

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal, or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices of public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Executive Orders are actions issued and taken by the Governor.

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as a proposed regulation.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

2026 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend, or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one-hundred-ten days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the expiration of the one-hundred-ten-day review period, the regulation is approved on the one-hundred-tenth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety, or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal laws are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during the legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature website at www.scstatehouse.gov or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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Deirdre Brevard Smith, Editor
P.O. Box 11489
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Telephone: (803) 212-4500
Fax: (803) 212-4501

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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE

2 EXECUTIVE ORDERS

Executive Order No. 2026-12

WHEREAS, the undersigned has been notified of the passing of Converse Alvah Chellis, III, who previously served the State of South Carolina as State Treasurer and as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to his dutiful service as State Treasurer and as a member of the South Carolina House of Representatives, Converse Chellis previously served the State of South Carolina as Chairman of the State Board of Accountancy, President of the Summerville Chamber of Commerce, and in various other state and local capacities; and

WHEREAS, Converse Chellis was a man of faith, dedicated public servant, charismatic leader, successful businessman, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of the death of a present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Thursday, June 18, 2026, in honor of Converse Alvah Chellis, III, and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF JUNE, 2026.**

**HENRY DARGAN MCMASTER
Governor**

Executive Order No. 2026-13

WHEREAS, the undersigned has consistently advocated for reforming and restructuring various Executive Branch agencies and departments, several of which were legacies of the system previously described by Governor Campbell as “a government run by a multitude of uncoordinated, unaccountable[,] and uncontrolled autonomous boards, commissions, agencies, departments, and authorities that are simply incapable of responding efficiently to the massive demands and responsibilities placed on a modern state government,” Exec. Order No. 91-07 (Mar. 6, 1991); and

WHEREAS, in recent years, the General Assembly has recognized the need for such reform and has taken several important steps to restructure quasi-independent Executive Branch agencies and departments and to provide direct lines of accountability to the Governor of the State of South Carolina, *e.g.*, 2025 S.C. Acts No. 3; 2023 S.C. Acts No. 60; and

WHEREAS, the undersigned is convinced that the aforementioned measures will significantly enhance accountability and improve the quality of government services available to South Carolinians by replacing bureaucratic fragmentation and isolation with agencies designed for communication, collaboration, and coordination, the leadership of which is directly and immediately accountable to the undersigned; and

WHEREAS, in light of the above-referenced developments, the undersigned has determined that it is necessary and appropriate to update the composition of the undersigned's Executive Cabinet, which is the coordinated structure designed to facilitate the organized and efficient functioning and administration of Executive Branch agencies and departments; and

WHEREAS, in addition to providing clarity and promoting accountability by specifying those state agencies and departments that comprise the undersigned's principal advisory body and identifying those state officials who constitute members of the Governor's Executive Cabinet, the undersigned has further determined that it is prudent to take certain additional proactive actions to improve the organization and operation of those agencies; and

WHEREAS, the effective and uninterrupted operation of state government is vital to the health, safety, and welfare of the citizens of the State of South Carolina, and to that end, ensuring a continuity of leadership within state agencies and departments is essential in providing for the continued delivery of essential services, particularly in the event of an emergency, and requires state officials to prepare for unanticipated vacancies or other similar circumstances, *see* S.C. Code Ann. §§ 1-9-10 *et seq.*; *Bradford v. Byrnes*, 221 S.C. 255, 262, 70 S.E.2d 228, 231 (1952); and

WHEREAS, the South Carolina Constitution expressly provides that the Governor of the State of South Carolina is vested with "[t]he supreme executive authority of this State" and that he "shall take care that the laws be faithfully executed," S.C. Const. art. IV, §§ 1, 15; and

WHEREAS, in recognition of the aforementioned authority, article IV, section 17 of the South Carolina Constitution provides that "[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements"; and

WHEREAS, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to "call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare"; and

WHEREAS, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that "[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities"; and

WHEREAS, it is axiomatic that the undersigned's Executive Orders shall have the force and effect of law, *see* S.C. Code Ann. § 1-23-100; *Amisub of S.C., Inc. v. S.C. Dep't of Health & Env't Control*, 407 S.C. 583, 600, 757 S.E.2d 408, 417 (2014); *see also Com. of Va. v. Cannon*, 228 F.2d 313, 315 (4th Cir. 1955) (noting that courts "must look to the proclamations of the Governors to determine what the policy of the state was [and] that these have the effect of statutory enactments"); and

WHEREAS, the undersigned issued Executive Order No. 2025-23 on June 25, 2025, designating the Executive Cabinet and requiring submission of potential emergency or acting successors.

4 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Designating Executive Cabinet

A. In accordance with the foregoing authorities, historical practice, and other applicable law, I hereby designate the following administrative heads of Executive Branch agencies (“Cabinet Agency”), as well as the following officials of corresponding rank, as comprising the Governor’s Executive Cabinet:

1. Lieutenant Governor
2. Adjutant General, South Carolina Military Department
3. Chief of the South Carolina Law Enforcement Division
4. Chief Resilience Officer, South Carolina Office of Resilience
5. Director of the Department of Administration
6. Director of the Department of Behavioral Health and Developmental Disabilities
7. Director of the Department of Corrections
8. Director of the Department of Employment and Workforce
9. Director of the Department of Environmental Services
10. Director of the Department of Health and Human Services
11. Director of the Department of Insurance
12. Director of the Department of Juvenile Justice
13. Director of the Department of Labor, Licensing and Regulation
14. Director of the Department of Motor Vehicles
15. Director of the Department of Natural Resources
16. Director of the Department of Parks, Recreation and Tourism
17. Director of the Department of Probation, Parole and Pardon Services
18. Director of the Department of Public Health
19. Director of the Department of Public Safety
20. Director of the Department of Revenue
21. Director of the Department of Social Services
22. Director of the Department on Aging
23. Director of the Emergency Management Division
24. Secretary of Commerce
25. Secretary of Transportation
26. Secretary of Veterans’ Affairs
27. State Child Advocate
28. State Inspector General
29. Administrator of the Department of Consumer Affairs
30. Chief of Staff, Office of the Governor
31. Chief Legal Counsel, Office of the Governor

B. The Executive Cabinet shall meet at the call of the undersigned or the undersigned’s designee and shall advise the undersigned and the Office of the Governor on matters pertaining to executive branch operations, strategic initiatives and areas of common interest, policy development and implementation, and interagency collaboration, coordination, and cooperation.

