SOUTH CAROLINA STATE REGISTER DISCLAIMER

SOUTH CAROLINA
STATE REGISTER

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of the
GENERAL ASSEMBLY

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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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South Carolina General Assembly Home Page: http://www.scstatehouse.gov/regnsrch.php

Doc. No.	Rat. No.	Final Issue	Subject	Exp. Date	Agency	House Committee	Senate Committee

Executive Order No. 2026-15

WHEREAS, the undersigned has been notified of the passing of Senator Lindsey O. Graham; and

WHEREAS, Senator Graham faithfully served South Carolina and the United States for many years, including in the United States Senate, the United States House of Representatives, and the South Carolina House of Representatives; and

WHEREAS, Senator Graham also honorably served his nation in the Judge Advocate General's Corps of the United States Air Force and United States Air Force Reserve, ultimately obtaining the rank of Colonel; and

WHEREAS, throughout his extraordinary lifetime of dedicated public service, Senator Graham made the United States a safer country despite repeated threats from America's enemies and promoted the Rule of Law and fidelity to the Constitution; and

WHEREAS, section 10-1-161(B)(1) of the South Carolina Code of Laws, as amended, provides that "the flags which are flown atop the State Capitol Building must be lowered to half-staff on the day on which funeral services are conducted for . . . current . . . members of the United States Congress from the State of South Carolina"; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that "[u]pon 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"; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that "[t]he flag shall be flown at half-staff . . . on the day of death and the following day for a Member of Congress."

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 and on all state buildings be lowered to half-staff until the date of the interment of Senator Lindsey O. Graham, in tribute to his lifetime of distinguished and patriotic service to the United States of America. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 12th DAY OF JULY, 2026.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2026-16

WHEREAS, the undersigned has been notified of the passing of Senator Lindsey O. Graham on July 11, 2026, creating a vacancy in a seat in the United States Senate; and

WHEREAS, the Seventeenth Amendment of the United States Constitution provides, "When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct." U.S. Const. amend. XVII; and

WHEREAS, the General Assembly has empowered the undersigned to make such a temporary appointment under section 7-19-20 of the South Carolina Code of Laws, as amended, which provides that "[i]n case of a vacancy in the office of United States Senator from death, . . . the Governor may fill the place by appointment which shall be for the period of time intervening between the date of such appointment and January third following the next succeeding general election"; and

WHEREAS, the next general election will be November 3, 2026, more than one hundred days after the vacancy arose; and

WHEREAS, the undersigned, mindful of the importance of selecting a qualified individual to faithfully and effectively represent the State of South Carolina in the United States Senate, has thoughtfully searched for such a person who will honorably serve the State as Senator Graham did for almost twenty-four years.

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 appoint Darline Graham of Lexington, South Carolina to the United States Senate, who shall serve from this date until January 3, 2027.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 13th DAY OF JULY, 2026.

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2026-17

WHEREAS, the undersigned has been notified of the passing of Master Deputy Jillian Olson of the Lexington County Sheriff's Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Master Deputy Olson dedicated her life to protecting and serving the people of the State of South Carolina, and her loss warrants the people of this State appropriately recognizing her distinguished service and honoring her supreme sacrifice; 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 first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff"; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

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 that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Wednesday, August 5, 2026, in tribute to Master Deputy Jillian Olson and in honor of her distinguished service and supreme sacrifice. I request that the flags over state buildings and buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3rd DAY OF AUGUST, 2026.

HENRY DARGAN MCMASTER
Governor

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR AN ADDENDUM TO THE SOUTH CAROLINA 2026 ANNUAL MONITORING NETWORK PLAN

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

The South Carolina Department of Environmental Services (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on a proposed addendum to the 2026 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA), and provide documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed addendum to the Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on September 28, 2026, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the Network Plan. If requested, the Department will hold a public hearing on October 7, 2026, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on September 28 2026, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/search. Interested persons may also contact Siena Kelly, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-3822; or email at siena.kelly@des.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed Addendum to the 2026 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/info/-3398825691825204957/details.

Synopsis:

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan. Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. The 2026 South Carolina Annual Ambient Air Monitoring Network Plan that covers the eighteen-month period from July 1, 2026, through December 31, 2027, was submitted to the EPA on July 1, 2026. The Department is proposing this addendum to the 2026 South Carolina Annual Ambient Air Monitoring Network Plan to request EPA concurrence for the establishment of a new monitoring site at Tiger Park, for the establishment of an ozone monitor at the Tiger Park Monitoring site, and the discontinuation and relocation of $PM_{2.5}$ monitoring for the Spartanburg MSA from the T.K.Gregg Monitoring Site to the Tiger Park Monitoring Site.

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the South Carolina Department of Environmental Services (Department) evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., The Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than September 28, 2026, to:

Contractor Certification Program
South Carolina Department of Environmental Services
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Petrogon, LLC
Attn: Terry D. Kennedy
6720 Old Monroe Rd, Ste B #130
Indian Trail, NC 28079

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 **August 28, 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 Aiken, Bamberg, Beaufort, Calhoun, Cherokee, Clarendon, Colleton, Darlington, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lancaster, Lee, Marion, Oconee, Sumter, and Williamsburg Counties

KidsCare Home Health of South Carolina, LLC
The expansion of pediatric home health agency to serve the counties of Aiken, Bamberg, Beaufort, Calhoun, Cherokee, Clarendon, Colleton, Darlington, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lancaster, Lee, Marion, Oconee, Sumter, and Williamsburg at a total project cost of $15,575.00. (Limited to Pediatric Patients)

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 **August 28, 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 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.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Kathryn E. Gibson, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S. C. 29229. To be considered, comments should be received no later than September 25, 2026, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USC 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Kathryn E. Gibson, Director, South Carolina Meat-Poultry Inspection Department, 500 Clemson Rd., Columbia, S.C. 29229. To be considered, comments should be received no later than September 25, 2026, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USC 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-55-2310 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 (SCDES) proposes amending Regulation 61-51, Public Swimming Pools (R.61-51). Interested persons may submit comments on the proposed amendments to Doug Kinard of SCDES at 2600 Bull Street, Columbia, S.C. 29201, or via email at doug.kinard@des.sc.gov. To be considered, SCDES must receive comments no later than 5:00 p.m. on September 28, 2026, the close of the Notice of Drafting (NOD) comment period.

Synopsis:

On May 15, 2026, Governor McMaster signed 2026 S.C. Act 146 (Act 146). Act 146 entails statutory cleanup associated with the restructuring of the South Carolina Department of Health and Environmental Control (SCDHEC) to SCDES and the South Carolina Department of Public Health. Act 146 amended statutory provisions previously associated with SCDHEC 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, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

CDES proposes amending R.61-51 to reflect the restructuring of SCDHEC pursuant to Act 146, to revise related references, and to make non-substantive, grammatical changes. SCDES also proposes amending R.61-51 to allow the use of emergency notification devices at public swimming pools that utilize modern technology in lieu of hard-wired phone lines provided minimum performance and reliability criteria are met.

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

DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Section 38-3-110

Notice of Drafting:

The Department of Insurance proposes to repeal Regulation 69-62, Closeout and Termination of the SCAAIP. This regulation is no longer needed. The purpose of this regulation was to provide for the termination and orderly transition of business from the SCAAIP to the AAIP of SC. The SCAAIP was in effect from March 1, 1999, to February 28, 2003. It was terminated as a legal entity in 2007. Interested persons may submit written comments to Gwendolyn McGriff, General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Post Office Box 100105, Columbia, SC 29202-3105. For questions, call 803-737-6200 or email gmcgriff@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 25, 2026, the close of the drafting comment period.

Synopsis:

The regulation will be repealed in its entirety. The SCAAIP ceased to exist as a legal entity in 2007. All funds handled by the SCAAIP were turned over to the Associated Automobile Insurance Plan of South Carolina (i.e., the assigned risk plan). All liabilities were settled, funds distributed, and the Termination Fund dissolved.

These amendments will require S.C. General Assembly approval.

DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 38-3-110

Notice of Drafting:

The Department of Insurance proposes to amend Regulation 69-64, Exempt Commercial Policies, to correct statutory references and to clarify the requirements and exclusion applicability for form and rate filings used for exempt commercial policies. Interested persons may submit written comments to Gwendolyn McGriff, General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email gmcgriff@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 25, 2026, the close of the drafting comment period.

Synopsis:

The Department proposes to amend this regulation as follows: 1) to correct the statutory references in Section A; 2) to amend the language in sections B and C to be consistent with current South Carolina law; 3) to clarify the application of existing laws and the language in Section D to exempt commercial policies and require submission of forms through the SERFF filing system.

These amendments will require S.C. General Assembly approval.

DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Section 38-3-110

Notice of Drafting:

The Department of Insurance proposes to repeal Regulation 69-13.3, Uniform Class and Territory Plan-Motorcycles. This regulation is no longer needed. Moreover, the deductible options referenced in the regulation are obsolete and cannot be enforced. Interested persons may submit written comments to Gwendolyn McGriff, General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Post Office Box 100105, Columbia, SC 29202-3105. For questions, call 803-737-6200 or email gmcgriff@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 25, 2026, the close of the drafting comment period

Synopsis:

The regulation will be repealed in its entirety as the options and methodology included in the current regulation is obsolete. Uniform class and territorial plans are no longer required by South Carolina and have not been since 1999. Moreover, various rating algorithms are being used for motorcycle coverage that more accurately reflect and analyze the risks for pricing of this type of coverage.

These amendments will require S.C. General Assembly approval.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF DENTISTRY
CHAPTER 39
Statutory Authority: 1976 Code Sections 40-15-40 and 40-15-177(E)

Notice of Drafting:

The South Carolina Board of Dentistry proposes to add to, repeal and/or amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, to include but not be limited to changes to R.39-5 regarding continuing education and the repeal of 39-17, following codification of sedation guidelines. Interested persons may submit comments to Amy Holleman, Board Executive, Board of Dentistry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Dentistry proposes to add to, repeal and/or amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, to include but not be limited to changes to R.39-5 regarding continuing education and the repeal of 39-17, following codification of sedation guidelines.

Legislative review of this amendment is required.

SOUTH CAROLINA LOTTERY COMMISSION
CHAPTER 44
Statutory Authority: 1976 Code Section 59-150-60

Notice of Drafting:

The South Carolina Lottery Commission proposes amending Regulations 44-10 through 44-140 by deleting, adding to, updating, and clarifying Sections 44-10 through 44-140.

Interested persons may submit comments to David M. Ross, Deputy Chief Legal Counsel, South Carolina Education Lottery, P.O. Box 11949, Columbia, South Carolina 29211-1949. To be considered, comments must be received no later than 5:00 p.m. on September 9, 2026, the close of the comment period.

Synopsis:

The South Carolina Lottery Commission proposes amending Regulations 44-10 through 44-140 by deleting, adding to, updating, and clarifying Sections 44-10 through 44-140.

Legislative review is required.

DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-3-110(8)

Notice of Drafting:

The South Carolina Department of Transportation is amending S.C. Regulation 63-10, Transportation Project Prioritization. Interested persons may submit written comments on the proposed amendment to Barbara M.

