

NOTICE

Pursuant to Act 60 of 2023, the South Carolina Board of Health and Environmental Control is abolished, effective Monday, July 1, 2024. Additionally, the South Carolina Department of Health and Environmental Control (DHEC) will become two, new separate agencies — the South Carolina Departments of Environmental Services (SCDES) and Public Health (DPH). This Guide to Board Review is applicable to requests filed with the Board on or after May 24, 2024.

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with the Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day.
2. **Until June 10, 2024**, RFRs should be filed on-line (scdhec.gov/FileRFR) or in person or by mail at the following address:

South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201

After June 10, 2024, RFRs should be filed in person at the above-referenced address.

RFRs may be filed at any time prior to 5:00 PM on Friday, June 28, 2024, with the Clerk by electronic mail (boardclerk@dhec.sc.gov).

3. Pursuant to Act 60 of 2023, the Board is abolished, effective Monday, July 1, 2024. **No RFRs will be accepted after 5:00 PM on Friday, June 28, 2024.**
4. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and

- the name of the Requestor and the Requestor's mailing address, email address, if applicable, and phone number(s) at which the Requestor can be contacted. If the Requestor consists of a group of individuals, a representative of the group should be identified to receive all notices and communications related to the RFR for the group.

All information submitted is subject to release under the Freedom of Information Act. If the RFR and accompanying documentation contain information the Requestor believes should not be released, such information should be identified.

5. The filing fee may be paid by cash, check or credit card and must be received by the 15th day. Credit card payments may be made by phone (803-898-3460, option 2) or prior to June 10, 2024, on-line at scdhec.gov/FileRFR.
6. If there is any perceived discrepancy in compliance with this RFR filing procedure or any other procedural question, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
7. **Pursuant to the Standing Order approved by the Board on May 21, 2024, any RFR filed with the Board on or after May 24, 2024, will be denied.** The Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.