C. Members of the Executive Cabinet (“Cabinet Official”) shall provide to the undersigned and to the Office of the Governor any and all reports, information, or materials requested by the undersigned, including copies of any and all reports provided to the General Assembly or to the leadership or a committee thereof.

D. The undersigned or the undersigned's designee is authorized to invite additional agency heads to attend meetings of the Executive Cabinet, which shall be subject to the Freedom of Information Act in accordance with section 30-4-65 of the South Carolina Code of Laws, as amended.

E. This Section does not alter, amend, modify, or supersede any duties, functions, or responsibilities assigned to, or which may be assigned to, the foregoing positions under existing law.

Section 2. Requiring Submission of Potential Emergency or Acting Successors

A. In accordance with section 1-9-40 of the South Carolina Code of Laws, as amended, and other applicable law, I hereby authorize and direct that each Cabinet Official shall identify at least three (3) employees of the corresponding Cabinet Agency whom the Cabinet Official deems qualified to serve on a temporary or emergency interim basis as the acting agency head in the event of an unanticipated vacancy in said office or the Cabinet Official's temporary absence, incapacity, or unavailability. Unless otherwise provided by law, within fifteen (15) days of this Order or within thirty (30) days of appointment, whichever is later, each Cabinet Official shall notify the Office of the Governor, in writing, of the individuals recommended for potential designation as the acting agency head, should the circumstances require such a designation, and shall confirm both that the individuals recommended satisfy any statutory qualifications associated with the position and that the individuals recommended would be willing to serve on a temporary basis if called upon to do so. Each Cabinet Official's recommended designations shall include and identify any deputy authorized by law to exercise the powers and discharge the duties of said office in the event of a vacancy or the Cabinet Official's temporary absence, incapacity, or unavailability.

B. Each Cabinet Official's recommended designations, which shall include the names and titles of the employees, are subject to the undersigned's approval and designation, and each Cabinet Official shall review and update the list of individuals recommended for potential designation as the acting agency head at least annually or upon any change in the employment status of the individuals identified and recommended.

C. In the absence of a prior recommended designation approved by the Governor, and until such time as the Governor takes different or additional action with respect to said position or until a successor is appointed and qualifies as provided by law, whichever event occurs first, the Cabinet Agency's chief legal counsel, chief legal officer, general counsel, or equivalent senior attorney is authorized to serve as the acting agency head during such periods, subject to the Governor's review and approval.

Section 3. Rescission of Executive Order No. 2025-23

I hereby rescind Executive Order 2025-23 effective immediately.

Section 4. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

6 EXECUTIVE ORDERS

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF JUNE, 2026.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2026-14

WHEREAS, as South Carolina’s chief magistrate, commander-in-chief, and supreme executive authority, it is the responsibility of the Governor to protect the citizens of South Carolina from foreign and domestic threats and, as such, to promote and implement initiatives and programs to protect our citizens accordingly; and

WHEREAS, the United States Department of Commerce has identified the following as “foreign adversaries”: the People’s Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region (PRC); Republic of Cuba (Cuba); Islamic Republic of Iran (Iran); Democratic People’s Republic of Korea (North Korea); Russian Federation (Russia); and Venezuelan politician Nicolás Maduro (Maduro Regime), 15 C.F.R. § 791.4 (2025); and

WHEREAS, according to the Federal Bureau of Investigation, the PRC engages local and state officials as part of its strategy to use “the local to surround the center,” and thus to manipulate local political leaders “to turn Americans against their own government’s interests and their society’s interests”; and

WHEREAS, foreign adversaries seek to sabotage and corrupt key information software and systems and to steal intellectual property, information on critical infrastructure, and personal information at every level of government; and

WHEREAS, protecting critical infrastructure requires both ensuring that its components are not sourced by foreign adversaries and that individuals with access to that infrastructure do not compromise it, even inadvertently; and

WHEREAS, the State Law Enforcement Division’s Fusion Center (SLED FC) has noted that foreign delegation visits are frequently used to target and attempt to gain access to sensitive or classified information, and visits by foreign guests, travel and interaction with foreigners, or conferences and meetings including foreign participants are all opportunities for nefarious behavior on the part of the foreign intelligence entity or person supporting those efforts; and

WHEREAS, although building relationships and sharing information with our foreign partners is critical for businesses and organizations in South Carolina, this mission-essential activity can present opportunities for foreign entities to collect information that goes beyond the scope of normal business relationships and collaboration; and

WHEREAS, although foreign engagement activities are necessary and beneficial, they also pose risks, and appropriate security precautions should be taken to prevent the loss of classified and proprietary information, as well as the compromise of programs and operations during the course of foreign interactions; and

WHEREAS, although many foreign visitors are in the United States as guests at the request of the government and do not engage in the adversarial collection or compromise of information, individuals acting with ulterior motives can be difficult to detect; and

WHEREAS, preparing for those inherent risks will ensure the safety of personnel, both at home and abroad; and

WHEREAS, government officials are considered high value targets when traveling internationally due to their roles and their access to sensitive information; and

WHEREAS, international travel by South Carolina agency employees and agents can assist in expanding international commerce, building expertise, developing intergovernmental coordination, and can help create and expand state and territorial economies in the United States; and

WHEREAS, as the federal government has taken steps to better secure its systems and personnel, foreign threat actors have increasingly targeted state and local governments through technological means and relationship-building efforts to gain access to intellectual property, government operations, and other sensitive information; and

WHEREAS, other States have developed travel security programs to mitigate risks associated with international travel by government employees, thereby enhancing situational awareness and preparedness among travelers and helping protect state and territorial assets, including information about critical infrastructure and networks; and

WHEREAS, identifying and implementing preventive measures will help reduce South Carolina's exposure and liability should incidents occur abroad, and a foreign travel security program will better prepare and support state employees who may become stranded overseas due to conflict or other unforeseen circumstances; and

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby establish the following programs which shall operate as set forth below:

Section 1. Establishing South Carolina Foreign Visitor Program

A. All access by official foreign visitors must be properly controlled to avoid unauthorized disclosures of confidential, sensitive, or personal information maintained by the Government of South Carolina. To facilitate safe and secure visits, state agencies or state employees who are hosting foreign delegations or official visitors must notify the SLED FC by sending an email to sledfvp@sled.sc.gov at least 30 days prior to an official visit and must designate a point of contact for the FC. Upon receipt of that notice, the FC will send a request for the specific information needed to facilitate SLED's Foreign Visitor Program review. The state agency point of contact must respond as soon as possible, but no later than 30 days prior to the visit. SLED FC will notify the agency of any issues or concerns as soon as possible.

