulation 61-79.261.151. APPENDIX H, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX I, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX I, 2(c), shall be revised as follows:

(c) Whenever requested by the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department,” the Insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.

Regulation 61-79.261.151. APPENDIX J, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX K, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX K, Governing Provisions: (3), shall be revised as follows:

(3) Rules and regulations of the South Carolina Department of ~~Health and Environmental Control~~Services, particularly R.61-79.264, 265, and subpart H of R.61-79.261.

Regulation 61-79.261.151. APPENDIX L-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX L-1, second paragraph, shall be revised as follows:

WHEREAS, the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

Regulation 61-79.261.151. APPENDIX L-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX M-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.261.151. APPENDIX M-1, second paragraph, shall be revised as follows:

WHEREAS the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department,” an agency of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator must demonstrate financial responsibility

for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

**Regulation 61-79.264.151. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.264.151. Wording of the instruments.**

Regulation 61-79.264.151. APPENDIX A-1, title paragraph and second paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT TRUST AGREEMENT, the “Agreement,”  
entered into as of \_\_\_\_\_ [date] by and between \_\_\_\_\_ [name of the owner or operator], a  
\_\_\_\_\_ [name of State], \_\_\_\_\_ [insert “corporation,” “partnership,” “association,” or  
“proprietorship”], the “Grantor,” and \_\_\_\_\_ [name of corporate trustee], [insert “incorporated in the  
State of \_\_\_\_\_” or “a national bank”], the “Trustee.”

WHEREAS, the South Carolina Department of ~~Health and Environmental Control~~Services, hereafter referred to as the “Department”, an agency of the state of South Carolina, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a hazardous waste management facility shall provide assurance that funds will be available when needed for closure and/or post-closure care of the facility,

Regulation 61-79.264.151. APPENDIX A-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX B, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX B, first paragraph, shall be revised as follows:

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the South Carolina Department of ~~Health and Environmental Control~~Services (hereinafter called the “Department”), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.264.151. APPENDIX C, title paragraph, shall be revised as follows:



SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX C, second paragraph, shall be revised as follows:

Know All Persons By These Presents, That we, the Principal and Surety(ies) hereto are firmly bound to the South Carolina Department of ~~Health and Environmental Control~~Services hereinafter called the “Department” in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum “jointly and severally” only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Regulation 61-79.264.151. APPENDIX D, title paragraph, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX D, Paragraph (2) of letter template, shall be revised as follows:

(2) your signed statement reading as follows: “I certify that the amount of the draft is payable pursuant to regulations issued under authority of the South Carolina Department of ~~Health and Environmental Control~~Services.”

Regulation 61-79.264.151. APPENDIX E, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX F, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX F, letter template, opening paragraph, shall be revised as follows:

Dear Sir: I am the chief financial officer of \_\_\_\_\_ [name and address of firm]. This letter is in support of this firm’s use of the financial test to demonstrate financial assurance for closure and/or post-closure costs, as specified in Subpart H of R. 61-79 Parts 264 and 265 by the South Carolina Department of ~~Health and Environmental Control~~Services. (amended 6/89)

Regulation 61-79.264.151. APPENDIX G, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX H, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX I, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX J, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX K, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX L, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX L, Governing Provisions, paragraph (2), shall be revised as follows:

(2) Rules and regulations of the Department of ~~Health and Environmental Control~~Services, particularly R.61-79.264.147 or “265.147”] (if applicable).

Regulation 61-79.264.151. APPENDIX M-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX M-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX N-1, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

Regulation 61-79.264.151. APPENDIX N-1, second paragraph, shall be revised as follows:

Whereas the South Carolina Department of ~~Health and Environmental Control~~Services, “the Department”, an agency of the State of South Carolina Government, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a hazardous waste management facility or group of facilities must demonstrate financial responsibility for bodily injury and property damage to

third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from operations of the facility or group of facilities.

