

Proposed New Solid Waste Management Regulation

State Register Document No. 5191

General Assembly review required

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/5191.docx

Status |

NPR published; comment period closed

Contact Information |

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Summary |

Pursuant to 2022 Act No. 119, Section 5, the Department is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, Solar Energy Systems, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a registration requirement, and facilitate all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

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

History |

NOD published; comment period started:	March 24, 2023
NOD comment period closed:	April 24, 2023
Board approval to publish NPR:	June 8, 2023
NPR published; comment period started:	June 23, 2023
NPR comment period closed:	July 24, 2023
Public hearing (scheduled):	September 7, 2023

R.89-10 through 89-350, Office of the Governor-Mining Council of South Carolina – Proposed Amendment

General Assembly review required

Link to published Notice of Drafting (“NOD”): [State Register Volume 46, Issue 8 \(page 23\)](#)

Status |

NOD published; comment period closed

Contact Information |

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Summary |

Pursuant to the South Carolina Mining Act, S.C. Code Ann., Sections 48-20-10 et seq., the Department establishes and enforces standards for the permitting, operation, and closure of mining and exploratory excavation activities. The Department proposes amending R.89-10 through 89-350 to more efficiently regulate mining activities and protect human and environmental health. More specifically, the Department proposes revising requirements for setbacks between mines and property lines and other structures. The Department may consider revisions to blasting, permitting, bonding, noticing, and operational requirements, and other administrative changes.

The proposed amendments may also include updates, corrections, or other changes 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 these proposed amendments.

History |

NOD published; comment period started:
NOD comment period closed:

August 26, 2022
September 26, 2022

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

State Register Document No. 5189

Exempt from General Assembly review

Link to published Notice of Proposed Regulation (“NPR”): www.scstatehouse.gov/regs/5189.docx

Status |

NPR published; comment period closed

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 proposes amendments to R.61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarifications or corrections to Parts II, III, IV, and XII of the regulation.

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:	February 24, 2023
NOD comment period closed:	March 27, 2023
Board approval to publish NPR:	May 11, 2023
NPR published; comment period started:	May 26, 2023
NPR comment period closed:	June 26, 2023
Public hearing (scheduled):	October 12, 2023

R.61-83, Transportation of Radioactive Waste Into or Within South Carolina – Proposed Amendment

Exempt from General Assembly review

Link to published Notice of Drafting (“NOD”): [State Register Volume 47, Issue 4 \(page 12\)](#)

Status |

NOD published; comment period closed

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Summary |

Pursuant to S.C. Code Sections 13-7-10 et seq., the Department requires compliance with all applicable provisions of Title 10, Part 71 of the Code of Federal Regulations (10 CFR 71), as revised in February 2018, and any disposal facility’s radioactive material license requirements and site disposal criteria regarding the packaging, transportation, disposal, storage or delivery of radioactive materials. The Department proposes amending R.61-83, Transportation of Radioactive Waste Into or Within South Carolina, to incorporate 10 CFR 71 regulations promulgated in 2018, provide clarification for conformance with Disposal Site Criteria, include an exemption/exception allowance, and update Forms to the current documents in use.

The proposed amendments may also include 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 amendments.

History |

NOD published; comment period started:	April 28, 2023
NOD comment period closed:	May 30, 2023