Wessinger, Chief Counsel, South Carolina Department of Transportation, 955 Park Street, Columbia, S. C. 29202; wessingebm@scdot.gov.

Synopsis:

The South Carolina Department of Transportation proposes to amend Chapter 63, Article 1, entitled “Project Prioritization”, S.C. R.63-10. This regulation sets forth the process for developing the Statewide Multimodal Transportation Long Range Plan, Project Priority Lists, Statewide Transportation Improvement Program and Transportation Asset Management Plan. The amendments are to eliminate reference to the Commission of the Department of Transportation, which was abolished by Act 177 effective on January 1, 2027, and provides for public comment period and transparency by posting on the Department’s website.

Legislative review of this amendment is required.

Document No. 5468
DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 30
Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

30-1. Statement of Policy.
30-2. Applying for a Permit.
30-12. Special Project Standards for Tidelands and Coastal Waters.

Preamble:

Pursuant to S.C. Code Section 48-39-50, the South Carolina Department of Environmental Services (Department) is charged with promulgation of rules and regulations in order to carry out the provisions of the chapter, including reviewing applications to alter and/or utilize the critical areas of the State. The Department implements the policies of the S.C. Coastal Zone Management Act (S.C. Code Sections 48-39-10 et seq.) and the Coastal Division Regulations to promote the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources.

Over the past several decades, South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. In 2025, the Department convened the South Carolina Dock Stakeholder Workgroup to gain input and diverse perspectives on these challenges and the existing regulatory standards and policies related to private docks. Based in part on recommendations and key findings of the Workgroup, the Department proposes to amend R.30-1.D(50) and R.30-12.A(2), to streamline standards applicable for the construction of private and joint use docks, to improve clarity and guidance for staff and the regulated community, and to reduce navigational, access, and resource impacts and conflicts.

The Department also proposes amending R.30-2.H to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process. Currently, if an activity requires both a Section 401 Water Quality Certification and Critical Area Permit from the Department, the Critical Area Permit serves as the 401 Water Quality Certification for an associated federal permit. Removing this requirement will allow for a more streamlined review process, include a more efficient public notice and permit decision, and assist with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

The Department had a Notice of Drafting published in the April 24, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	**Type of Change**	**Purpose**
R.30-1	Revision	Amend to add statutory authority.

R.30-1.D(50)	Revision, Technical Correction	Amend definition of Special Geographic Circumstances to clarify the creek widths the circumstances may be applied to, removal of reference to tidal ranges. Amend for stylistic clarity.
R.30-2	Revision	Amend to add statutory authority.
R.30-2.H	Revision	Amend to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process.
R.30-12	Revision	Amend to add statutory authority.
R.30-12.A	Technical Correction	Amend to remove incorrect definition number reference and for stylistic clarity.
R.30-12.A(1)(a)	Technical Correction	Amend to remove incorrect definition number reference. Amend for stylistic clarity. Amend to correct grammatical error.
R.30-12.A(2)(a-b)	Technical Correction, Revision	Amend for stylistic clarity and to correct wording.
R.30-12.A(2)(c)	Revision, Deletion	Amend to clarify the areas included in total allowable dock square footage, method for measuring creek width to determine allowable square footage, and indicators the Department may use when marsh vegetation does not exist. Removed reference to DMPs as it is no longer relevant.
R.30-12.A(2)(c)(i-iv)	Revision, Technical Correction	Revise creek widths where docks will not be permitted, creek width ranges where docks may be permitted, and associated allowable square footages. Amend for stylistic clarity.
R.30-12.A(2)(c)(v-xi)	Addition	Add additional creek width ranges where docks may be permitted and associated allowable square footages.
New R.30-12.A(2)(c)(xii)	Revision, Technical Correction	Revise largest creek width category and associated total allowable square footage. Renumber and amend for stylistic clarity.
New R.30-12.A(2)(c)(xiii)	Revision, Technical Correction	Revise square footage multiplier that may be applied to joint use docks and amend to improve sentence structure. Renumber item.
New R.30-12.A(2)(c)(xiv)	Revision, Technical Correction	For grandfathered or previously permitted private and joint use docks, clarify that any modifications must be in compliance with current regulations and clarify these structures may not be enlarged if they are already larger than allowances in revised R.30-12.A.(2)(c). Renumber item and amend for stylistic clarity.

New R.30-12.A(2)(c)(xv-xvi)	Technical Correction	Renumber items.
R.30-12.A(2)(c)(x)	Deletion	Delete item to maintain consistency with revision to R.30-12.A(2)(c) clarifying the areas included in total allowable dock square footage.
R.30-12.A(2)(d)(ii)	Technical Correction	Amend for stylistic clarity.
R.30-12.A(2)(e)(i)	Revision, Technical Correction	Revise to clarify eligibility for boat storage structures for single family docking facilities according to creek width. Amend for stylistic clarity.
R.30-12.A(2)(e)(ii)	Deletion, Addition	Remove reference to activities prohibited on lifts and davits. Add language to clarify eligibility for boat storage structures on joint use docking facilities according to creek width.
R.30-12.A(2)(e)(iii)	Revision, Technical Correction	Clarify that boat storage structures must be open sided with no enclosures. Amend for stylistic clarity.
R.30-12.A(2)(f)	Addition	Add boat maintenance activities prohibited on boat storage structures or any component of dock structure.
R.30-12.A(2)(g)	Addition	Add standards for channelward extension of dock structures into waterbody.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Liz Hartje of the Bureau of Coastal Management; South Carolina Department of Environmental Services, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; Liz.Hartje@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, September 28, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Tuesday, October 27, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, September 28, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these proposed amendments. The Department will use existing staff and resources to implement these amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.30-1, Statement of Policy, R.30-2, Applying for a Permit, and R.30-12, Special Project Standards for Tidelands and Coastal Waters.

Purpose: Over the past several decades, South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. In 2025, the Department convened the South Carolina Dock Stakeholder Workgroup to gain input and diverse perspectives on these challenges and the existing regulatory standards and policies related to private docks. Based in part on recommendations and key findings of the Workgroup, the Department proposes to amend R.30-1.D(50) and R.30-12.A(2), to streamline standards applicable for the construction of private and joint use docks, to improve clarity and guidance for staff and the regulated community, and reduce navigational, access, and resource impacts and conflicts.

The Department also proposes amending R.30-2.H to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process. Currently, if an activity requires both a Section 401 Water Quality Certification and Critical Area Permit from the Department, the Critical Area Permit serves as the 401 Water Quality Certification for an associated federal permit. Both of these processes are governed by review timeframes which are independent from one another. Removing this requirement will allow for a more streamlined review process, including a more efficient public notice and permit decision, and assist with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments, apply the amendments to their permit reviews and follow the new procedures outlined for the 401 Water Quality Certification process.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Department proposes to amend R.30-1.D(50) and R.30-12.A(2), to streamline standards applicable for the construction of private and joint use docks and to improve clarity and guidance for staff and the regulated community. South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. The proposed amendments are designed to streamline standards applicable for the construction of private and joint use docks, to improve clarity and guidance for staff and the regulated community, and reduce navigational, access, and resource impacts and conflicts. The Department also proposes amending R.30-2.H to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process. Both of these processes are governed by review timeframes which are independent from one another. Removing this requirement will allow for a more streamlined review process and assist with meeting timeframes for application reviews.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate additional costs to the state resulting from administration of these proposed amendments. Benefits to the state would include improved management of coastal resources by streamlining regulatory standards and reviews, providing clarity to the regulated community, allowing for a more efficient public notice and permit decision, and assisting with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs. The Department does not anticipate additional costs to the regulated community as a result of these proposed new regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments seeks to benefit the environment by providing more clarity and efficiency to the Department's statutory directives to manage the State's Tidelands and Coastal Waters Critical Areas, which have been identified by the state as environmentally, commercially, and recreationally important, while being ecologically fragile and vulnerable to alterations. The amendments are also designed to address navigational, access, and natural resource impacts and use conflicts, particularly on smaller creeks. The proposed amendments will further streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Not implementing these amendments will result in continuing challenges for the Department's implementation of statutory directives for managing the State's Tidelands and Coastal Waters Critical Areas. These challenges include the continued use of numerous calculations to determine the total allowed square footage for docks, less efficient review processes, and continued navigational, access, and natural resource impacts and use conflicts, particularly on smaller creeks. The proposed amendments will streamline the dock application process for the regulated community and allow for a clearer, more efficient review process for staff, while reducing impacts and use conflicts.

For the 401 water quality certification, there are no anticipated detrimental effects on the environment and public health if the proposed amendments to the regulation are not implemented. The purpose of the proposed amendments is to streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

Over the past several decades, South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. In 2025, the Department convened the South Carolina Dock Stakeholder Workgroup to gain input and perspectives on these challenges and the existing regulatory standards and policies related to private docks. The Workgroup represented diverse backgrounds and constituencies, including dock and marine contractors and engineers, private sector consultants, elected officials, state and local government representatives, and conservation organizations. The Workgroup's recommendations and findings were outlined in a final report released in early 2026 and can be accessed through the Department's website at: https://des.sc.gov/programs/bureau-coastal-management/south-carolina-dock-stakeholder-workgroup. The proposed amendments were based in part on the recommendations and key findings of the Dock Stakeholder Workgroup. The proposed amendments will further streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5471
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

61-101. Water Quality Certification.

Preamble:

Pursuant to 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, the South Carolina Department of Environmental Services (Department) is authorized to implement State water quality certification requirements of Section 401 of the Clean Water Act, 33 U.S.C. Section 1341.

Pursuant to Section 401 of the Clean Water Act (CWA), 33 U.S.C. Section 1341, any applicant for a Federal license or permit to conduct any activity which during construction or operations may result in any discharge to navigable waters is required by Federal law to first obtain a certification from the Department. The Department proposes amending R.61-101, Water Quality Certification, Section A(8)-(9) and Section G(6), to allow for a separate 401 Water Quality Certification in areas that require a direct permit for alteration of the critical area of the coastal zone and to make a conforming change to applicable appeal procedures. These amendments will help to streamline the review process and assist with meeting timeframes for application reviews. Specifically, separating the 401 Water Quality Certification and critical area permit decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

The Department had a Notice of Drafting published in the April 24, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	**Type of Change**	**Purpose**
R.61-101, Section A, Number 8	Deletion	Deleted to separate the 401 Water Quality Certification decision and the Critical Area Permitting decision in order to streamline both processes.
R.61-101, Section A, Number 9	Revision	Renumbered to accommodate the deletion of Section A, Number 8.
R.61-101, Section G, Number 6	Deletion	Deleted to remove the current appeal procedure for a 401 Water Quality Certification that is included in a direct critical area permit, as needed to conform with the proposed deletion of Section A, Number 8.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Chuck Hightower of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Charles.Hightower@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, September 28, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Tuesday, November 10, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, September 28, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

No fiscal impacts are anticipated from this process amendment.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-101, Water Quality Certification.