Regulation 61-79.264.151. APPENDIX N-2, title, shall be revised as follows:

SOUTH CAROLINA DEPARTMENT OF ~~HEALTH AND ENVIRONMENTAL CONTROL~~SERVICES  
BUREAU OF LAND AND WASTE MANAGEMENT

**Regulation 61-79.266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.266.510. Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors.**

Regulation 61-79.266.510, Appendix IX, Section 2.0, Note to Paragraph 2.2.4.1.2, shall be revised as follows:

Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency or South Carolina Department of ~~Health and Environmental Control~~Services.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Note to Paragraph 3.2.3.1.2, shall be revised as follows:

\*Note: Mention of trade names or specific product does not constitute endorsement by the South Carolina Department of ~~Health and Environmental Control~~Services.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Paragraph 3.2.4.4.4, shall be revised as follows:

3.2.4.4.4 Performance Audit Sample. A performance audit sample shall be obtained from the Air Quality Laboratory Division of ~~SCDHEC~~SCDES Labs and analyzed with the field samples.

Regulation 61-79.266.510, Appendix IX, Section 3.0, Paragraph 3.4.8.4, shall be revised as follows:

3.4.8.4 Audit Results. Calculate the audit sample concentration according to the calculation procedure described in the audit instructions included with the audit sample. Fill in the audit sample concentration and the analyst's name on the audit response form included with the audit instructions. Send one copy to the South Carolina Department of ~~Health and Environmental Control~~Services and a second copy to the STAC. The Department will report the results of the audit to the laboratory being audited. Include this response with the results of the compliance samples in relevant reports to the Department.

**Regulation 61-79.270, Permit Requirements.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-79.270.30. Conditions applicable to all permits.**

Regulation 61-79.270.30(a), shall be revised as follows:

(a) Duty to comply. The permittee must comply with all conditions included in his approved permit application, all conditions and restrictions placed upon its permit, all applicable regulations promulgated pursuant to the Act, and all orders issued by the ~~Board, Commissioner, or~~ Department, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Regulation 61-79.270.155. May the decision to approve or deny my RAP application be administratively appealed?**

Regulation 61-79.270.155, shall be revised as follows:

(a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Department's decision to approve or deny your RAP application ~~to the Department's Board~~ under 124.19 of this chapter. Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 124.15 of this chapter (or a decision under 270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). ~~Instead of the notice required under 124.19(e) and 124.10 of this chapter, the Department will give public notice of any grant of review of RAPs by the Board of Health and Environmental Control through the same means used to provide notice under 270.145. The notice will include:~~

- ~~— (1) The briefing schedule for the appeal as provided by the Board;~~
- ~~— (2) A statement that any interested person may file an amicus brief with the Board; and~~
- ~~— (3) The information specified in 270.145(c), as appropriate.~~
- ~~— (b) This appeal is a prerequisite to seeking judicial review of these actions.~~

**Regulation 61-79.270.215. How are time periods in the requirements in this subpart and my RAP computed?**

Regulation 61-79.270.215(c) and (d), shall be revised as follows:

(c) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. ~~(For example, if you wish to appeal the Department's decision to modify your RAP, then you must petition the Department of Health and Environmental Control within 15 days after the Department has issued the final RAP decision. If the 15th day falls on Sunday, then you may submit your appeal by the Monday after. If the 15th day falls on July 4th, then you may submit your appeal by July 5th.)~~

(d) ~~Except for filing petitions of final RAP decisions, w~~Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him

by mail, 3 days must be added to the prescribed term. ~~Petitions of RAP decisions must be received by the Clerk of the Board on or before the fifteenth day after you receive the final decision.~~

**Regulation 61-83. Transportation of Radioactive Waste Into or Within South Carolina.**

Statutory Authority: 1976 Code Section(s) 13-7-10 et seq., 13-7-40, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-83.2. Definitions.**

Regulation 61-83.2.2, shall be revised as follows:

2.2 “Department” means the Department of ~~Health and Environmental Control~~Services including personnel authorized to act on behalf of the Department.

**Regulation 61-83.3. Permits.**

Regulation 61-83.3.1, shall be revised as follows:

3.1 Before any shipper transports or causes to be transported radioactive waste into or within the State of South Carolina, the shipper shall purchase an annual radioactive waste transport permit from the Department. An application for a permit shall be submitted on Department Form ~~SCDHECSCDES-0800~~ “Application for Radioactive Waste Transport Permit” together with the necessary fee to: S.C. Department of ~~Health and Environmental Control~~Services (SCDHECSCDES), Bureau of Land and Waste Management/Radioactive Waste Management Section, 2600 Bull Street, Columbia, South Carolina, 29201. These forms are available on the Department website, or by other means the Department may provide.