B. In addition, should any state agency receive a request from any federal law enforcement agency or any government entity (foreign or domestic) relating to foreign relations or any information that involves foreign interaction, the agency must direct the request and all questions related thereto to SLED FC via email to sledfvp@sled.sc.gov.

8 EXECUTIVE ORDERS

Section 2. Establishing South Carolina Foreign Travel Program

A. South Carolina state officials traveling outside of the United States (Travelers) may encounter safety and security concerns depending on the destination of travel and the current circumstances in that country during the trip. SLED FC is uniquely equipped to evaluate and communicate such safety and security concerns to Travelers pursuant to the South Carolina Foreign Travel Program.

B. Traveling abroad by state employees provides foreign intelligence entities an opportunity to target state employees on said entities' own soil or in another country in which they operate. State employees traveling on state government official business may be subject to extensive inspection and questioning by authorities at ports of entry, their activities may be monitored in country, and hotel rooms and safes may even be surreptitiously accessed. To protect our employees and the information they possess, the SLED FC will facilitate a review of safety and security concerns when state employees travel out of the United States on official business. To facilitate this process, any state employee traveling out of the country on official business must send an email communicating such to the SLED FC at TravelSecurity@sled.sc.gov. This must be accomplished as far in advance as possible but no later than 30 days prior to the out-of-state travel.

C. Upon receipt, SLED FC will review and evaluate the information and will contact the Traveler to gather more information if needed. SLED FC will then provide necessary information regarding any known issues in the destination of travel or brief the Traveler with safety and security information prior to the foreign travel. All state officials must cooperate with SLED FC to facilitate this exchange of information.

D. As part of the Foreign Travel Program, the Traveler may be asked to schedule a short debriefing with SLED FC upon the Traveler's return from foreign travel. This debrief will be solely related to safety and security issues or concerns that the Traveler may have encountered during the foreign travel. All Travelers must cooperate with SLED FC upon request as a part of the South Carolina Foreign Travel Program.

E. On a monthly basis or as otherwise requested by him, SLED FC shall inform and advise the Governor regarding all findings, conclusions, and concerns relating to the safety and security of Travelers, the citizens of South Carolina, the State of South Carolina, and the United States of America as formulated or developed in connection with this Program, including the strengths and weaknesses of said Program and any recommendations in response thereto. Concerns of imminent threats or dangers shall be reported to the Governor immediately and handled pursuant to applicable security protocols.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF JULY, 2026.
HENRY DARGAN MCMASTER
Governor**

CLEMSON UNIVERSITY

NOTICE OF GENERAL PUBLIC INTEREST

Clemson University's Department of Industry (Clemson DPI) is responsible for surveying, monitoring, and regulating many plant pest species in South Carolina, including Asian longhorned beetle (ALB; *Anoplophora glabripennis*). Asian longhorned beetle, detected and quarantined in South Carolina since 2020, is an invasive wood-boring beetle of major concern to property owners and the forestry and firewood industries in the U.S. It feeds on hardwood trees including maples, elms, birch, poplars, sycamore, willows, and more. Feeding results in the gradual decline and eventual death of the tree and ALB has been found in New York, Massachusetts, Ohio, New Jersey, Illinois, and, most recently, South Carolina.

South Carolina currently operates with quarantine areas in Charleston and Dorchester Counties. There are two contiguous quarantined areas which each emanate from the Hollywood and Mount Pleasant areas.

Extensive surveying has occurred in Hollywood and Mount Pleasant since 2020 and 2025, respectively, and findings indicate changes to the quarantined areas are necessary to accurately reflect risks and quarantine application.

Therefore, the DPI recommends that the quarantined areas emanating from Hollywood be expanded and the area within the town of Mount Pleasant be reduced. This updated quarantine alteration shall be effective August 23, 2026, until otherwise changed by DPI. The alteration of quarantined areas should enable DPI to shield other SC counties and properties from the spread of and damage caused by ALB while specifically protecting in-state, national, and international agricultural trade with SC industries and property owners not within this quarantine.

The approximate area to be included in the expansion of the quarantine area is described as follows:

HOLLYWOOD QUARANTINE:

Charleston and Dorchester Counties. The portion of Charleston County, including portions or all of the municipalities of Hollywood, Ravenel, and Charleston that are bounded by a line starting at Warren Crossroads (Intersection of Highway 165 and Hyde Park Road, 80.2733865°W 32.8206382°N); then east on Hyde Park Road to County Line Road; then east on County Line Road to point (80.2027263°W 32.8280403°N); then follow parcel boundary northeast to Rantowles Creek (80.1843171°W 32.8499252°N); then follow Charleston/Dorchester county boundary line northeast until point (80.1279658°W 32.8887207°N); then follow several parcel boundary lines east to the intersection of W Ashley Circle and Bees Ferry Road; then south on W. Ashley Circle to Glenn McConnell Parkway; then south on Glenn McConnell Parkway to point (80.0552992°W 32.8114746°N); then south from point, across the highway, follow parcel boundaries south to Long Branch Creek; then follow Long Branch Creek south, cross the Stono River to point (80.0522569°W 32.7765139°N); then follow parcel boundaries south across Penny Creek to point (80.0591723°W 32.7661284°N); then along property boundaries to (80.055761°W 32.762015°N); then south along property boundary to point (80.05707432°W 32.760623°N); then south on River Road to point (80.056877°W 32.760478°N); then south across River Road following the property boundaries to Murraywood Road; then west on Murraywood Road to Brownswood Road; then south on Brownswood Road to Maybank Highway; then southwest on Maybank Highway to Bears Bluff Road; then west on Bears Bluff Road to New Cut Road; then north on New Cut Road to point (80.1727457°W 32.6990682°N); then follow parcel boundaries west, then north to point (80.2045989°W 32.7074122°N); then across the Wadmalaw River to point (80.2045989°W 32.7113270°N); then follow the shoreline 0.5 miles west until it reaches stream at point (80.2129694°W 32.7107339°N); then follow the stream north until it reaches land at point (80.2127985°W 32.7179670°N); then follow parcel boundaries across stream to point (80.2117506°W 32.7195782°N); then on Westervelt Road; then north on Westervelt Road to Church Flats Road; then west on Church Flats Road to Gibson Road; then north on Gibson Road to Dixie Plantation Road; then west on Dixie Plantation Road to Highway 162; then west on Highway 162 to the intersection of Highway 162 and Highway 165; then north on Highway 165 back to the point of beginning.