Purpose: The Department proposes amending R.61-101, Water Quality Certification, Section A(8)-(9) and Section G(6), to allow for a separate 401 Water Quality Certification in areas that require a direct permit for alteration of the critical area of the coastal zone and to make a conforming change to applicable appeal procedures. These amendments will help to streamline the review process and assist with meeting timeframes for application reviews.

Legal 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.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments allow for streamlining of the 401 Water Quality Certification and Critical Area Processes. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments.

There is no anticipated additional cost to stakeholders and members of the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment and public health if the proposed amendments to the regulation are not implemented. The purpose of the proposed amendments is to streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The proposed amendments allow for streamlining of the 401 Water Quality Certification and Critical Area Processes. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5460
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-39G. Balloon Payment and Reverse Annuity Mortgage Loans by State–chartered Savings and Loan Associations.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39G.

Section-by-Section Discussion:

15-39G. Balloon Payment and Reverse Annuity Mortgage Loans by State–chartered Savings and Loan Associations.

R.15-39G authorizes State-chartered savings and loan associations to make balloon payment mortgage loans and reverse annuity mortgage loans under the same terms and conditions permitted federally chartered savings and loan associations by a proposed amendment dated July 14, 1981, of the Federal Home Loan Bank Board to part 545, subchapter C, Chapter V of Title 12, Code of Federal Regulations. The Board of Financial Institutions proposes to repeal R.15-39G because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the State Register on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201, no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title." See also S.C. Code Section 34-1-110 (Empowering BOFI to permit "state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.").

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are unnecessary, are already addressed in statute, and refer to federal statutes or regulations that are no longer in effect.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are already sufficiently addressed via statutes which were enacted subsequent to adoption of the regulations, and because the federal regulations cited to as authority are no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-39G authorizes State-chartered savings and loan associations to make balloon payment mortgage loans and reverse annuity mortgage loans under the same terms and conditions permitted federally chartered savings and loan associations by a proposed amendment dated July 14, 1981, of the Federal Home Loan Bank Board to part 545, subchapter C, Chapter V of Title 12, Code of Federal Regulations. The Board of Financial Institutions proposes to repeal R.15-39G because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5462
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-17. Federal 100 Percent Guaranteed Loans.

Preamble:

The South Carolina State Board of Financial Institutions proposes to amend R.15-17.

Section-by-Section Discussion:

15-17. Federal 100 Percent Guaranteed Loans.

R.15-17 authorizes State chartered banks to make and grant loans to any person, company, firm, or corporation in excess of 15 %, but not to exceed 50%, of the combined common capital stock, capital notes, and surplus accounts of the bank if the amount of any such loan in excess of the 15% limitation imposed by Sections 34-13-50 is 100% guaranteed by an agency of the United States Government or secured by Certificates of Deposits. The Board of Financial Institutions proposes to amend R.15-17 to better conform the regulation to the statutory language in Section 34-13-50.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title."

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to increase clarity and, here, to better conform the regulation to statutory language in Section 34-13-50.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to increase clarity and, here, to better conform the regulation to statutory language in Section 34-13-50.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-17 authorizes State chartered banks to make and grant loans to any person, company, firm, or corporation in excess of 15 %, but not to exceed 50%, of the combined common capital stock, capital notes, and surplus accounts of the bank if the amount of any such loan in excess of the 15% limitation imposed by Sections 34-13-50 is 100% guaranteed by an agency of the United States Government or secured by Certificates of Deposits. The Board of Financial Institutions proposes to amend R.15-17 to better conform the regulation to statutory language in Section 34-13-50.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5463
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-16. FHA Home Improvement Loans, Savings and Loan.

Preamble:

The State Board of Financial Institutions proposes to repeal R.15-16.

Section-by-Section Discussion:

15-16. FHA Home Improvement Loans, Savings and Loan.

R.15-16 authorizes State chartered savings and loan associations to make any loan for property alteration, repair or improvement that is accepted for insurance by the Federal Housing Administrator under the provisions of the National Housing Act. The Board of Financial Institutions proposes to repeal R.15-16 because subsequently enacted State law, Section 34-28-510, provides the same authority with greater flexibility.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title."

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are unnecessary or which are sufficiently addressed in statute.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are unnecessary or which are sufficiently addressed in statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-16 authorizes State chartered savings and loan associations to make any loan for property alteration, repair or improvement that is accepted for insurance by the Federal Housing Administrator under the provisions of the National Housing Act. The Board of Financial Institutions proposes to repeal R.15-16 because subsequently enacted State law, Section 34-28-510, provides the same authority with greater flexibility.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5464

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Section 34-1-110

15-39E. First Mortgage Real Estate Loans by State–chartered Banks.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39E.

Section-by-Section Discussion:

15-39E. First Mortgage Real Estate Loans by State–chartered Banks.

R.15-39E authorizes State-chartered banks to make loans secured by first liens on improved real estate as provided for in Section 34-13-20, Code of Laws of South Carolina, 1976, as amended. The Board of Financial Institutions proposes to repeal R.15-39E because this authorization was limited to the provisions of Section 34-13-20, which has been repealed, and because Section 34-13-50 allows such loans.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title." See also S.C. Code Section 34-1-110 (Empowering BOFI to permit "state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.").

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating its regulations to repeal those that are unnecessary, are already addressed in statute, or rely on state statutes which have been repealed.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is repealing this regulation because it authorized activity permitted by the provisions of Section 34-13-20, which has been repealed, and because the activity is sufficiently addressed in statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-39E authorizes State-chartered banks to make loans secured by first liens on improved real estate as provided for in Section 34-13-20, Code of Laws of South Carolina, 1976, as amended. The Board of Financial Institutions proposes to repeal R.15-39E because this authorization was limited to the provisions of Section 34-13-20, which has been repealed, and because Section 34-13-50 allows such loans.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5459
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-39F. Graduated Payment Adjustable Mortgage Loan Instruments by State-chartered Savings and Loan Associations.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39F.

Section-by-Section Discussion:

15-39F. Graduated Payment Adjustable Mortgage Loan Instruments by State-chartered Savings and Loan Associations.

R.15-39F authorizes State-chartered savings and loan associations to make graduated payment adjustable mortgage loan instruments under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-4a of the Federal Home Loan Bank Board Regulation 545, as amended by the Federal Home Loan Bank Board on September 30, 1980, effective October 8, 1980, and again amended by the Federal Home Loan Bank Board on July 14, 1981, effective July 22, 1981. The Board of Financial Institutions proposes to repeal R.15-39F because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title." See also S.C. Code Section 34-1-110 (Empowering BOFI to permit "state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.").

DESCRIPTION OF REGULATION:

Purpose The Agency is updating regulations to repeal those which are unnecessary, are already addressed in statute, and refer to federal statutes or regulations that are no longer in effect.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are already sufficiently addressed via statutes which were enacted subsequent to adoption of the regulations, and because the federal regulations cited to as authority are no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-39F authorizes State-chartered savings and loan associations to make graduated payment adjustable mortgage loan instruments under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.6-4a of the Federal Home Loan Bank Board Regulation 545, as amended by the Federal Home Loan Bank Board on September 30, 1980, effective October 8, 1980, and again amended by the Federal Home Loan Bank Board on July 14, 1981, effective July 22, 1981. The Board of Financial Institutions proposes to repeal R.15-39F because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5461
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-36. Issuance of Credit Cards.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-36.

Section-by-Section Discussion:

15-36. Issuance of Credit Cards.

R.15-36 authorizes State-chartered savings and loan associations to issue credit cards under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.4-3 of the Federal Home Loan Bank Board adopted by the Board on July 3, 1980, effective July 10, 1980, as amended by Federal Home Loan Bank Board Regulation 563.43 adopted November 26, 1980, and effective the same date. The Board of Financial Institutions proposes to repeal R.15-36 because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28,

2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title." See also S.C. Code Section 34-1-110 (Empowering BOFI to permit "state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.").

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are unnecessary, are already addressed in statute, and refer to federal statutes or regulations that are no longer in effect.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-110.

Plan for Implementation: The repealed regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are already sufficiently addressed via statutes which were enacted subsequent to adoption of the regulations, and because the federal regulations cited to as authority are no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-36 authorizes State-chartered savings and loan associations to issue credit cards under the same terms and conditions as permitted federally chartered savings and loan associations by Section 545.4-3 of the Federal Home Loan Bank Board adopted by the Board on July 3, 1980, effective July 10, 1980, as amended by Federal Home Loan Bank Board Regulation 563.43 adopted November 26, 1980, and effective the same date. The Board of Financial Institutions proposes to repeal R.15-36 because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5466
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-39P. State-chartered Savings and Loan Associations Authorized to Engage in Activities Authorized by the Federal Home Loan Bank Board.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39P.

Section-by-Section Discussion:

15-39P. State-chartered Savings and Loan Associations Authorized to Engage in Activities Authorized by the Federal Home Loan Bank Board.

R.15-39P authorizes State-chartered savings and loan associations to engage in certain activities such as Demand Deposits, Governmental Unit NOW Accounts, Commercial Real Estate Loans, Commercial Loans, and Consumer Loans as authorized by the Federal Home Loan Bank Board for federally chartered savings and loan associations by Temporary final rule No. 82, dated November 4, 1982. The Board of Financial Institutions proposes to repeal R.15-39P because this authority is permitted by subsequently enacted State law, Sections 34-28-500(15) and 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to “supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also S.C. Code Section 34-1-110 (Empowering BOFI to permit “state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are already sufficiently addressed via statutes which were enacted subsequent to adoption of the regulations, and because the federal regulations cited to as authority are no longer in effect.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are already sufficiently addressed via statute which were enacted subsequent to adoption of the regulation, and because the federal regulations cited to as authority are no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-39P authorizes State-chartered savings and loan associations to engage in certain activities such as Demand Deposits, Governmental Unit NOW Accounts, Commercial Real Estate Loans, Commercial Loans, and Consumer Loans as authorized by the Federal Home Loan Bank Board for federally chartered savings and loan associations by Temporary final rule No. 82, dated November 4, 1982. The Board of Financial Institutions proposes to repeal R.15-39P because this authority is permitted by subsequently enacted State law, Sections 34-28-500(15) and 34-28-510, and the federal law incorporated therein has been repealed.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5467

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-39N. Terms and Conditions for State-chartered Savings and Loan Associations to make Home Mortgage Loans.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39N.

Section-by-Section Discussion:

15-39N. Terms and Conditions for State-chartered Savings and Loan Associations to make Home Mortgage Loans.

R.15-39N authorizes State-chartered savings and loan associations to make home mortgage loans under the same terms and conditions as permitted federally chartered savings and loan associations by Federal Home Loan Bank Board Regulations Parts 545 and 555 of Subchapter C and Parts 561, 563 and 570 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, Number 82-558, as amended August 11, 1982, effective August 16, 1982. The Board of Financial Institutions proposes to repeal R.15-39N because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 7, 2026, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 28, 2026. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60, which empowers BOFI to "supervise all banks and building and loan associations and provide regulations and instructions for the direction, control and protection of all such institutions, the conservation of their assets and the liquidation thereof, as may be necessary or proper to effectuate the purposes of this Title.” See also S.C. Code Section 34-1-110 (Empowering BOFI to permit “state-chartered savings and loan associations to engage in any activity authorized for federally chartered savings and loan associations by federal law or regulation of the Office of Thrift Supervision or for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”).

