

R.61-63, Radioactive Materials (Title A) – Final Amendment

State Register Document No. 4958

Exempt from General Assembly review

Link to published Notice of Final Regulation (“NFR”): www.scstatehouse.gov/regs/4958.docx

Status |

NFR published/Legal effect: September 25, 2020

Contact Information |

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Summary |

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Part II of the regulation. Additionally, the proposed amendments authorize the Department to review their general licensees’ quality assurance program for the use of Commission-approved Type B packaging for transportation of radioactive material as required in NRC Regulation Title 10, Code of Federal Regulation (“CFR”) Part 71.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

History |

NOD published; comment period started:	October 25, 2019
NOD comment period closed:	November 25, 2019
Board approval to publish NPR:	February 13, 2020
NPR published; comment period started:	February 28, 2020
NPR comment period closed:	March 30, 2020
Public Hearing (rescheduled):	September 10, 2020
(canceled):	July 9, 2020
(canceled):	May 7, 2020

R.61-79, Hazardous Waste Management Regulations – Proposed Amendment

State Register Document No. 4975

General Assembly review required

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/4975.docx

Status |

NPR comment period open:
August 28, 2020 – September 28, 2020

Submit Comments To |

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Summary |

The Department of Health and Environmental Control (“Department”) proposes amending R.61-79 to adopt two Environmental Protection Agency (“EPA”) rules published in the Federal Register. The EPA has given authorized states, including South Carolina, the discretion to adopt these rules as they will make existing standards less stringent and provide more flexibility to the regulated community. The “Safe Management of Recalled Airbags” interim final rule, published on November 30, 2018, at 83 FR 61552-61563 will create a conditional exemption from Resource Conservation and Recovery Act (“RCRA”) requirements for certain entities that collect airbag waste from automobiles. The “Universal Waste Regulations: Addition of Aerosol Cans” final rule published on December 9, 2019, at 84 FR 67202-67220 will reduce regulatory burdens on businesses that generate, manage, and dispose of aerosol cans. The Department also proposes corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed rules.

History |

NOD published; comment period started:	April 24, 2020
NOD comment period closed:	May 26, 2020
Board approval to publish NPR:	August 13, 2020
Public Hearing (scheduled):	November 12, 2020

R.61-79, Hazardous Waste Management Regulations – Proposed Amendment

State Register Document No. 4976

Exempt from General Assembly review

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/4976.docx

Status |

NPR comment period open:
August 28, 2020 – September 28, 2020

Submit Comments To |

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Summary |

The Department of Health and Environmental Control (“Department”) proposes amending R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency (“EPA”) final rule “Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine,” published on February 22, 2019, at 84 FR 5816-5950. The rule creates new standards for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the existing generator regulations and reduces regulatory burdens for over-the-counter Food and Drug Administration (“FDA”)-approved nicotine replacement therapies.

The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes the amendments for compliance with federal law.

History |

NOD published; comment period started:	April 24, 2020
NOD comment period closed:	May 26, 2020
Board approval to publish NPR:	August 13, 2020
Public Hearing (scheduled):	November 12, 2020

R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 5 \(Page 66\)](#)

Status |

NOD published; comment period closed

Contact Information |

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Summary |

Pursuant to R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, the Department oversees the recycling of food waste, yard trash, brush and other organic material to produce compost and wood mulch. The Department proposes amending R.61-107.4, to more effectively regulate composting facilities, and better protect human and environmental health. The proposed amendments will address issues including quality assurance and testing requirements, acceptance of unauthorized wastes, and permitting requirements. Proposed amendments may also include operating requirements, including material management, equipment maintenance, fire preparedness, and prevention of vectors, odors, dust, and litter. The Department also proposes amending the financial assurance requirements for permitted composting facilities to ensure the requirements are adequate for closure, post-closure, and corrective action activities, but do not create an undue burden for composters.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this proposed amendment.

History |

NOD published; comment period started:	May 22, 2020
NOD comment period closed:	June 22, 2020

61-107.20, Regulation Name Pending – Proposed New Regulation

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 44, Issue 5 \(Page 66\)](#)

Status |

NOD published; comment period closed

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Summary |

During the 2018 legislative session, the General Assembly passed Act 170 (“Act”), which revised the South Carolina Solid Waste Policy and Management Act of 1991. The Act codified language at S.C. Code Ann. Section 44-96-360 *et seq.*, which establishes conditions for facilities that process or recycle construction and demolition debris.

The Department proposes a new regulation to address and implement provisions of the Act to regulate facilities that process or recycle construction and demolition debris. This new regulation, R.61-107.20, will establish requirements including registration, permitting, location, operation, and reporting requirements for construction and demolition debris processing and recycling facilities. The regulation will also address the applicability of the regulation and will clarify exemption requirements. For facilities that fail to adhere to proper procedures, the regulation will address penalties and establish procedures for the revocation or suspension of a permit.

The Administrative Procedures Act, S.C. Code Ann., Section 1-23-120(A), requires General Assembly review of this new regulation.

History |

NOD published; comment period started:	May 22, 2020
NOD comment period closed:	June 22, 2020