MOUNT PLEASANT QUARANTINE:

Charleston County. The portion of Charleston County including portions of the municipality of Mount Pleasant, SC that is bounded by a line starting at the intersection of Highway 41 and N Highway 17 (79.7953164°W 32.8592678°N); then north on N Highway 17 to Porchers Bluff Road (79.7912722°W 32.8619761°N); then southeast on Porchers Bluff Road to the roundabout at the intersection of Porchers Bluff Road and Rifle Range road (79.7783246°W 32.8550872°N); then southwest on Rifle Range Road; then south on Old Marsh Parkway to Amenity Park Drive; then south on Amenity Park Drive to the cul-de-sac to point (79.7780858°W 32.8452840°N); then follow the parcel boundary east into the water of Hamlin Sound at point (79.7751720°W 32.8440859°N); then follow the shoreline southeast (approximately 6 miles) to Ben Sawyer Boulevard (79.8504363°W 32.78661829°N); then northwest on Ben Sawyer Boulevard (Route 703) to the intersection with Chuck Dawley Boulevard; then northeast on Chuck Dawley Boulevard to Bowman Road; then northwest on Bowman Road to Mathis Ferry Road; then east on Mathis Ferry Road to Wakendaw Boulevard; then north on Wakendaw Boulevard to S. Barksdale Road; then north on S Barksdale Road until it terminates (dead end) at point (79.8625092°W 32.8268428°N); then follow Hobcaw Creek shoreline north to where the water intersects land at point (79.8599009°W 32.8372745°N); then follow parcel boundary north, cross Chimney Bluff Drive, and follow parcel boundary to point (79.8600456°W 32.8377357°N); then northeast, crossing Highway 526 to point (79.8595707°W 32.8384374°N); then north, following highway 526 off ramp Exit 28 to Long Point Road; then east on Long Point Road to Egypt Road; then north on Egypt Road until the road terminates at point (79.8554389°W 32.8504683°N); then east, then north, along parcel boundary and follow the shoreline to point (79.8383728°W 32.8613193°N); then north from the shore, across the water to point (79.8398908°W 32.8632242°N); then follow the shoreline of the Mount Pleasant Palmetto Islands County Park north and then east to point (79.8363660°W 32.8655979°N); then follow Boone Hall Creek east and cross Horlbeck Creek; then east along the shoreline of Horlbeck Creek to Highway 41; then southeast on Highway 41 to the point of beginning.

If you should have any questions about this alteration of quarantine area or about efforts to control the Asian Longhorned beetle in South Carolina, please contact: Dr. Steve Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670 or email: scole@clemson.edu.

DEPARTMENT OF PUBLIC HEALTH**NOTICE OF GENERAL PUBLIC INTEREST**

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **July 24, 2026**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Berkeley County**Roper St. Francis Specialty Hospital**

The establishment of a new specialty hospital by transfer of twelve (12) acute care beds from Roper St. Francis Hospital - Berkeley, Inc. to Roper St. Francis Specialty Hospital, a new women's and newborn's specialty hospital, for a total of twelve (12) acute care beds at a total project cost of \$2,500,000.00.

Affecting Spartanburg County**Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Hospital for Restorative Care**

The relocation of twelve (12) rehabilitation beds from Spartanburg Medical Center - Mary Black Campus to Spartanburg Hospital for Restorative Care for a total of twelve (12) rehabilitation beds at a total project cost of \$0.00.

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In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **July 24, 2026**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting Lexington County

Judah Care Provider LLC d/b/a Judah Medical Home Health Agency *

The establishment of a home health agency in Lexington County at a total project cost of \$15,000.00.

*Amended to correct company name.

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40 et seq., 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2026 Act No. 146, effective May 15, 2026

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

R.61-47, Shellfish.

R.61-50, Natural Public Swimming Areas.

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

R.61-107.20, Solar Energy Systems.

R.61-117, Access to Restricted Information.

Interested persons may submit comments on the proposed amendments to Holly Randolph of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at Holly.Randolph@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on August 24, 2026, the close of the Notice of Drafting (NOD) comment period. This NOD supersedes the NOD previously published on April 24, 2026, addressing proposed amendments to R.61-107.20 and R.61-117.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act 60), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to Act 60, 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 Act 60, 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.

On May 15, 2026, Governor McMaster signed 2026 S.C. Act 146 (Act 146). Act 146 entails statutory cleanup associated with the restructuring of DHEC to SCDES and the Department of Public Health (DPH). Act 146 amended statutory provisions previously associated with DHEC to reflect authorities provided for in the restructuring. Pursuant to S.C. Code Ann. Section 48-6-60(A) and Section 231(B) of Act 146, SCDES is vested with all the functions, powers, and duties, including the power and duty to promulgate associated regulations, for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans, as well as the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to Act 60 and Act 146, to revise related references, and to make non-substantive, grammatical changes.

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

14 DRAFTING NOTICES

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026

Notice of Drafting:

The South Carolina Department of Environmental Services (Department) proposes amending S.C. Code Ann Regs. 61-58, State Primary Drinking Water Regulations (R.61-58). This amendment will adopt federal regulations in order to maintain State primary enforcement responsibility for public water systems in South Carolina.

Interested persons may submit comment(s) on the proposed amendments to Doug Kinard of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email to Doug.Kinard@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 24, 2026, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-55-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026, the Department is authorized to promulgate regulations governing the design, construction, operation, and maintenance of public water systems in the State. The Department proposes amending R.61-58, State Primary Drinking Water Regulations, to adopt federal regulations commonly referred to as the Lead and Copper Rule Improvements.

The United States Environmental Protection Agency (EPA) promulgated the Lead and Copper Rule Improvements on October 30, 2024. This rule revised applicable portions of the Code of Federal Regulations (CFR), at 40 CFR Parts 141 and 142, to increase public health protection from lead and copper by requiring community and non-transient non-community water systems to meet enhanced sampling procedures, conduct sampling in schools and childcare facilities, strengthen corrosion control efforts, and undertake service line inventorying and replacement efforts.