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to repeal those which are unnecessary, are already addressed in statute, and refer to federal statutes or regulations that are no longer in effect.

Legal Authority: 1976 Code Sections 1-23-120 and 34-1-110.

Plan for Implementation: The revised regulation is exempt from General Assembly Review and will take effect upon publication of the Final Regulation in the State Register.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Agency is updating regulations to repeal those which are already sufficiently addressed via statutes which were enacted subsequent to adoption of the regulations, and because the federal regulations cited to as authority are no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

R.15-39N authorizes State-chartered savings and loan associations to make home mortgage loans under the same terms and conditions as permitted federally chartered savings and loan associations by Federal Home Loan Bank Board Regulations Parts 545 and 555 of Subchapter C and Parts 561, 563 and 570 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, Number 82-558, as amended August 11, 1982, effective August 16, 1982. The Board of Financial Institutions proposes to repeal R.15-39N because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5469
DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 1-23-110 and 38-3-110

69-14. Insurance Holding Company Systems.

Preamble:

The Insurance Law gives the Director or his designee the authority to prescribe the standards for service to be observed by licensees transacting business in this state. That authority is also codified in the provisions referenced above. This regulation proposes to clarify the language in the regulation.

A Notice of Drafting for the modification of this regulation was published in the State Register on June 26, 2026.

Section-by-Section Discussion:

Section I.A-D. No change.
Section II.A-B. No change.
Section III.A-C. No change.
Section IV. No change.
Section V.A-D. No change.
Section VI. No change.
Section VII. No change.
Section VIII. No change.
Section IX.A-B. No change.
Section X. No change.
Section XI. No change.
Section XII. No change.
Section XIII.A-B. No change.
Section XIV.A-D. No change.
Section XV. A-B. No change.
Section XVI.A(1)-(15) No change.
Section XVII.A-E. No change.
Section XVIII. Strike the language in Sections XVIII (A) and (B) that reads, ”Where an insurance holding company system has previously filed the annual group capital calculation at least once”; and strike the language in Sections XVIII (A)(4) that reads, “that have occurred since the last filing of the annual group capital” and the language from (B)(1)(c) that reads, “that have occurred since the last filing of the report to the lead state commissioner.”
Section XIX.A(1)-(6). No change.
Section XIX.B. Strike “Section 5B of the Act,” and replace with “S.C. Code Ann. Section 38-21-270.” Strike “to Commissioner,” and replace with “director or his designee.” Stike “fifteen (15) business days,” and replace with “five (5) business days.” Add “and at least fifteen (15) days prior to the payment thereof.” Add “South Carolina Code Section 38-21-260.”
Section XX. Replace “Commissioner” with “director or his designee”
Section XXI. No change.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may request a hearing on this regulation in accordance with Section 1-23-110(A)(3). Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the Code of Laws of South Carolina 1976, as amended, such hearing will be held on October 8, 2026, at 10:00 a.m. in Room 252 of the Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201. Persons desiring to make oral comments at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed repeal language or any other information, and any requests for a public hearing, should be submitted to Office of Legal, Legislative & Regulatory Affairs, 1201 Main Street, Suite 1000, Columbia, S.C. 29201 or to legmail@doi.sc.gov., on or before 5:00 p.m. on September 28, 2026.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Insurance estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed amendments to this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: This regulation is to correct a scrivener's error and to make other technical corrections to the language in the regulation so that it reads consistent with the South Carolina Code.

Legal Authority: 1976 Code Sections 1-23-110 and 38-3-110.

Plan for Implementation: The proposed regulation will be reflected in Chapter 69 upon publication in the State Register as a final regulation. The Department generally issues a bulletin to inform licensees of statutory and regulation changes.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

This amended regulation will correct scrivener's errors and change other references from commissioner to director or his designee as set forth in other provisions of Title 38 of the South Carolina Code of Laws.

DETERMINATION OF COSTS AND BENEFITS:

None

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None

Statement of Rationale:

The regulation is being amended to correct scrivener's errors and other statutory references.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5465

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-33-310 et seq.

60-9. Sickle Cell Disease Voluntary Patient Registry. (New)

Preamble:

The Department of Public Health ("Department") is promulgating a new regulation to implement the provisions of the Rena Grant Sickle Cell Disease Voluntary Patient Registry Act ("Act") (2022 Act No. 206 (H.3166)). The Act requires the Department to develop and maintain the Sickle Cell Disease Voluntary Patient Registry ("Registry") for residents of the State who have been diagnosed with sickle cell disease. This regulation establishes data elements to be collected, content of electronic forms and reports, and procedures for disclosure of confidential registry information. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

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

Section-by-Section Discussion:

Section	**Type of Change**	**Purpose**
100	Addition	Add the purpose and scope of the regulation and definitions.
200	Addition	Add the registration requirements.
300	Addition	Add procedures for the permitted uses and disclosures of registry information.
400	Addition	Add procedures for compliance and enforcement.
500	Addition	Add the severability provision.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to S.C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on October 14, 2026. Written comments may be submitted by email to sicklecellregistry@dph.sc.gov or by mail to the Sickle Cell Registry Team, S.C. Department of Public Health, P.O. Box 2046, West Columbia, SC, 29171. To be considered, the Department must receive the comments by 5:00 p.m. on September 28, 2026. If a qualifying request pursuant to S.C. Code Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: New Regulation 60-9, Sickle Cell Disease Voluntary Patient Registry.

Purpose: The Department of Public Health ("Department") is promulgating a new regulation to implement the provisions of the Rena Grant Sickle Cell Disease Voluntary Patient Registry Act ("Act") (2022 Act No. 206 (H.3166)). The Act requires the Department to develop and maintain the Sickle Cell Disease Voluntary Patient Registry ("Registry") for residents of the State who have been diagnosed with sickle cell disease. This regulation establishes data elements to be collected, content of electronic forms and reports, and procedures for disclosure of confidential registry information.

Legal Authority: 1976 Code Sections 44-33-310 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the new regulation and any associated information. The new regulation will be available on the Department's website at https://dph.sc.gov/professionals/permits-regulations/regulations-table.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

This new regulation is necessary to implement 2022 Act No. 206 (H.3166). The Act requires the Department to develop and maintain the Sickle Cell Disease Voluntary Patient Registry ("Registry") for residents of the State who have been diagnosed with sickle cell disease. This regulation establishes data elements to be collected, content of electronic forms and reports, and procedures for disclosure of confidential registry information.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of this new regulation will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of this new regulation. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This new regulation will have no effect on the environment of this State. This new regulation will be beneficial for public health by protecting and improving public health through authorized data collection and disclosure to help improve access to care and health care provider education.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment. Without this regulation, there will not be a mechanism to establish data collection and disclosure for the registry.

Statement of Rationale:

The Department is promulgating this new regulation to establish data elements to be collected, content of electronic forms and reports, and procedures for disclosure of confidential registry information. The Act requires the Department to develop and maintain the Sickle Cell Disease Voluntary Patient Registry for residents of the State who have been diagnosed with sickle cell disease, and to promulgate regulations to implement provisions of the Act.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5470
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 43-1-80

114-550. Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care.

Preamble:

As the State's Title IV-E agency, the South Carolina Department of Social Services is charged with regulating foster family homes for children in the State's foster care system. On May 5, 2026, the United States Department of Health and Human Services, Administration for Children and Families (ACF) issued an information memorandum to Title IV-E agencies announcing modifications to the National Model Foster Family Home Licensing Standards. The recommended modifications are designed to "remove unnecessary administrative burden and clarify their intended application to non-kinship foster families." Additionally, the modifications to the National Model Foster Family Home Licensing Standards further goals of *A Home for Every Child*, an initiative in which South Carolina is participating to increase the number of foster homes available to care for children in foster care.

The South Carolina Department of Social Services is proposing amendments to South Carolina Code of Regulations Section 114-550, Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care, to reduce licensure barriers placed upon current and prospective foster parents to the extent permissible and to clarify the meaning of certain provisions.

Section-by-Section Discussion:

1. 114-550 (B)amended to clarify the meaning of certain terms and to eliminate definitions that are no longer relevant.
2. 114-550(E) amended to explain procedures for the transfer of a license and to delete provisions that are no longer relevant.
3. 114-550(G) amended to delete information that is no longer relevant and to enhance clarity.
4. 114-550(H) amended to provide new health standards and to enhance clarity.
5. 114-550(I) amended to enhance clarity.
6. 114-550(J) amended to enhance clarity.
7. 114-550(K) amended to enhance clarity.
8. 114-550(N) amended to clarify standards for the storage of weapons and to enhance clarity
9. 114-550(O) amended to clarify standards for criminal background checks and to enhance clarity.
10. 114-550(P) amended to clarify standards for child abuse registry checks and to enhance clarity.
11. 114-550(Q) amended to enhance clarity.
12. 114-550(R) amended to enhance clarity.
13. 114-550(S) deletes provisions that are no longer relevant.

14. 114-550(T) amended to re-letter and to enhance clarity.
15. 114-550(U) amended to re-letter and to enhance clarity.
16. 114-550(V) deletes provisions that are no longer relevant.
17. 1140550(W) amended to re-letter.
18. 114-550(X) amended to re-letter.
19. 114-550(Y) amended to re-letter.
20. 114-550(Z) deletes a provision.

The Notice of Drafting was published in the *State Register* on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, such matter will be heard before the Honorable Jason P. Luther at the Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Second Floor, Suite 224, Columbia, South Carolina 29201 on October 26, 2026, beginning at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments may be directed to Kaci Wingate, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202, and by way of electronic mail to Kaci.R.Wingate@dss.sc.gov, no later than 5:00 p.m. on September 28, 2026.

Preliminary Fiscal Impact Statement:

The Department of Social Services does not anticipate a fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Department of Social of Social Services is amending Regulation 114-500 eliminate unnecessary administrative burdens in the licensing of non-kinship foster families.

Legal Authority: 1976 Code Section 43-1-80.

Plan for Implementation: Regulation 114-550 will take effect upon approval by the General Assembly and publication in the *State Register*. The Department of Social Services will notify licensees of the new regulations and will post the regulations on the Department's website. The Department of Social Services will also notify child placing agencies concerned with the licensure of foster family homes and approval of adoptive homes.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary to promote the implementation of regulations that eliminate unnecessary administrative burdens in the licensing of non-kinship foster families, with the ultimate goal of having the number of available foster family homes exceed the number of children who are in foster care.

DETERMINATION OF COSTS AND BENEFITS:

By eliminating unnecessary licensing barriers, the Department of Social Services aims to have a surplus of available foster family homes awaiting the placement of children who need foster care.

UNCERTAINTIES OF ESTIMATES:

The uncertainties of estimates relate to the Departments inability to know with certainty the number of additional foster homes that may be licensed.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Regulation 114-500 will have no effect on the environment or public health of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effects on the environment and public health if Regulation 114-500 is not implemented in this State.