**Regulation 61-83.4. Shipper’s Requirements.**

Regulation 61-83.4.1.1., shall be revised as follows:

4.1.1 All prior notifications shall be filed on a Department form designated as ~~SCDHECSCDES-0802~~ “Radioactive Waste Shipment Prior Notification and Manifest Form.”

Regulation 61-83.4.2, shall be revised as follows:

4.2 The shipper shall provide to the carrier with each separate shipment a copy of the ~~SCDHECSCDES-0802~~ “Radioactive Waste Shipment Prior Notification and Manifest Form” required by paragraph 4.1. Such copy shall show any changes made pursuant to paragraph 4.1.2 above. Each shipper shall instruct the carrier to comply with the route and schedule contained therein

Regulation 61-83.4.3, shall be revised as follows:

4.3 The manifest accompanying each shipment of radioactive waste shall include a copy of the shipper’s certification prepared on Department form ~~SCDHECSCDES-0803~~, Part I, “Radioactive Waste Shipment 4 | Regulation 61-83 Certification Form,” which shall include certification that the shipment has been inspected and complies with all applicable State and Federal laws and administrative rules and regulations, license or license conditions of the disposal facility regarding the packaging, transportation, storage, disposal, and delivery of radioactive wastes.

Regulation 61-83.4.4, shall be revised as follows:

4.4 Following acceptance of each separate shipment at a disposal facility or at the consignee's facility, it shall be the responsibility of each shipper to provide to the Department for such shipment a copy of the Department form ~~SCDHECSCDES~~-0802 "Radioactive Waste Shipment Prior Notification and Manifest Form" with the Consignee Acknowledgement properly executed and to provide the Department with the "Radioactive Waste Shipment Certification Form," Department form ~~SCDHECSCDES~~-0803 which accompanied that shipment.

**Regulation 61-83.5. Carrier Requirements.**

Regulation 61-83.5.1, shall be revised as follows:

5.1 For each shipment of radioactive waste materials shipped into or within the State, a carrier shall complete Part II: Carrier's Certification on the form ~~SCDHECSCDES~~-0803 provided by the generator. The certificate shall be signed by a principal, officer, partner, responsible employee, or other authorized agent of the carrier

Regulation 61-83.5.1.3, shall be revised as follows:

5.1.3 that the carrier has received a copy of the shipper's "Radioactive Waste Shipment Prior Notification and Manifest Form," form ~~SCDHECSCDES~~-0802 specified in paragraph 4.2 and the "Radioactive Waste Shipment Certification Form," form ~~SCDHECSCDES~~-0803 specified in paragraph 4.3; and

Regulation 61-83.5.2, shall be revised as follows:

5.2 A carrier shall immediately notify the Department of any variance, occurring after departure, from the primary route and estimated date of arrival of shipment as provided by the shipper on Form ~~SCDHECSCDES~~-0802.

Regulation 61-83.5.3, shall be revised as follows:

5.3 The copies of Forms ~~SCDHECSCDES~~-0803 and ~~SCDHECSCDES~~-0802 shall accompany the shipment to the destination and shall be presented together with the manifest and other shipping papers.

**Regulation 61-92. Underground Storage Tank Control Regulations.**

Statutory Authority: 1976 Code Section(s) 44-2-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-92.280.12. Definitions.**

Regulation 61-92.280.12(s), shall be revised as follows:

(s) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-92.280.92 DEFINITION OF TERMS.**

Regulation 61-92.280.92(e), shall be revised as follows:

(e) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-92.280.96. GUARANTEE.**

Regulation 61-92.280.96(c), shall be revised as follows:

(c) The guarantee must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

**GUARANTEE**

Guarantee made this [date] by [name of guaranteeing entity], a business entity organized under the laws of the state of [name of state], herein referred to as guarantor, to the Department of ~~Health and Environmental Control~~Services (Department) and to any and all third parties, and obligees, on behalf of [owner or operator] of [business address].

**Regulation 61-92.280.99. LETTER OF CREDIT.**

Regulation 61-92.280.99(b), shall be revised as follows:

(b) The letter of credit must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

**IRREVOCABLE STANDBY LETTER OF CREDIT**

[Name and address of issuing institution]

Department of ~~Health and Environmental Control~~Services, Underground Storage Tank Program, 2600 Bull Street, Columbia, SC, 29201

Regulation 61-92.280.103(b)(1), Paragraph 2, shall be revised as follows:

Whereas, the United States Environmental Protection Agency, "EPA," an agency of the United States Government, and the Department of ~~Health and Environmental Control~~Services, an agency of the state of South Carolina, have established certain regulations applicable to the Grantor, requiring that an owner or operator of an underground storage tank shall provide assurance that funds will be available when needed for corrective action and third-party compensation for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from the operation of the underground storage tank. The attached Schedule A lists the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located that are covered by the [insert "standby" where trust agreement is standby trust agreement] trust agreement.