Pursuant to 40 CFR Part 142, States are required to adopt drinking water regulations no less stringent than federally promulgated national primary drinking water regulations in order to maintain State primary enforcement responsibility for public water systems. Accordingly, the Department proposes to amend R.61-58 to adopt the requirements of the Lead and Copper Rule Improvements.

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.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-5, 40-47-10, 40-47-20, 40-47-205, 40-47-590(C), 40-47-640, and 40-47-930(C)

Notice of Drafting:

The South Carolina Board of Medical Examiners proposes adding, amending and/or repealing regulations including, but not limited to regulations regarding reinstatement for PAs and RCPs, collaborative practice, and Ketamine. Interested persons may submit comments to Jessica Beise, Board Executive, South Carolina Board of Medical Examiners, 110 Centerview Drive, Columbia, SC 29210.

Synopsis:

The South Carolina Board of Medical Examiners proposes adding, amending and/or repealing regulations including, but not limited to regulations regarding reinstatement for PAs and RCPs, collaborative practice, and Ketamine.

Legislative review is required.

DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 63-11-30

Notice of Drafting:

The Department of Social Services proposes to amend regulations that address licensure of Residential Group Care Facilities for Children, South Carolina Code of Regulations 114-590 through 114-595. Interested persons may submit comments to Kaci R. Wingate, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at Kaci.R.Wingate@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday, August 24, 2026, at 5:00 p.m.

Synopsis:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of Residential Group Care Facilities for Children. The above referenced regulations, regarding licensure of Residential Group Care Facilities, need amendments to clarify standards of care for specialized populations of children. The amendments further the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of these amendments is necessary.

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Document No. 5455

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-62. Air Pollution Control Regulations and Standards.

Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) is authorized to adopt emission control regulations, standards, and limitations.

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments include revisions to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories at 40 CFR Parts 60, 61, and 63.

The Department is amending Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to incorporate by reference federal amendments promulgated from January 1, 2025, through December 31, 2025.

The Department is amending Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, to incorporate by reference federal amendments promulgated on October 31, 2024.

The Department is amending Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2025, through December 31, 2025.

The Department is also amending Regulation 61-62.60, Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015, and Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015, and the Department is adding Subpart OOOOb, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After December 6, 2022, and Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, to incorporate recent federal amendments to standards of performance under 40 CFR Part 60, Subparts OOOO, OOOOa, and OOOOb, and to indicate the applicability and scope of EPA emission guidelines provisions (found at 40 CFR Part 60, Subpart OOOOc) incorporated by the Department to ensure compliance with federal law.

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

The Department had a Notice of Drafting published in the February 27, 2026, South Carolina State Register.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

61-62. Air Pollution Control Regulations and Standards.

Statutory Authority: 1976 Code Section(s) 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards.

Regulation 61-62.60, Subpart CCCC shall be revised as follows:

Subpart CCCC - “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units”

The provisions of 40 CFR Part 60 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]
Revision	Vol. 84	April 16, 2019	[84 FR 15846]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 88	March 20, 2023	[88 FR 16732]
Revision	Vol. 90	June 30, 2025	[90 FR 27910]
Revision	Vol. 90	August 26, 2025	[90 FR 41508]

Regulation 61-62.60, Subpart DDDD, unnumbered Table within Section (F), shall be revised as follows:

40 CFR Part 60 Subpart DDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]
Revision	Vol. 81	June 23, 2016	[81 FR 40956]
Revision	Vol. 84	April 16, 2019	[84 FR 15846]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 88	March 20, 2023	[88 FR 16732]
Revision	Vol. 90	June 30, 2025	[90 FR 27910]
Revision	Vol. 90	August 26, 2025	[90 FR 41508]

Regulation 61-62.60, Subpart OOOO, shall be revised as follows:

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Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015”

The provisions of 40 CFR Part 60 Subpart OOOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]
Revision	Vol. 79	December 31, 2014	[79 FR 79018]
Revision	Vol. 80	August 12, 2015	[80 FR 48262]
Revision	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 81	June 30, 2016	[81 FR 42542]
Revision	Vol. 81	July 6, 2016	[81 FR 43950]
Revision	Vol. 85	September 14, 2020	[85 FR 57018]
Revision	Vol. 89	March 8, 2024	[89 FR 16820]
Revision	Vol. 90	July 31, 2025	[90 FR 35966]

Regulation 61-62.60, Subpart OOOOa, shall be revised as follows:

Subpart OOOOa - “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022”

The provisions of 40 CFR Part 60 Subpart OOOOa, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOOa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 81	June 3, 2016	[81 FR 35824]
Revision	Vol. 83	March 12, 2018	[83 FR 10628]
Revision	Vol. 85	September 14, 2020	[85 FR 57018]
Revision	Vol. 85	September 15, 2020	[85 FR 57398]
Revision	Vol. 89	March 8, 2024	[89 FR 16820]
Revision	Vol. 89	August 1, 2024	[89 FR 62872]
Revision	Vol. 90	July 31, 2025	[90 FR 35966]

Regulation 61-62.60, Subpart OOOOb, shall be added as follows:

Subpart OOOOb - “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After December 6, 2022”

The provisions of 40 CFR Part 60 Subpart OOOOb, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOOb			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 89	March 8, 2024	[89 FR 16820]
Revision	Vol. 89	August 1, 2024	[89 FR 62872]
Revision	Vol. 90	July 31, 2025	[90 FR 35966]
Revision	Vol. 90	December 3, 2025	[90 FR 55671]

Regulation 61-62.60, Subpart OOOOc, shall be added as follows:

Subpart OOOOc - Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities

(A) Designated facilities that meet all three criteria set forth in 40 CFR 60.5375c(a)(1) through (a)(3) are subject to this subpart and must comply with all applicable requirements of this subpart.

(B) If the owner or operator of a designated facility makes changes that meet the definition of modification after December 6, 2022, the designated facility becomes subject to 40 CFR Part 60, Subpart OOOOb, and Regulation 61-62.60, Subpart OOOOb, and this subpart no longer applies to that facility.

(C) If the owner or operator of a designated facility makes physical or operation changes to a designated facility for which construction commenced on or before September 9, 2024, primarily to comply with this subpart, then 40 CFR Part 60, Subpart OOOOb, and Regulation 61-62.60, Subpart OOOOb, do not apply to that designated facility. Such changes do not qualify as modifications under 40 CFR Part 60, Subpart OOOOb, or Regulation 61-62.60, Subpart OOOOb.