Statement of Rationale:

Regulation 114-500 is being amended to remove unnecessary administrative burden in the licensing of non-kinship foster family homes with the aim of creating a surplus of homes available for the placement of children in foster care.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **http://www.scstatehouse.gov/regnsrch.php.** Full text may also be obtained from the promulgating agency.

Document No. 5456
DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-79. Hazardous Waste Management Regulations.

Synopsis:

Pursuant to 1976 Code Ann. Sections 44-56-30 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 Department of Environmental Services (Department) promulgates regulations establishing and enforcing procedures, standards, and other requirements for the proper management of hazardous waste in South Carolina. The Department is amending R.61-79 to adopt six (6) rules published in the Federal Register by the United States Environmental Protection Agency (EPA). These rules are summarized as follows:

1. The Department is adopting the rule titled "Canada Import Export Recovery and Disposal Code Changes," published by the EPA on October 1, 2021, at 86 FR 45381 - 45386. The rule makes conforming changes to remain consistent with import/export requirements for both the United States and Canada. The changes in this rule are due to Canada's import-export recovery and disposal operations promulgated on March 17, 2021, which became effective October 31, 2021.

2. The Department is adopting the rule titled "Test Method for Standards to Control Organic Emissions," published by the EPA on March 20, 2023, at 88 FR 16732 - 16774. This rule makes technical and editorial corrections to EPA's Method 23 (Determination of Polychlorinated Dibenzo-p-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Hydrocarbons from Stationary Sources) and specifies it can be used instead of SW-846 method 0023A.

3. The Department is adopting the rule titled "Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule" published by the EPA on August 9, 2023, at 88 FR 54086 – 54115. This rule makes technical corrections to the three (3) rules noted and clarifies specific provisions in existing hazardous waste regulations.

4. The Department is adopting the rule titled "Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports," published by the EPA on July 26, 2024, at 89 FR 60692 - 60740 and October 31, 2024, at 89 FR 86758 - 86759. This rule makes changes to manifest requirements for the import and export of hazardous waste.

5. The Department is adopting the rule titled "Management of Certain Hydrofluorocarbons and Substitutes under the American Innovation and Manufacturing Act of 2020," published by the EPA on October 11, 2024, at 89 FR 82682 - 82872. In this rule, the EPA established alternative Resource Conservation and Recovery Act (RCRA) standards for certain ignitable spent refrigerants being recycled for reuse.

6. The Department is adopting the rule titled "Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule; Technical Corrections," published by the EPA on December 11, 2024, at FR 99727 – 99732. This rule makes technical corrections and clarifies specific provisions in these rules.

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 these amendments for compliance with federal law.

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

Instructions:

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

Text:

61-79. Hazardous Waste Management Regulations.

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-79.260. Hazardous Waste Management System; General.

Regulation 61-79.260.2(d)(1) shall be revised as follows:

(d)(1) After January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents prepared, used and submitted under section 261.4(a)(25), whether submitted electronically into EPA's Waste Import Export Tracking System or in paper format.

Regulation 61-79.260.2(d)(2) shall be revised as follows:

(2) After January 22, 2025, the EPA will make available to the public under this section any hazardous secondary material export documents prepared, used and submitted under section 261.4(a)(25) on March 1 of the calendar year after the related hazardous secondary material exports occur, when these documents are considered by the EPA to be final documents.

Regulation 61-79.260.10, "Final closure" definition, shall be revised as follows:

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under Parts 264 and 265 of this Chapter are no longer conducted at the facility unless subject to the provisions in R.61-79.262.16 and R.61-79.262.17.

61-79.261. Identification and Listing of Hazardous Waste.

Regulation 61-79.261.1(a)(1) shall be revised as follows:

1) Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under R.61-79.262 through 266, R.61-79.268, and R.61-79.270, and establishes special management requirements for hazardous waste which is recycled.

Regulation 61-79.261.4(a)(25)(i)(A) shall be revised as follows:

(A) Name, site address, telephone number, and EPA Identification Number (if applicable) of the hazardous secondary material generator;

Regulation 61-79.261.4(a)(25)(i)(H) shall be revised as follows:

(H) The name and site address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and

Regulation 61-79.261.4(a)(25)(i)(I) shall be revised as follows:

(I) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for purposes of this section, the terms “EPA Acknowledgement of Consent”, “country of import”, and “country of transit” are used as defined in section R.61-79.262.81 with the exception that the terms in this section refer to hazardous secondary materials, rather than hazardous waste):

Regulation 61-79.261.4(a)(25)(v) shall be revised as follows:

(v) The EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(25)(i) of this section.

Regulation 61-79.261.4(a)(25)(vi) shall be revised as follows:

(vi) The export of hazardous secondary material under this paragraph (a)(25) is prohibited unless the hazardous secondary material generator receives from EPA an EPA Acknowledgement of Consent documenting the consent of the country of import to the receipt of the hazardous secondary material. Where the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from countries of transit.

Regulation 61-79.261.4(a)(25)(vii) shall be revised as follows:

(vii) Prior to each shipment, the hazardous secondary material generator or a U.S. authorized agent must:

(A) Submit Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b).

(B) Include the following items in the EEI, along with the other information required under 15 CFR 30.6:

(1) EPA license code;

(2) Commodity classification code per 15 CFR 30.6(a)(12);

(3) EPA consent number;

(4) Country of ultimate destination per 15 CFR 30.6(a)(5);

(5) Date of export per 15 CFR 30.6(a)(2);

(6) Quantity of waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or

(7) EPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

Regulation 61-79.261.4(a)(25)(xi)(D) shall be revised as follows:

(D) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, the DOT hazard class, the name and U.S. EPA Identification Number (where applicable) for each transporter used, the consent number(s) under which the hazardous secondary material was shipped and for each consent number, the total amount of hazardous secondary material shipped, and the number of shipments exported during the calendar year covered by the report;

Regulation 61-79.261.4(e)(1) shall be revised as follows:

(1) Except as provided in paragraph (e)(2) and (4) of this section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in R.61-79.260.10, are not subject to any requirement of this part, R.61-79.262 and 263, or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of R.61-79.262.13 and the accumulation limits in sections 262.14(a)(3), 262.14(a)(4), and 262.16(b)(1) when:

Regulation 61-79.261.6(a)(2) shall be revised as follows:

(2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through Q of R.61-79.266 and all applicable provisions in R.61-79.268, 270, and 124 of this chapter.

(i) Recyclable materials used in a manner constituting disposal (R.61-79.266 subpart C);

(ii) Hazardous wastes burned (as defined in section 266.100(a)) in boilers and industrial furnaces that are not regulated under subpart O of R.61-79.264 or 265 (R.61-79.266 subpart H);

(iii) Recyclable materials from which precious metals are reclaimed (R.61-79.266 subpart F);

(iv) Spent lead-acid batteries that are being reclaimed (R.61-79.266 subpart G);

(v) Ignitable spent refrigerants recycled for reuse (R.61-79.266 subpart Q).

Regulation 61-79.261.6(a)(3)(i)(A) shall be revised as follows:

(A) The person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to an exporter in R.61-79.262.83 with the exception of section 262.83(c);

Regulation 61-79.261.6(a)(3)(i)(B) shall be revised as follows:

(B) Transporters transporting a shipment for export or import must comply with the movement document requirements listed in section 263.20(a)(2) and (c).

Regulation 61-79.261.6(c)(1) shall be revised as follows:

(c)(1) Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of subparts A through L, and AA through DD of R.61-79.264 and R.61-79.265, and under R.61-79.124, R.61-79.266, R. 61-79.267, R.61-79.268, R.61-79.270, and the notification requirements under section 3010 of RCRA and the notification requirements of the South Carolina Hazardous Waste Management Act 44-56-120, except as provided in paragraph (a) of this section. (The recycling process itself is exempt from regulation except as provided in paragraph (d) of this section.)

Regulation 61-79.261.11(c) shall be deleted.

Regulation 61-79.261.30(d) shall be revised as follows:

(d) The following hazardous wastes listed in section 261.31 are subject to the generator category limits for acutely hazardous wastes established in Table 1 of section 262.13 of this subchapter: EPA Hazardous Wastes Nos. F020, F021, F022, F023, F026 and F027.

Regulation 61-79.261.39(a)(5)(i)(A) shall be revised as follows:

(A) Name, site address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.

Regulation 61-79.261.39(a)(5)(i)(F) shall be revised as follows:

(F) The name and site address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers.

Regulation 61-79.261.39(a)(5)(v)(B) shall be revised as follows:

(B) The exporter or a U.S. authorized agent must:

Regulation 61-79.261.39(a)(5)(xi) shall be revised as follows:

(xi) Annual reports must be submitted to the EPA using the allowable methods specified in paragraph (a)(5)(ii) of this section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report. Exporters may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that a copy is readily available for viewing and production if requested by any EPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with WIETS, or its successor system for which the CRT exporter bears no responsibility.

Regulation 61-79.261.142(a)(2) shall be revised as follows:

(2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in section 265.141(d) of this subchapter.) The owner or operator may use costs for on-site disposal in accordance with applicable requirements if it can be demonstrated that on-site disposal capacity will exist at all times over the life of the facility.

Regulation 61-79.261.142(a)(3) shall be revised as follows:

(3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, or hazardous or non-hazardous wastes if applicable under section 265.113(d) of this subchapter, facility structures or equipment, land, or other assets associated with the facility.

Regulation 61-79.261.142(a)(4) shall be revised as follows:

(4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, or hazardous or non-hazardous wastes if applicable under section 265.113(d) of this subchapter that might have economic value.

Regulation 61-79.261.143(a)(7) shall be revised as follows:

(7) Within 60 days after receiving a request from the owner or operator for release of funds as specified in paragraph (a)(5) or (6) of this section, the Department will instruct the trustee to release to the owner or operator such funds as the Department specifies in writing. If the owner or operator begins final closure under subpart G of R.61-79.264 or 265, an owner or operator may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Department. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, the Department will instruct the trustee to make reimbursements in those amounts as the Department specifies in writing, if the Department determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Department has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it may withhold reimbursements of such amounts as deemed prudent until it determines, in accordance with paragraph (i) of this section that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Department does not instruct the trustee to make such reimbursements, it will provide to the owner or operator a detailed written statement of reasons.

Regulation 61-79.261.147(g)(2)(i)(A) shall be revised as follows:

(A) The State in which the generator is incorporated; and

Regulation 61-79.261.147(g)(2)(i)(B) shall be revised as follows:

(B) Each State in which a facility covered by the guarantee is located have submitted a written statement to the Department that a guarantee executed as described in this section and section 261.151(g)(2) is a legally valid and enforceable obligation in South Carolina.

Regulation 61-79.261.147(g)(2)(ii)(B) shall be revised as follows:

(B) The Attorney General or Insurance Commissioner of each state in which a facility covered by the guarantee is located and the state in which the guarantor corporation has its principal place of business, has submitted a written statement to the Department that a guarantee executed as described in this section and section 261.151(g)(2) is a legally valid and enforceable obligation in South Carolina.