**Regulation 61-92.280.103. STANDBY TRUST FUND.**

Regulation 61-92.280.103, Section 3, shall be revised as follows:

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Department of ~~Health and Environmental Control~~Services (Department). The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. [The Fund is established initially as a standby to receive payments and shall not consist of any property.

This sentence is only applicable to the standby trust agreement.] Payments made by the provider of financial assurance pursuant to the Department's instruction are transferred to the Trustee and are referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor as provider of financial assurance, any payments necessary to discharge any liability of the Grantor established by the Department.

**Regulation 61-92.280.302. APPEALS.**

Regulation 61-92.280.302, Paragraphs (a) and (b) shall be revised as follows:

(a) A decision involving the issuance, denial, renewal, modification, suspension, or revocation of a permit or registration may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title ~~4448~~, Chapter ~~46~~ and Title 1, Chapter 23.

(b) Any person to whom an order is issued may appeal it pursuant to applicable law, including S.C. Code Title ~~4448~~, Chapter ~~46~~ and Title 1, Chapter 23.

**Regulation 61-98. State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation.**

Statutory Authority: 1976 Code Section(s) 44-2-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-98.I. Scope and Definitions.**

Regulation 61-98.I.A., shall be revised as follows:

**A. Scope.** This regulation, promulgated pursuant to the State Underground Petroleum Environmental Response Bank Act (SUPERB), sets forth certain requirements for site rehabilitation for releases from underground storage tanks (USTs) governed under the SUPERB Act and Regulation 61-92; accessing the SUPERB account; certification of site rehabilitation contractors and suspension and decertification of site rehabilitation contractors by the Department of ~~Health and Environmental Control~~ Services (the Department).

**Regulation 61-104. Hazardous Waste Management Location Standards.**

Statutory Authority: 1976 Code Section(s) 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-104.I. Purpose and Scope.**

Regulation 61-104.I.B, shall be revised as follows:

B. The scope of the regulation is limited to issues of public health and protection of the environment. The authority to institute land use planning and zoning is an option to be instituted by local governments in South Carolina. Although the S.C. Department of ~~Health and Environmental Control~~ Services is often requested to deny permits to industries which propose activities near residential or other areas, such requests can only be considered by the Department when public health and the environment are at risk. Aesthetic considerations, nuisances such as incidental odors, noises, and lights, or competing economic



interest are mainly regulated through zoning by local governments and are not addressed in this regulation.

**Regulation 61-105. Infectious Waste Management Regulation.**

Statutory Authority: 1976 Code Section(s) 44-93-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-105.A. Purpose and Scope.**

Regulation 61-105.A(4), shall be revised as follows:

(4) In addition to the requirements of this regulation, all other applicable requirements of the Department of ~~Health and Environmental Control~~Services shall be met.

**Regulation 61-105.D. Definitions.**

Regulation 61-105.D(1)(b), (f), and (j), shall be revised as follows:

(b) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged with the responsibility for implementation of the Infectious Waste Management Act.~~  
[RESERVED]

(f) ~~“Commissioner~~Director” means the ~~Commissioner~~Director of the Department or his authorized agent.

(j) ~~“Department” means the South Carolina Department of Health and Environmental Control~~Services, including personnel of the Department authorized by the Board to act on behalf of the Department or Board.

**Regulation 61-105.E. Definition of Infectious Waste.**

Regulation 61-105.E(2)(d), shall be revised as follows:

(d) Infectious wastes generated in a private residence except when determined by the ~~Commissioner~~Director to be an imminent or substantial hazard to public health or the environment.