(D) For purposes of this subpart, “you” means the owner or operator of a designated facility in the crude oil and natural gas source category that commenced construction, modification, or reconstruction on or before December 6, 2022.

(E) For purposes of this subpart, “Administrator” means the South Carolina Department of Environmental Services, with the exception of provisions within this subpart that may not be delegated by the EPA.

(F) Each owner or operator of a designated facility shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart OOOOc (Emissions Guidelines for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities), as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below.

40 CFR Part 60 Subpart OOOOc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 89	March 8, 2024	[89 FR 16820]
Revision	Vol. 89	August 1, 2024	[89 FR 62872]
Revision	Vol. 90	July 31, 2025	[90 FR 35966]

These standards, requirements, and provisions are hereby incorporated and adopted by reference as follows:

- (1) 40 CFR 60.5379c through 40 CFR 60.5381c, Increments of Progress.
- (2) 40 CFR 60.5385c through 40 CFR 60.5387c, Applicability.
- (3) 40 CFR 60.5388c through 40 CFR 60.5402c, Emission and Work Practice Standards.

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(4) 40 CFR 60.5405c and 40 CFR 60.5406c, Test Methods and Performance Testing.

(5) 40 CFR 60.5410c through 40 CFR 60.5413c, Initial Compliance Requirements.

(6) 40 CFR 60.5415c through 40 CFR 60.5417c, Continuous Compliance Requirements.

(7) 40 CFR 60.5420c through 40 CFR 60.5425c, Recordkeeping and Reporting, with the exception of the following: all notifications and reports required to be submitted to EPA under 40 CFR 60.5420c(b)(14) and (d) and 40 CFR 60.5422c(a) must be submitted to the Department in addition to being sent to the EPA.

(8) 40 CFR 60.5430c, Definitions.

(9) 40 CFR 60.5431c through 40 CFR 60.5439c, Reserved

(10) 40 CFR Part 60, Subpart OOOOc, Tables 1 through 4, including:

(a) Table 1 to Subpart OOOOc – Designated Facility Presumptive Standards and Regulated Entity Compliance Dates.

(b) Table 2 to Subpart OOOOc – Alternative Technology Periodic Screening Frequency at Well Sites, Centralized Production Facilities, and Compressor Stations Subject to AVO Inspections With Quarterly OGI or EPA Method 21 Monitoring.

(c) Table 3 to Subpart OOOOc – Alternative Technology Periodic Screening Frequency at Well Sites and Centralized Production Facilities Subject to AVO Inspections and/or Semiannual OGI or EPA Method 21 Monitoring.

(d) Table 4 to Subpart OOOOc – Applicability of General Provisions to Subpart OOOOc.

(G) For purposes of this subpart, the authorities referenced in 40 CFR 60.5373c will not be delegated to state, local, or tribal agencies.

61-62.61, National Emission Standards for Hazardous Air Pollutants

Regulation 61-62.61, Subpart A, shall be revised as follows:

Subpart A - “General Provisions”

The provisions of 40 Code of Federal Regulations (CFR) Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]

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40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	July 17, 2017	[82 FR 32644]
Revision	Vol. 89	October 31, 2024	[89 FR 86743]

61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, Subpart A, shall be revised as follows:

Subpart A - “General Provisions”

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]

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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 80	December 4, 2015	[80 FR 75817]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]
Revision	Vol. 82	January 18, 2017	[82 FR 5401]
Revision	Vol. 82	October 11, 2017	[82 FR 47328]
Revision	Vol. 82	October 16, 2017	[82 FR 48156]
Revision	Vol. 83	October 15, 2018	[83 FR 51842]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]
Revision	Vol. 83	February 28, 2019	[84 FR 6676]
Revision	Vol. 84	March 4, 2019	[84 FR 7682]
Revision	Vol. 84	March 15, 2019	[84 FR 9590]
Revision	Vol. 85	February 25, 2020	[85 FR 10828]
Revision	Vol. 85	March 9, 2020	[85 FR 13524]
Revision	Vol. 85	March 12, 2020	[85 FR 14526]
Revision	Vol. 85	March 26, 2020	[85 FR 17244]
Revision	Vol. 85	July 2, 2020	[85 FR 39980]
Revision	Vol. 85	July 6, 2020	[85 FR 40386]
Revision	Vol. 85	July 7, 2020	[85 FR 40594]
Revision	Vol. 85	July 7, 2020	[85 FR 40740]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 85	July 8, 2020	[85 FR 41100]
Revision	Vol. 85	July 9, 2020	[85 FR 41276]
Revision	Vol. 85	July 10, 2020	[85 FR 41411]
Revision	Vol. 85	July 10, 2020	[85 FR 41680]
Revision	Vol. 85	July 13, 2020	[85 FR 42074]
Revision	Vol. 85	July 22, 2020	[85 FR 44216]
Revision	Vol. 85	July 24, 2020	[85 FR 44960]
Revision	Vol. 85	July 28, 2020	[85 FR 45476]
Revision	Vol. 85	August 12, 2020	[85 FR 49084]
Revision	Vol. 85	August 13, 2020	[85 FR 49434]
Revision	Vol. 85	August 14, 2020	[85 FR 49724]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 86	March 11, 2021	[86 FR 13819]
Revision	Vol. 86	November 19, 2021	[86 FR 66038]
Revision	Vol. 86	November 19, 2021	[86 FR 66045]
Revision	Vol. 86	November 19, 2021	[86 FR 66096]
Revision	Vol. 88	March 29, 2023	[88 FR 18396]
Revision	Vol. 89	October 31, 2024	[89 FR 86743]
Revision	Vol. 90	January 7, 2025	[90 FR 1040]

Regulation 61-62.63, Subpart L, shall be revised as follows:

Subpart L - “National Emission Standards for Coke Oven Batteries”

The provisions of 40 CFR Part 63 Subpart L, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart L			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	October 27, 1993	[58 FR 57911]
Revision	Vol. 59	January 13, 1994	[59 FR 1992]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 90	July 8, 2025	[90 FR 29997]
Revision	Vol. 90	December 5, 2025	[90 FR 56010]

Regulation 61-62.63, Subpart PPP, shall be revised as follows:

Subpart PPP - “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”

The provisions of 40 CFR Part 63 Subpart PPP, as originally published in the Federal Register and as