Regulation 61-79.261.151. Appendix G-2 shall be revised as follows:

Guarantee for Liability Coverage

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of South Carolina, herein referred to as guarantor. This guarantee is made on behalf of [owner or operator] of [business address], which is one of the following: “our subsidiary”; “a subsidiary of [name and address of common parent corporation], of which guarantor is a subsidiary”; or “an entity with which guarantor has a substantial business relationship, as defined in R.61-79 [either 264.141(h) or 265.141(h)],” to any and all third parties who have sustained or may sustain bodily injury or property damage caused by [sudden and/or nonsudden] accidental occurrences arising from operation of the facility(ies) covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in section 261.147(g).

2. [Owner or operator] owns or operates the following facility(ies) covered by this guarantee: [List for each facility: EPA Identification Number (if any issued), name, and address; and if guarantor is incorporated outside the United States list the name and address of the guarantor’s registered agent in each state.] This corporate

guarantee satisfies RCRA third-party liability requirements for [insert "sudden" or "nonsudden" or "both sudden and nonsudden"] accidental occurrences in above-named owner or operator facilities for coverage in the amount of [insert dollar amount] for each occurrence and [insert dollar amount] annual aggregate.

3. For value received from [owner or operator], guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by [sudden and/or nonsudden] accidental occurrences arising from operations of the facility(ies) covered by this guarantee that in the event that [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by [sudden and/or nonsudden] accidental occurrences, arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage identified above.

4. Such obligation does not apply to any of the following:

(a) Bodily injury or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that [insert owner or operator] would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of [insert owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(c) Bodily injury to:

(1) An employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator]; or

(2) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and in the course of employment by [insert owner or operator]. This exclusion applies:

(A) Whether [insert owner or operator] may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).

(d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft.

(e) Property damage to:

(1) Any property owned, rented, or occupied by [insert owner or operator];

(2) Premises that are sold, given away, or abandoned by [insert owner or operator] if the property damage arises out of any part of those premises;

(3) Property loaned to [insert owner or operator];

(4) Personal property in the care, custody, or control of [insert owner or operator];

(5) That particular part of real property on which [insert owner or operator] or any contractors or subcontractors working directly or indirectly on behalf of [insert owner or operator] are performing operations, if the property damage arises out of these operations.

5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within ninety (90) days, by certified mail, notice to the Department and to [owner or operator] that they intend to provide alternate liability coverage as specified in R.61-79.261.147, as applicable, in the name of [owner or operator]. Within one hundred twenty (120) days after the end of such fiscal year, the guarantor shall establish such liability coverage unless [owner or operator] has done so.

6. The guarantor agrees to notify the Department by certified mail of a voluntary or involuntary proceeding under title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within ten (10) days after commencement of the proceeding. Guarantor agrees that within thirty (30) days after being notified by the Department of a determination that guarantor no longer meets the financial test criteria or that they are disallowed from continuing as a guarantor, they shall establish alternate liability coverage as specified in R.61-79.261.147 in the name of [owner or operator], unless [owner or operator] has done so.

7. Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability requirements set by R.61-79.261.147, provided that such modification shall become effective only if the Department does not disapprove the modification within thirty (30) days of receipt of notification of the modification.

8. Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] must comply with the applicable requirements of R.61-79.261.147 for the above-listed facility(ies), except as provided in paragraph 9 of this agreement.

9. [Insert the following language if the guarantor is (a) a direct or higher-tier corporate parent, or (b) a firm whose parent corporation is also the parent corporation of the owner or operator]:

Guarantor may terminate this guarantee by sending notice by certified mail to the Department and to [owner or operator], provided that this guarantee may not be terminated unless and until [the owner or operator] obtains, and the Department approves, alternate liability coverage complying with R.61-79.261.147.

[Insert the following language if the guarantor is a firm qualifying as a guarantor due to its "substantial business relationship" with the owner or operator]:

Guarantor may terminate this guarantee one hundred twenty (120) days following receipt of notification, through certified mail, by the Department and by [the owner or operator].

10. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

11. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

12. The Guarantor shall satisfy a third-party liability claim only on receipt of one of the following documents:

(a) Certification from the Principal and the third-party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Valid Claim

The undersigned, as parties [insert Principal] and [insert name and address of third-party claimant(s)], hereby certify that the claim of bodily injury and/or property damage caused by a [sudden or nonsudden] accidental occurrence arising from operating [Principal's] facility should be paid in the amount of $[insert amount].

[Signatures]
Principal
(Notary) Date
[Signatures]
Claimant(s)
(Notary) Date

(b) A valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by sudden or nonsudden accidental occurrences arising from the operation of the Principal's facility or group of facilities.

13. In the event of combination of this guarantee with another mechanism to meet liability requirements, this guarantee will be considered [insert "primary" or "excess"] coverage.

I hereby certify that the wording of the guarantee is identical to the wording specified in section 261.151 Appendix G-2 as such regulations were constituted on the date shown immediately below.

Effective date:
[Name of guarantor]
[Authorized signature for guarantor]
[Name of person signing]
[Title of person signing]
Signature of witness or notary:

Regulation 61-79.261.151. Appendix L-2 shall be revised as follows:

The following is an example of the certification of acknowledgement which must accompany the trust agreement for a trust fund as specified in R.61-79.261.147(j).

SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL SERVICES BUREAU OF LAND AND WASTE MANAGEMENT

State of ____________

County of ____________

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that they reside at [address], that they are [title] of [corporation], the corporation described in and which executed the above instrument; that they know the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order.

[Signature of Notary Public]

Regulation 61-79.261.400 shall be revised as follows:

The requirements of this subpart apply to (1) those areas of an entity managing hazardous secondary materials excluded under section 261.4(a)(23) and/or (24) where such materials are generated or accumulated on site, and (2) facilities regulated under the standards of section 266 subpart Q that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store the refrigerants for less than ten (10) days.

(a) A generator of hazardous secondary material, or an intermediate or reclamation facility that accumulates six thousand (6000) kilograms or less of hazardous secondary material at any time must comply with sections 261.410 and 261.411.

(b) A generator of hazardous secondary material, or an intermediate or reclamation facility that accumulates more than six thousand (6000) kilograms of hazardous secondary material at any time must comply with sections 261.410 and 261.420.

(c) Facilities receiving refrigerant from off-site under section 266 subpart Q that are not transfer facilities that store the refrigerants for less than ten (10) days must comply with sections 261.410 and 261.420.

Regulation 61-79.261.411(d)(3) shall be revised as follows:

(3) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator or an intermediate or reclamation facility has knowledge that a spill has reached surface water, the generator or an intermediate or reclamation facility operating under a verified recycler variance under section 260.31(d) of this subchapter must immediately notify the National Response Center (using their twenty-four-hour toll free number 800/424-8802). The report must include the following information:

Regulation 61-79.261.420 Title shall be revised as follows:

261.420. Contingency planning and emergency procedures for facilities generating or accumulating more than 6000 kilograms of hazardous secondary material or receiving ignitable spent refrigerants.

Regulation 61-79.261.420 Introduction shall be revised as follows:

A generator or an intermediate or reclamation facility that generates or accumulates more than 6000 kilograms of hazardous secondary material, or a facility receiving refrigerant from off-site under R.61-79.266 subpart Q, that is not a transfer facility that stores the refrigerants for less than ten (10) days must comply with the following requirements:

Regulation 61-79.261.420(b)(2) shall be revised as follows:

(2) If the generator or an intermediate or reclamation facility accumulating more than 6000 kg of hazardous secondary material has already prepared a Spill Prevention, Control, and Countermeasure (SPCC) Plan in accordance with part 112 of this chapter, or some other emergency or contingency plan, they need only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this part. The hazardous secondary material generator or an intermediate or reclamation facility operating under a verified recycler variance under section 260.31(d) of this subchapter may develop one contingency plan which meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

Regulation 61-79.261.420(b)(3) shall be revised as follows:

(3) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to section 261.410(f).

Regulation 61-79.261.1033(n)(1)(i) shall be revised as follows:

(i) The owner or operator of the unit has been issued a final permit under R.61-79.270 which implements the requirements of R.61-79. 264 subpart X; or

Regulation 61-79.261.1083(a)(1) shall be revised as follows:

(1) Determining average VO concentration at the point of material origination. A remanufacturer or other person that stores or treats the hazardous secondary material shall determine the average VO concentration at the point of material origination for each hazardous secondary material placed in a hazardous secondary material management unit exempted under the provisions of section 261.1082(c) from using air emission controls in accordance with standards specified in sections 261.1084 through 261.1087, as applicable to the hazardous secondary material management unit.

Regulation 61-79.261.1083(a)(1)(i) shall be revised as follows:

(i) An initial determination of the average VO concentration of the material stream shall be made before the first time any portion of the material in the hazardous secondary material stream is placed in a hazardous secondary material management unit exempted under the provisions of section 261.1082(c) from using air emission controls, and thereafter an initial determination of the average VO concentration of the material stream shall be made for each averaging period that a hazardous secondary material is managed in the unit; and

Regulation 61-79.261.1083(c)(4) shall be revised as follows:

(4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous secondary material. Documentation shall be prepared and recorded that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material that the maximum organic vapor pressure of the hazardous secondary material is less than the maximum vapor pressure limit listed in section 261.1084(b)(1)(i) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous secondary material is generated by a process for which at other locations it previously has been determined by direct measurement that the hazardous secondary material's waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

Regulation 61-79.261.1084(j)(2) shall be revised as follows:

(2) The requirements of paragraph (j)(1) of this section do not apply when transferring a hazardous secondary material to the tank under any of the following conditions:

(i) The hazardous secondary material meets the average VO concentration conditions specified in section 261.1082(c) at the point of material origination.

(ii) The hazardous secondary material has been treated by an organic destruction or removal process to meet the requirements in section 264.1082(c)(2).

(iii) The hazardous secondary material meets the requirements of section 264.1082(c)(4).

Regulation 61-79.261.1089(a) shall be revised as follows:

(a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to requirements of this subpart shall record and maintain the information specified in paragraphs (b) through (j) of this section, as applicable to the facility. Except for air emission control equipment design documentation and information required by paragraphs (i) and (j) of this section, records required by this section shall be maintained at the facility for a minimum of 3 years. Air emission control equipment design documentation shall be maintained at the facility until the air emission control equipment is replaced or otherwise no longer in service.

Information required by paragraphs (i) and (j) of this section shall be maintained at the facility for as long as the hazardous secondary material management unit is not using air emission controls specified in sections 261.1084 through 261.1087 in accordance with the conditions specified in section 261.1080(a).

Regulation 61-79.261.1089(f)(1) shall be revised as follows:

(f) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank or container exempted under the hazardous secondary material organic concentration conditions specified in section 261.1082(c), shall prepare and maintain at the facility records documenting the information used for each material determination (e.g., test results, measurements, calculations, and other documentation). If analysis results for material samples are used for the material determination, then the remanufacturer or other person that stores or treats the hazardous secondary material shall record the date, time, and location that each material sample is collected in accordance with applicable requirements of section 261.1083.

Regulation 61-79.261.1089(f)(2) shall be deleted.