**Regulation 61-105.M. Manifest Form Requirements For Generators.**

Regulation 61-105.M(1), shall be revised as follows:

(1) A generator who transports, or offers for transport, infectious waste for offsite treatment, storage, or disposal, must prepare a manifest using ~~DHEC~~SCDES Form 2116 or another Department approved form and filled out in a legible manner according to the instructions for that form. The manifest form must accompany the waste at all times after leaving the generator's facility. The manifest form will include, but is not limited to:

**Regulation 61-105.BB. Enforcement.**

Regulation 61-105.BB(1), shall be revised as follows:

(1) Any person who violates any of the provisions of this regulation or any permit issued pursuant hereto, or any order issued by the Department ~~or Board~~ shall be subject to applicable civil, administrative, and criminal penalties as provided for in the Infectious Waste Management Act.

**Regulation 61-105.EE. Appeals**

Regulation 61-105.EE, shall be revised as follows:

(1) A Department decision involving the issuance, denial, renewal, suspension, or revocation of a permit, license, certificate, or certification may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title ~~44~~44, Chapter ~~16~~ and Title 1, Chapter 23.

(2) Any person to whom an order is issued may appeal pursuant to applicable law, including S.C. Code Titl

**Regulation 61-106.2.2. Application for Registration of Tanning Facilities:**

Regulation 61-106.2.2.2, shall be revised as follows:

2.2.2 The registrant shall submit ~~DHECSCDES~~ form 0826, Registration of Tanning Equipment, to SC ~~DHECDES, Bureau of Radiological Health~~Radiation Protection Program, 2600 Bull Street, Columbia, SC 29201. Upon completion and receipt of ~~DHECSCDES~~ form 0826, Registration of Tanning Equipment, the Department will issue a tanning facility registration number.

**Regulation 61-106.2.6. Denial, Suspension or Revocation of Registration:**

Regulation 61-106.2.6.1.1, shall be revised as follows:

1. For any material false statement on ~~DHECSCDES~~ Form 0826 Registration of Tanning Equipment; in the application for registration or in the statement of fact required by provisions of this regulation.

Regulation 61-106.2.6.2, shall be revised as follows:

2.6.2 A Department decision involving the issuance, denial, suspension, or revocation of a registration may be appealed by an affected person pursuant to applicable law, including S.C. Code Title ~~44~~44, Chapter ~~16~~; and Title 1, Chapter 23.

**Regulation 61-106.3.8. Warning Sign:**

Regulation 61-106.3.8.1, shall be revised as follows:

3.8.1 The following warning sign shall be conspicuously posted in the immediate proximity of each piece of tanning equipment. It shall be legible, and clearly visible, unobstructed by any barrier, equipment, or other item so that the consumer can easily view the warning sign before energizing this tanning equipment:

**If you receive any injury from the use of this tanning device, such as a burn or other physical injury, report this injury immediately to a tanning equipment operator and to the SC Department of ~~Health and Environmental Control~~Services, Bureau of Radiological HealthRadiation Protection Program, 2600 Bull Street, Columbia, SC 29201, or contact the Department by telephone at (803) 545-4400.**

**Regulation 61-107.2. Solid Waste Management: Full Cost Disclosure.**

Statutory Authority: 1976 Code Section(s) 44-96-90, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.2.B. Definitions.**

Regulation 61-107.2.B.4 and B.22, shall be revised as follows:

4. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

22. "State Solid Waste Management Plan" means the plan which the Department of ~~Health and Environmental Control~~Services is required to submit to the General Assembly and to the Governor pursuant to Section 44-96-80 of the South Carolina Solid Waste Policy and Management Act of 1991.

**Regulation 61-107.3. Solid Waste Management: Waste Tires.**

Statutory Authority: 1976 Code Section(s) 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.3.B. Definitions.**

Regulation 61-107.3.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals.**

Statutory Authority: 1976 Code Section(s) 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.4.B. Definitions.**

Regulation 61-107.4.B.1, shall be revised as follows:

"Department" means the South Carolina Department of ~~Health and Environmental Control~~Services (SCDHECDES).

**Regulation 61-107.5. Solid Waste Management: Collection, Temporary Storage, and Transportation of Municipal Solid Waste.**

Statutory Authority: 1976 Code Section(s) 44-96-370, 44-96-450, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.5.B. Definitions.**

Regulation 61-107.5.B.2, shall be revised as follows:

2. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.6. Solid Waste Management: Solid Waste Processing Facilities.**

Statutory Authority: 1976 Code Section(s) 44-96-290, 44-96-300, 44-96-360, 44-96-400, 44-96-450, 44-96-460, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.6.B. Definitions.**

Regulation 61-107.6.B.4, shall be revised as follows:

4. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.7. Solid Waste Management: Transfer of Solid Waste.**