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subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart PPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29420]
Revision	Vol. 64	June 14, 1999	[64 FR 31895]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 1, 2004	[69 FR 39862]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 90	September 2, 2025	[90 FR 42323]

Regulation 61-62.63, Subpart CCCCC, shall be revised as follows:

Subpart CCCCC - “National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks”

The provisions of 40 CFR Part 63 Subpart CCCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CCCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 14, 2003	[68 FR 18008]
Revision	Vol. 69	October 13, 2004	[69 FR 60813]
Revision	Vol. 70	January 10, 2005	[70 FR 1670]
Revision	Vol. 70	August 2, 2005	[70 FR 44285]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 90	July 8, 2025	[90 FR 29997]
Revision	Vol. 90	December 5, 2025	[90 FR 56010]

Regulation 61-62.63, Subpart FFFFF, shall be revised as follows:

Subpart FFFFF - “National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities”

The provisions of 40 CFR Part 63 Subpart FFFFF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart FFFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 13, 2006	[71 FR 39579]

40 CFR Part 63 Subpart FFFFF			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 85	July 13, 2020	[85 FR 42074]
Revision	Vol. 85	July 24, 2020	[85 FR 44960]
Revision	Vol. 90	March 31, 2025	[90 FR 14207]
Revision	Vol. 90	July 3, 2025	[90 FR 29485]

Statement of Rationale:

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2024 and 2025 included revised NSPS rules and emission guidelines, revised NESHAP rules, and revised NESHAP for Source Categories. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. The Department is amending Regulation 61-62.60 to add Subpart OOOOc, Performance Standards and Compliance Times for Greenhouse Gas Emissions From Existing Crude Oil and Natural Gas Facilities, to indicate the applicability and scope of EPA emission guidelines provisions (found at 40 CFR Part 60, Subpart OOOOc) incorporated by the Department to ensure compliance with federal law.

Document No. 5454

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40, 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-63. Radioactive Materials (Title A).

Synopsis:

Pursuant to S.C. Code Ann. Sections 13-7-40 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) has the authority to regulate radiation sources and to formulate, adopt, promulgate, and repeal rules and regulations relating to the control of ionizing radiation.

The United States Nuclear Regulatory Commission (NRC) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. The Department is amending R.61-63, Radioactive Materials (Title A), to incorporate several federal amendments, ensuring compliance with federal requirements found in 10 CFR Parts 30, 32, 35, and 71, as well as Section 274 of the Atomic Energy Act of 1954.

Federal amendments include revisions to 10 CFR Part 71, Packaging and Transportation of Radioactive Materials (RATS ID 2015-3). These federal amendments made conforming changes to the NRC's regulations, based on the International Atomic Energy Agency's standards for the international transportation of radioactive material, and maintain consistency with the United States Department of Transportation's (DOT) regulations. The Department is amending R.61-63, Radioactive Materials (Title A), as necessary to maintain compliance with these federal rules.

Additionally, the Department is amending R.61-63, Radioactive Materials (Title A), to incorporate an omitted table federal rule published on December 29, 1993, 58 FR 68730. This federal amendment outlines the requirement for establishing financial assurance for the decommissioning of licensed facilities.

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The Department is also amending R.61-63, Radioactive Materials (Title A), to incorporate non-substantive amendments published in the Federal Register on August 9, 2021, 86 FR 43397 (RATS ID 2021-1) and August 24, 2023, 88 FR 57873 (RATS ID 2023-1). These federal amendments include corrections for consistency, clarity, references, spelling, punctuation, formatting, and overall improvement of the text.

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

The Department had a Notice of Drafting published in the October 24, 2025, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-63, PART I: General Provisions		
RHA 1.12.2	Revision	Correction of a reference.
RHA 1.15.3.1	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.3.2	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.3.4	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.15.10	Revision	Amend to reference RHA 1.19[Appendix C].
RHA 1.19[Appendix C]	Addition	Add previously omitted table used for determining financial assurance and decommissioning funding plan threshold limits.
R.61-63, PART II: Licensing of Radioactive Material		
RHA 2.7.5.1.2.1	Revision	Amend for compatibility with federal regulations correcting a reference (RATS-ID 2023-1).
RHA 2.22.1	Revision	Amend for compatibility with 10 CFR Part 71 by excepting certain requirements to eliminate duplication, gaps or incorporating terms reserved to the US NRC. Adds clarifying language regarding references to the NRC in 10 CFR Part 71. Corrects a typographical error.
RHA 2.22.1.2.2	Revision	Amend to clarify that only physicians licensed by the NRC, the Department, or another Agreement State are exempt from certain transportation requirements.
RHA 2.22.5	Addition	Add to correct a gap created by excepting 10 CFR 71.17 in RHA 2.22.1 and previously deleting the equivalent state requirement RHA 2.22.5.

RHA 2.22.6	Addition	Add to correct a gap created by excepting 10 CFR 71.21 in RHA 2.22.1 and previously deleting the equivalent state requirement RHA 2.22.6.
R.61-63, PART IV: Uses of Radionuclides in the Health Professions		
RHA 4.23.2.2	Revision	Amend to correct a phrase referencing broad scope licenses (RATS-ID 2021-1).

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

61-63. Radioactive Materials (Title A).

Statutory Authority: 1976 Code Sections 13-7-40, 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

Regulation RHA 1.12.2 shall be revised as follows:

1.12.2 The Department is authorized to hold public hearings, compel attendance of witnesses, make findings of fact and determinations, and to assess fines and civil penalties relating to violations of the provisions of the Act or any regulation, license or license condition, temporary or permanent order, or final determination of the Department. Any person violating any provision of the Act or any regulation, license or license condition, temporary or permanent order, or final determination of the Department is subject to the schedule of fines and civil penalties in RHA 1.16, Schedule A of this Part, provided that the maximum penalty for any violation shall not exceed twenty-five thousand dollars. Each day of noncompliance shall constitute a separate violation.

Regulation RHA 1.15.3.1 shall be revised as follows:

1.15.3.1 Authorizing the possession and use of unsealed byproduct material of half-life greater than 120 days and in quantities exceeding 10^5 times the applicable quantities set forth in Appendix C, RHA 1.19 or when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix C, RHA 1.19.

Regulation RHA 1.15.3.2 shall be revised as follows:

1.15.3.2 Authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} times the applicable quantities set forth in Appendix C, RHA 1.19 (or when a combination of isotopes is involved if R , as defined in RHA 1.15.3.1, divided by 10^{12} is greater than 1).