Regulation 61-79.261.1089(g) shall be revised as follows:

(g) A remanufacturer or other person that stores or treats the hazardous secondary material designating a cover as “unsafe to inspect and monitor” pursuant to section 261.1084(l) shall record and keep at the facility the following information: The identification numbers for hazardous secondary material management units with covers that are designated as “unsafe to inspect and monitor,” the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

61-79.262. Standards Applicable to Generators of Hazardous Waste.

Regulation 61-79.262.1, “Condition for exemption” definition, shall be revised as follows:

“Condition for exemption” means any requirement in sections 262.14, 262.15, 262.16, 262.17, 262.70, or subpart K or subpart L of this part that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in R.61-79.124, sections 264 through 268, and section 270 of this chapter, or from any requirement for notification under the SC Hazardous Waste Management Act section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities.

Regulation 61-79.262.10(a)(2) shall be revised as follows:

(2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; such generator is subject to the applicable requirements of R.61-79.124, sections 264 through 267, and section 270 of this chapter, the SC Hazardous Waste Management Act 44-56-120, and section 3010 of RCRA for treatment, storage, and disposal facilities, unless it is one of the following:

Regulation 61-79.262.10(i) shall be revised as follows:

(i) Persons responding to an explosives or munitions emergency in accordance with 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part.

Regulation 61-79.262.10, notes, shall be added to the end of the section as follows:

Note 1 to section 262.10: The provisions of sections 262.15 through 262.17 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of sections 262.15 through 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Note 2 to section 262.10: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in parts 264, 265, 266, 268, and 270.

Regulation 61-79.262.14(a)(3) shall be revised as follows:

(3) If the very small quantity generator accumulates at any time greater than 1 kilogram (2.2 pounds) of acute hazardous waste or 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in R.61-79.261.31 or 261.33(e), all quantities of that acute hazardous waste are subject to the following additional conditions for exemption and independent requirements:

(i) Such waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in paragraph (a)(3) of this section;

(ii) The conditions for exemption in R.61-79.262.17(a) through (g);

(iii) Notification as a "very small quantity generator" under R.61-79.262.18(a) through (c);

(iv) Preparation and use of the manifest in subpart B of this part;

(v) Pre-transport requirements in subpart C of this part;

(vi) Recordkeeping and reporting requirements in subpart D of this part; and

(vii) Requirements for transboundary movements of hazardous wastes in subpart H of this part.

Regulation 61-79.262.14(a)(4) shall be revised as follows:

(4) If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 pounds) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption and independent requirements:

(i) Such waste is held on site for no more than one hundred eighty (180) days, or two hundred seventy (270) days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in paragraph (a)(4) of this section;

(ii) The quantity of waste accumulated on site never exceeds six thousand (6,000) kilograms (13,200 pounds);

(iii) The conditions for exemption in R.61-79.262.16(b)(2) through (f);

(iv) Notification as a "very small quantity generator" under R.61-79.262.18(a) through (c);

(v) Preparation and use of the manifest in subpart B of this part;

(vi) Pre-transport requirements in subpart C of this part;

(vii) Recordkeeping and reporting requirements in subpart D of this part; and

(viii) Requirements for transboundary movements of hazardous wastes in subpart H of this part.

Regulation 61-79.262.14(a)(5)(vi) shall be revised as follows:

(vi) A facility which:

(A)(1) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(2) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; and

(B) For ignitable spent refrigerants regulated under R.61-79.266 subpart Q, meets the requirements of that subpart.

Regulation 61-79.262.16, opening paragraph, shall be revised as follows:

A small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61-79.124, sections 264 through 266, and section 270 of this chapter, or the notification requirements of the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, provided that all the conditions for exemption listed in this section are met:

Regulation 61-79.262.16(b) shall be revised as follows:

(b) Accumulation. The generator accumulates hazardous waste on site for no more than one hundred eighty (180) days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (c), (d), and (e) of this section. The following accumulation conditions also apply:

Regulation 61-79.262.16(b)(1) shall be revised as follows:

(1) Accumulation limit. The quantity of acute hazardous waste accumulated on site never exceeds one (1) kilogram (2.2 pounds) and the quantity of non-acute hazardous waste accumulated on site never exceeds six thousand (6,000) kilograms (13,200 pounds);

Regulation 61-79.262.16(b)(5) shall be revised as follows:

(5) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the small quantity generator must comply with R.61-79.265 subpart DD. The generator must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site and also in a conspicuous place provide an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704). The generator must also maintain:

Regulation 61-79.262.16(b)(8)(iv)(A) shall be revised as follows:

(A) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under paragraph (b)(8)(ii) of this section.

Regulation 61-79.262.16(b)(8)(iv)(B) shall be revised as follows:

(B) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under paragraph (b)(8)(ii) of this section.

Regulation 61-79.262.17, opening paragraph, shall be revised as follows:

A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61-79.124, section 264, and section 270 of this chapter, or the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, provided that all of the following conditions for exemption are met:

Regulation 61-79.262.17(a)(2) shall be revised as follows:

(2) Accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator must comply with the applicable requirements of subpart J (except section 265.197(c) and R.61-79.265.200 of this subchapter) as well as the applicable requirements of R.61-79.265 subparts AA through CC.

Regulation 61-79.262.17(a)(7)(i)(A) shall be revised as follows:

(i)(A) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv)(C) of this section.

Regulation 61-79.262.17(a)(8)(i) shall be revised as follows:

(i) Notification for closure of a waste accumulation unit. A large quantity generator must perform one of the following when closing a waste accumulation unit, but not all waste accumulation units:

(A) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility (if the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record); or

(B) Meet the closure performance standards of paragraph (a)(8)(iii) of this section for container, tank, and containment building waste accumulation units or paragraph (a)(8)(iv) of this section for drip pads and notify the Department following the procedures in paragraph (a)(8)(ii)(B) of this section for the waste accumulation unit.

Regulation 61-79.262.17(a)(8)(iii)(A)(4) shall be revised as follows:

(4) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in paragraph (a)(8)(iii)(A)(2) of this section, then the waste accumulation unit is considered to be a landfill and the generator must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (R.61-79.265.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in R.61-79.265 subparts G and H.

Regulation 61-79.262.17(b) shall be revised as follows:

(b) Accumulation time limit extension. A large quantity generator who accumulates hazardous waste for more than ninety (90) days is subject to the requirements of R.61-79.124, sections 264 through 268, and section 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, unless it has been granted an extension to the ninety (90)-day period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than ninety (90) days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case-by-case basis.

Regulation 61-79.262.17(c) shall be revised as follows:

(c) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days without being subject to R.61-79.124, section 264, and section 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, provided that it complies with all of the following additional conditions for exemption:

Regulation 61-79.262.17(d) shall be revised as follows:

(d) F006 transported over two hundred (200) miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more for off-site metals recovery, may accumulate F006 waste on site for more than ninety (90) days, but not more than two hundred seventy (270) days without being subject to R.61-79.124, sections 264 through 266, section 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, if the large quantity generator complies with all of the conditions for exemption of paragraphs (c)(1) through (4) of this section.

Regulation 61-79.262.17(e) shall be revised as follows:

(e) F006 accumulation time extension. A large quantity generator accumulating F006 in accordance with paragraphs (c) and (d) of this section who accumulates F006 waste on site for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more), or who accumulates more than twenty thousand (20,000) kilograms of F006 waste on site is an operator of a storage facility and is subject to the requirements of R.61-79.124, sections 264, 265, and 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, unless the generator has been granted an extension to the one hundred eighty (180)-day (or two hundred seventy (270)-day if applicable) period or an exception to the twenty thousand (20,000) kilogram accumulation limit. Such extensions and exceptions may be granted by the Department if F006 waste must remain on site for longer than one hundred eighty (180) days (or two hundred seventy (270) days if applicable) or if more than twenty thousand (20,000) kilograms of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days or an exception to the accumulation limit may be granted at the discretion of the Department on a case-by-case basis.

Regulation 61-79.262.17(f) shall be revised as follows:

(f) Consolidation of hazardous waste received from very small quantity generators. Large quantity generators may accumulate on site hazardous waste received from very small quantity generators under control of the same person (as defined in R.61-79.260.10 of this subchapter), without a storage permit or interim status and without complying with the requirements of R.61-79.124, sections 264 through 268, and section 270 of this chapter, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA for treatment, storage, and disposal facilities, provided that they comply with the following conditions. "Control," for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to "control" such generators.

Regulation 61-79.262.20(a)(1) shall be revised as follows:

(a)(1) Paper manifest. A generator that transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A. Large and small quantity generators must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with paragraph (a)(2) of this section.

Regulation 61-79.262.20(a)(2) shall be revised as follows:

(2) Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Department for portions of the manifest that a generator is required to complete, the generator must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in R.61-79.265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

Regulation 61-79.262.21(f)(5) shall be revised as follows:

(5) The manifest and continuation sheet must be printed as four (4) copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all four (4) copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

Regulation 61-79.262.21(f)(6) shall be revised as follows:

(6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

(i) Page 1 (top copy): "U.S. Designated Facility or U.S. Exporter to the EPA's e-Manifest System";

(ii) Page 2: "Designated Facility to Generator";

(iii) Page 3: "Transporter Copy"; and

(iv) Page 4: "Generator's Initial Copy".

Regulation 61-79.262.21(f)(7) shall be revised as follows:

(7) The instructions for the manifest form (EPA Form 8700-22) and the manifest continuation sheet (EPA Form 8700-22A) shall be printed in accordance with the content that is currently approved under OMB Control Number 2050-0039. The instructions must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

(i) Manifest EPA Form 8700-22:

(A) The "Instructions for Generators" on Copy 4;

(B) The "Instructions for Transporters" on Copy 3; and

(C) The "Instructions for Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest on Top Copy (Page 1).

(ii) Manifest Form 8700-22A:

(A) The "Instructions for Generators" on Copy 4;

(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 3; and

(C) The "Instructions for Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest on Top Copy (Page 1).

Regulation 61-79.262.24(g) and (h) shall be deleted.

Regulation 61-79.262.42 shall be revised as follows:

(a)(1) A large quantity generator who does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within forty five (45) days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A large quantity generator must submit an Exception Report to the Department if they have not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty (60) days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery;

(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(3) Beginning on December 1, 2025, the Department will no longer accept mailed paper Exception Reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator must submit an Exception Report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within sixty (60) days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) An explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A small quantity generator of hazardous waste who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty (60) days of the date the waste was accepted by the initial transporter must:

(1) Submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Department.

(2) Beginning on December 1, 2025, the Department will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery,

to the EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this paragraph (b) because of an episodic generation event pursuant to R.61-79.262.232(a)(5), must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Department.

Note: The submission need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received. (12/92)

(c) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of 264.72(e)(1) through (6) or 265.72(e)(1) through (6)), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:

(1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and

(2) The 45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

Note: The submission to the Department need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

(d)(1) Beginning on December 1, 2025, any requirement in these regulations for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the EPA e-Manifest system, provided that the Exception Report is readily available if requested by the EPA or the Department.

(2) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

Regulation 61-79.262.81, "Disposal operations" definition, shall be revised as follows:

"Disposal operations" means activities which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternate uses, which include:

(1) D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

(2) D2 Land treatment, such as biodegradation of liquids or sludges in soils.