Statutory Authority: 1976 Code Section(s) 44-96-290, 44-96-300, 44-96-370, 44-96-400, 44-96-450, 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.7.B. Definitions.**

Regulation 61-107.7.B.5, shall be revised as follows:

5. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.8. Solid Waste Management: Lead Acid Batteries.**

Statutory Authority: 1976 Code Section(s) 44-96-40, 44-96-180, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.8.B. Definitions.**

Regulation 61-107.8.B.2, B.5, and B.6, shall be revised as follows:

2. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

5. "Lead-acid battery collection facility" means a facility authorized by the Department of ~~Health and Environmental Control~~Services to accept lead-acid batteries from the public for temporary storage prior to recycling.

6. "Small sealed lead-acid battery collection facility" means a facility authorized by the Department of ~~Health and Environmental Control~~Services to accept small sealed lead-acid batteries from the public for temporary storage prior to recycling.

**Regulation 61-107.9. Solid Waste Management: White Goods.**

Statutory Authority: 1976 Code Section(s) 44-96-200, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.9.B. Definitions.**

Regulation 61-107.9.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.10. Solid Waste Management: Research, Development, and Demonstration Permit Criteria.**

Statutory Authority: 1976 Code Section(s) 44-96-310, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.10.B. Definitions.**

Regulation 61-107.10.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.**

Statutory Authority: 1976 Code Section(s) 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.12.B. Definitions.**

Regulation 61-107.12.B.6, shall be revised as follows:

6. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.14. Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification.**

Statutory Authority: 1976 Code Section(s) 44-96-260, 44-96-460, 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.14.B. Definitions.**

Regulation 61-107.14.B.1, shall be revised as follows:

1. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.15. Solid Waste Management: Land Application and Solid Waste.**

Statutory Authority: 1976 Code Section(s) 44-96-260, 44-96-290, 44-96-310, 44-96-380, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.15.B. Definitions.**

Regulation 61-107.15.B.15, shall be revised as follows:

15. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.17. Solid Waste Management: Demonstration-of-Need.**

Statutory Authority: 1976 Code Section(s) 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.17.B. Definitions for the Purposes of this Regulation.**

Regulation 61-107.17.B.6 and B.15, shall be revised as follows:

6. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

15. "State Solid Waste Management Plan" means the plan which the Department of ~~Health and Environmental Control~~Services is required to submit to the General Assembly and to the Governor pursuant to S.C. Code Section 44-96-60 (1976, as amended).

**Regulation 61-107.17.F. Appeals.**

Regulation 61-107.17.F.2, shall be revised as follows:

2. A Department decision involving a demonstration-of-need may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title ~~4448~~, Chapter ~~16~~; and Title 1, Chapter 23.

**Regulation 61-107.18. Solid Waste Management: Off-Site Treatment of Contaminated Soil.**

Statutory Authority: 1976 Code Section(s) 44-96-260, 44-96-290, 44-96-300, 44-96-310, 44-96-360, 44-96-450, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.18.B. Definitions As Used In This Regulation.**

Regulation 61-107.18.B.12, shall be revised as follows:

12. "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.18.E. Technical Review and Design Requirements.**

Regulation 61-107.18.E.2.c.(12)(c), shall be revised as follows:

(c) Identify the valid ~~DHEC~~SCDES Solid Waste Permit Number for the soil treatment facility.

**Regulation 61-107.18.G. Monitoring and Reporting Requirements.**

Regulation 61-107.18.G.3, shall be revised as follows:

3. Analytical data showing that all treated soil met appropriate standards, pursuant to Section F. of this regulation, prior to removal from the facility, shall be maintained on-site for a minimum of five (5) years from the date the results are received from the laboratory. This data shall be generated by a laboratory certified by ~~DHEC~~SCDES for the required parameters and in accordance with SW-846, Chapter 9. This data shall be made available to the Department upon request.

**Regulation 61-107.19. Solid Waste Management: Solid Waste Landfills and Structural Fill.**

Statutory Authority: 1976 Code Section(s) 44-96-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.19, Part I. General Requirements.**

**Regulation 61-107.19, Part I.B. Definitions for the Purposes of this Regulation.**

Regulation 61-107.19, Part I.B.17, shall be revised as follows:

17. “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services.