Regulation RHA 1.15.3.4 shall be revised as follows:

1.15.3.4 Authorizing the possession of unsealed special nuclear material in quantities exceeding 10^5 times the applicable quantities set forth in Appendix C, RHA 1.19 or when a combination of isotopes is involved if R divided by 10^5 is greater than 1 (unity rule), where R is the sum of the ratios of the quantity of each isotope to the applicable value in Appendix C, RHA 1.19.

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Regulation RHA 1.15.10 shall be revised as follows:

1.15.10 Required Amounts of Financial Assurance for Decommissioning by Quantity of Material. Licensees required to submit the \$1,125,000 must do so by June 30, 2007. Licensees required to submit \$113,000 or \$225,000 amount must do so by June 30, 2007. Licensees having possession limits exceeding the upper bounds of this table must base financial assurance on a decommissioning funding plan.

TABLE I

(i) greater than 10^4 but less than or equal to 10^5 times the applicable quantities of Appendix C, RHA 1.19 in unsealed form. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^4 is greater than 1 but R divided by 10^5 is less than or equal to 1)	\$1,125,000
(ii) greater than 10^3 but less than or equal to 10^4 times the applicable quantities of Appendix C, RHA 1.19 in unsealed form. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^3 is greater than 1 but R divided by 10^4 is less than or equal to 1.)	\$225,000
(iii) greater than 10^{10} times the applicable quantities of Appendix C, RHA 1.19 in sealed sources or plated foils. (For a combination of isotopes, if R, as defined in RHA 1.15.3.1, divided by 10^{10} is greater than 1, but R divided by 10^{12} is less than or equal to 1.)	\$113,000

Regulation RHA 1.19 shall be added as follows:

RHA 1.19 [Appendix C] Quantities of Licensed Material Used for Establishing Financial Assurance for Decommissioning

Materials	Microcuries
Americium-241	.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100

Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 9.2h	100
Europium-152 13 yr	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10

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Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Seleium-75	10
Silicon-31	100
Silver-105	10

Silver-110m	1
Silver-111	100
Sodium-24	10
Strontium-85	10
Strontium-89	1
Strontium-90	0.10
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ¹	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ²	100
Uranium-233	.01
Uranium-234--Uranium-235	.01
Vandium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10

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Zirconium-95	10
Zirconium-97	10
Any alpha-emitting radionuclide not listed above or mixtures of alpha-emitters of unknown composition	.01
Any radionuclide other than alpha-emitting radionuclides, not listed above or mixtures of beta-emitters of unknown composition	.1

¹Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

²Based on alpha disintegration rate of U-238, U-234, and U-235.

Note: For purposes of RHA 3.29.2, where there is involved a combination of isotopes in known amounts, the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

Regulation RHA 2.7.5.1.2.1 shall be revised as follows:

2.7.5.1.2.1 Registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.17(a);

Regulation RHA 2.22.1 shall be revised as follows:

2.22.1 The transportation of radioactive material shall be in accordance with the requirements in 10 CFR Part 71, which is incorporated by reference, with the exception of the following sections: 71.2, 71.4, 71.6, 71.8, 71.11, 71.12, 71.13, 71.14(b), 71.17, 71.19, 71.21, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.52, 71.53, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.91(c), 71.91(d), 71.99, 71.100, 71.101(a), 71.101(b), 71.101(c)(1), 71.101(c)(2), 71.101(d), 71.101(e), 71.101(g), 71.103(a), 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, and 71.135. The provisions of this section apply to the transportation of radioactive material, or delivery of radioactive material to a carrier for transportation, regardless of whether or not the carrier is also subject to the rules and regulations of the Nuclear Regulatory Commission contained in Title 10 CFR Part 71 and other agencies of the United States having jurisdiction. With the exception of 10 CFR 71.10, a reference to "NRC" or "Commission" in 10 CFR Part 71, as incorporated, means the "South Carolina Department of Environmental Services."

Regulation RHA 2.22.1.2.2 shall be revised as follows:

2.22.1.2.2 Any physician licensed by a State to dispense drugs in the practice of medicine is exempt from RHA 2.22.1 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under 10 CFR 35, Part IV of these regulations or the equivalent Agreement State regulations.

Regulation RHA 2.22.5 shall be added as follows:

2.22.5 General license: NRC-approved package.

2.22.5.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the Nuclear Regulatory Commission.

2.22.5.2 This general license applies only to a licensee who has a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the provisions of 10 CFR 71 subpart H.

2.22.5.3 Each licensee issued a general license under 2.22.5.1 of this section shall:

2.22.5.3.1 Maintain a copy of the Certificate of Compliance, or other approval of the package, and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

2.22.5.3.2 Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of 10 CFR 71 subparts A, G, and H or equivalent State regulations; and

2.22.5.3.3 Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

2.22.5.4 This general license applies only when the package approval authorizes use of the package under this general license.

2.22.5.5 For a Type B or fissile material package, the design of which was approved by Nuclear Regulatory Commission before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR 71.19.

Regulation RHA 2.22.6 shall be added as follows:

2.22.6 General license: Use of foreign-approved package.

2.22.6.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.

2.22.6.2 Except as otherwise provided in this section, the general license applies only to a licensee having a quality assurance program approved by the Nuclear Regulatory Commission as satisfying the applicable provisions of 10 CFR 71 subpart H.

2.22.6.3 This general license applies only to shipments made to or from locations outside the United States.

2.22.6.4 Each licensee issued a general license under 2.22.6.1 of this section shall:

2.22.6.4.1 Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

2.22.6.4.2 Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of 10 CFR 71 Subparts A, G, and H.

Regulation RHA 4.23.2.2 shall be revised as follows:

4.23.2.2 Physicians, dentists, or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Nuclear Regulatory Commission or an Agreement State, a permit issued by a Nuclear Regulatory Commission master material licensee, a permit issued by a Nuclear Regulatory

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Commission or an Agreement State broad scope license, or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005, need not comply with the training requirements of subparts D through H of this part for those materials and uses that these individuals performed on or before October 24, 2005, as follows:

Statement of Rationale:

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 materials (42 U.S.C. Section 2121). The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. To renew South Carolina's ongoing agreement with the Commission, the South Carolina Department of Environmental Services is amending Regulation 61-63 for compatibility with the Commission's federal regulatory updates.