**Regulation 61-107.19, Part I.D. Permit Application Process.**

Regulation 61-107.19, Part I.D.1.c, shall be revised as follows:

c. A Department decision involving a determination listed herein, may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title ~~44~~448, Chapter ~~16~~; and Title 1, Chapter 23.

**Regulation 61-107.19, Part I.E. Financial Assurance Criteria.**

Regulation 61-107.19, Part I.E.4.i.(1), shall be revised as follows:

(1) A permittee may demonstrate financial assurance, wholly or in part, by assigning all rights, title and interest of a Certificate of Deposit (Certificate) to the Department, conditioned so that the permittee shall comply with the closure, post-closure care, or corrective action plan filed for the site. The amount of the Certificate shall be in an amount at least equal to the current closure, post-closure care, or corrective action cost estimate, whichever is applicable, for the site for which the permit application has been filed or any part thereof not covered by other financial assurance mechanisms. The permittee shall maintain the Certificate until proper final closure, post-closure care, or corrective action is completed. The original assignment of the Certificate of deposit shall be submitted to the Department to prove that the Certificate has been obtained and meets the requirements of this section. The Certificate shall be in the sole name of the South Carolina Department of ~~Health and Environmental Control~~Services and shall be issued by a financial institution that is insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation. The Certificate may not have a maturity date of less than six (6) months. Those Certificates with a maturity date of less than one year shall provide for automatic renewal. In those instances where renewal is not automatic, the permittee shall renew or replace the instrument no less than 60 days before the maturity date.

**Regulation 61-107.19, Part I.I. Appeals.**

Regulation 61-107.19, Part I.I.1, shall be revised as follows:

1. A Department decision involving the issuance, denial, renewal, suspension, revocation or request for a variance of a permit may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title ~~44~~448, Chapter ~~16~~; and Title 1, Chapter 23. Any person to whom an order is issued may appeal it pursuant to applicable law.

**Regulation 61-107.19, Part IV. Class Two Landfills.**

**Regulation 61-107.19, Part IV.C. Operation Criteria for Class Two Landfills.**

Regulation 61-107.19, Part IV.C.12.c, shall be revised as follows:

- c. Identify the valid SCDHECDES Facility Identification Number.

**Regulation 61-107.19, Part V. Class Three Landfills.**

**Regulation 61-107.19, Part V. Subpart A. General Provisions.**

Regulation 61-107.19, Part V.A.258.1.c, shall be revised as follows:

- c. No Class Three landfill shall be operated in the State of South Carolina without first obtaining a written permit from the South Carolina Department of ~~Health and Environmental Control~~ Services.

**Regulation 61-107.19, Part V. Subpart C. Operating Criteria.**

Regulation 61-107.19, Part V.C.258.36.c, shall be revised as follows:

- c. Identify the valid SCDHECDES Facility I.D. Number for the facility.

**Regulation 61-107.279. Solid Waste Management: Used Oil.**

Statutory Authority: 1976 Code Section(s) 44-96-160, 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-107.279.1. Definitions.**

Regulation 61-107.279.1.c, shall be revised as follows:

- c. “Department” means the South Carolina Department of ~~Health and Environmental Control~~ Services.

**Regulation 61-107.279.42. Notification and Insurance Requirements.**

Regulation 61-107.279.42.b, shall be revised as follows:

- b. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed ~~SCDHEC~~ SCDES Form 2701.

**Regulation 61-107.279.51. Notification and Permitting.**

Regulation 61-107.279.51.b, shall be revised as follows:

- b. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the Department of the used oil activity by submitting a completed ~~SCDHEC~~ SCDES Form 2701.

**Regulation 61-107.279.62. Notification.**

Regulation 61-107.279.62.b, shall be revised as follows:



b. A used oil burner who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed ~~SCDHEC~~DHECSCDES Form 2701.

**Regulation 61-107.279.73. Notification.**

Regulation 61-107.279.73.b, shall be revised as follows:

b. A marketer who has not received an EPA identification number may obtain one by notifying the Department of their used oil activity by submitting a completed ~~SCDHEC~~DHECSCDES Form 2701.

**Regulation 61-124. Consumer Electronic Equipment Collection and Recovery.**

Statutory Authority: 1976 Code Section(s) 48-60-5 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Regulation 61-124.B. Definitions.**

Regulation 61-124.B.11, shall be revised as follows:

11. “Department” means the South Carolina Department of ~~Health and Environmental Control~~Services (DHECSCDES).