(3) D3 Deep injection, such as injection into wells, salt domes or naturally occurring repositories.

(4) D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds or lagoons.

(5) D5 Specially engineered landfill, such as placement into lined discrete cells which are capped and isolated from one another and the environment.

(6) D6 Release into a water body other than a sea or ocean, and other than by operation D4.

(7) D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

(8) D8 Biological treatment not specified elsewhere in operations D1 through D12, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

(9) D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

(10) D10 Incineration on land.

(11) D11 Incineration at sea.

(12) D12 Permanent storage.

(13) D13 Interim blending or mixing, before an operation that bears any of the disposal operations D1 through D12.

(14) D14 Interim repackaging, before an operation that bears any of the disposal operations D1 through D12.

(15) D15 Interim Storage, before an operation that bears any of the disposal operations D1 through D12.

(16) DC1 Release, including the venting of compressed or liquified gases, or treatment, other than by any of disposal operation codes D1 to D12 (for transboundary movements with Canada only).

(17) DC2 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

Regulation 61-79.262.81, "Recovery operations" definition, shall be revised as follows:

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses, which include:

(1) R1 Use as a fuel (other than in direct incineration) or other means to generate energy.

(2) R2 Solvent reclamation/regeneration.

(3) R3 Recycling/reclamation of organic substances which are not used as solvents.

(4) R4 Recycling/reclamation of metals and metal compounds.

(5) R5 Recycling/reclamation of other inorganic materials.

(6) R6 Regeneration of acids or bases.

(7) R7 Recovery of components used for pollution abatement.

(8) R8 Recovery of components used from catalysts.

(9) R9 Used oil re-refining or other reuses of previously used oil.

(10) R10 Land treatment resulting in benefit to agriculture or ecological improvement.

(11) R11 Use of residual materials obtained from any of the recovery operation codes numbered R1 through R10 or RC1.

(12) R12 Interim exchange of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.

(13) R13 Interim accumulation of wastes before recycling using any of the recovery operation codes numbered R1 through R11 or RC1.

(14) RC1 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10 (for transboundary shipments with Canada only).

(15) RC2 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

(16) RC3 Interim storage prior to any of operations R1 to R11 or RC1 (for transboundary shipments with Canada only).

Regulation 61-79.262.82(e)(2) shall be revised as follows:

(2) For hand-delivery, the Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255T), Environmental Protection Agency, William Jefferson Clinton West Bldg, Room 1329, 1301 Constitution Ave NW., Washington, DC 20004.

Regulation 61-79.262.83(a)(6) shall be revised as follows:

(6) The exporter or a U.S. authorized agent submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:

Regulation 61-79.262.83(b)(1)(i) through (iv) shall be revised as follows:

(i) Exporter name and EPA identification number, site address, telephone number, fax number, and email address;

(ii) Foreign receiving facility name, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in section 262.81;

(iii) Foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone number, fax number, and email address;

(iv) Intended transporter(s) and/or their agent(s); site address, telephone number, fax number, and email address;

Regulation 61-79.262.83(b)(3) shall be revised as follows:

(3) Notifications listing interim recycling operations or interim disposal operations. If the foreign receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 through D15, the notification submitted according to paragraph (b)(1) of this section must also include the final foreign recovery

or disposal facility name, site address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 will be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in R.61-79.262.81.

Regulation 61-79.262.83(c) shall be revised as follows:

(c) RCRA manifest instructions for export shipments. The exporter must comply with the manifest requirements of sections 262.20 through 262.25 except that:

(1) In lieu of the name, site address and EPA identification number of the designated permitted facility, the exporter must enter the name and site address of the foreign receiving facility;

(2) In the International Shipments block on the continuation sheet (EPA Form 8700-22A), the exporter must:

(i) Check the export box and enter the U.S. port of exit (city and State) from the United States;

(ii) Enter the exporter's EPA ID number, if the exporter is not identified in Item 5 of the manifest (EPA Form 8700-22) for the export shipment; and

(iii) list the waste stream consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use an additional Continuation Sheet(s) (EPA Form 8700-22A).

(3) The exporter may obtain the manifest from any source so long as the source of the printed form has received approval from the EPA to print the manifest in accordance with section 262.21(g)(1) of this part.

(4) Beginning on December 1, 2025, within thirty (30) days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter must submit the top copy (Page 1) of the signed and dated manifest (whether electronic or paper) and all continuation sheets (whether electronic or paper) to the EPA e-Manifest system. The exporter must submit the paper manifest and all paper continuation sheets to the EPA e-Manifest system for purposes of data entry and processing by transmitting to the EPA e-Manifest system an image file of Page 1 of the manifest and all continuation sheets, or by transmitting to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and all continuation sheets.

(i) As prescribed in R.61-79.265.1311, and determined in section 265.1312, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided in section 265.1313.

(ii) An exporter subject to user fees under this section shall make user fee payments in accordance with the requirements of section 265.1314, subject to the informal fee dispute resolution process of section 265.1316, and subject to the sanctions for delinquent payments under section 265.1315.

(iii) Electronic manifest signatures shall meet the criteria described in R.61-79.262.25 of this chapter.

(iv) Within thirty (30) days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the U.S. border for a manifest that was originated electronically, the exporter must send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

(v) After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per paragraph (d)(2)(xvii) of this section, any post-receipt data corrections may be submitted at any time by any interested person (e.g., domestic waste handler) shown on the manifest. If requested by the Director, an exporter must address manifest data corrections within thirty (30) days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in R.61-79.265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

Regulation 61-79.262.83(d)(2) shall be revised as follows:

(2) The movement document must include the following paragraphs (d)(2)(i) through (xv) of this section:

(i) The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant EPA AOC(s) and if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4;

(ii) The shipment number and the total number of shipments from the EPA AOC or the movement tracking number;

(iii) Exporter name and EPA identification number, site address, telephone number, fax number, and email address;

(iv) Foreign receiving facility name, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in section 262.81;

(v) Foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone number, fax number, and email address;

(vi) Description(s) of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste code(s) for each hazardous waste, applicable OECD waste code for each hazardous waste from the lists incorporated by reference in 40 CFR 260.11, and the United Nations/U.S. Department of Transportation (DOT) ID number for each hazardous waste;

(vii) Date movement commenced;

(viii) Name (if not exporter), site address, telephone number, fax number, and email address of company originating the shipment;

(ix) Company name, EPA ID number, site address, telephone number, fax number, and email address of all transporters;

(x) Identification (license, registered name or registration number) of means of transport, including types of packaging;

(xi) Any special precautions to be taken by transporter(s);

(xii) Certification/declaration signed and dated by the exporter that the information in the movement document is complete and correct;

(xiii) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);

(xiv) Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

(xv) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must:

(A) Initiate the movement document using the allowable methods listed in paragraph (b)(1) of this section; and

(B) Close out the movement document within three working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in paragraph(b)(1) of this section;

(xvi) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter must additionally require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 as defined in section 262.81 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must submit each confirmation of recovery or disposal to the EPA within three working days of receiving the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed in paragraph (b)(1) of this section; and

(xvii) For shipments sent to a country with which the EPA has established an electronic exchange of movement tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

Regulation 61-79.262.83(f)(3)(iii) shall be added as follows:

(iii) Transmittals made by the transporter or foreign receiving facility under paragraph (i) of this section being sent to the exporter or the EPA from a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

Regulation 61-79.262.83(f)(4) shall be revised as follows:

(4) Contracts must specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three (3) working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.

Regulation 61-79.262.83(f)(5) shall be revised as follows:

(5) Contracts must specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import that controls the shipment as an import of hazardous waste. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

Regulation 61-79.262.83(f)(6) shall be revised as follows:

(6) Contracts must specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, (recovery and disposal operations defined in R. 61-79.262.81), as appropriate, will:

Regulation 61-79.262.83(f)(6)(ii) shall be revised as follows:

(ii) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one (1) year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import that controls the shipment as an import of hazardous waste and to the exporter. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

Regulation 61-79.262.83(g) shall be revised as follows:

(g) Annual reports. The exporter shall file an annual report with EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. The exporter must submit annual reports to EPA using the allowable methods specified in paragraph (b)(1) of this section. The annual report must include all of the following paragraphs (g)(1) through (6) of this section specified as follows:

Regulation 61-79.262.83(i)(1) shall be revised as follows:

(1) The exporter shall keep the following records in paragraphs (i)(1)(i) through (vi) of this section and provide them to EPA or authorized state personnel upon request:

Regulation 61-79.262.83(i)(1)(v) shall be revised as follows:

(v) A copy of each contract or equivalent arrangement established per paragraph (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

Regulation 61-79.262.83(i)(1)(vi) shall be added as follows:

(vi) A copy of each manifest sent by the last transporter in the United States per R.61-79.263.20(g).

Regulation 61-79.262.84(b)(1)(i) through (iv) shall be revised as follows:

(i) Foreign exporter name, site address, telephone number, fax number, and email address;

(ii) Receiving facility name, EPA ID number, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in section 262.81;

(iii) Importer name (if not the owner or operator of the receiving facility), EPA ID number, site address, telephone number, fax number, and email address;

(iv) Intended transporter(s) and/or their agent(s); site address, telephone number, fax number, and email address;

Regulation 61-79.262.84(b)(2) shall be revised as follows:

(2) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12, R13, or RC3 or interim disposal operations D13 through D15, the notification submitted according to paragraph (b)(1) of this section must also include the final recovery or disposal facility name, site address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in section 262.81.

Regulation 61-79.262.84(c)(1)(i) shall be revised as follows:

(i) In place of the generator's name, mailing and site addresses and EPA identification number, the name and site address of the foreign generator and the importer's name, mailing address and EPA identification number must be used.

Regulation 61-79.262.84(c)(3) shall be revised as follows:

(3) In the International Shipments block on the Continuation Sheet (EPA Form 8700-22A), the importer must check the import box and enter the port of entry (city and State) into the United States.

Regulation 61-79.262.84(c)(4) shall be revised as follows:

(4) In lieu of the requirements of section 262.20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email or mail to:

(i) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(ii) Revise the manifest in accordance with the importer's instructions.

Regulation 61-79.262.84(d)(2)(i) through (v) shall be revised as follows:

(i) The corresponding AOC number(s) and waste number(s) for the listed waste and if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;

(ii) The shipment number and the total number of shipments under the AOC number or the movement tracking number;

(iii) Foreign exporter name, site address, telephone number, fax number, and e-mail address;

(iv) Receiving facility name, EPA identification number, site address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in section 262.81;

(v) Importer name (if not the owner or operator of the receiving facility), EPA identification number, site address, telephone number, fax number, and email address;

Regulation 61-79.262.84(d)(2)(viii) shall be revised as follows:

(viii) Name (if not the foreign exporter), site address, telephone number, fax number, and email of the foreign company originating the shipment;

Regulation 61-79.262.84(d)(2)(ix) shall be revised as follows:

(ix) Company name, EPA ID number, site address, telephone number, fax number, and email address of all transporters;

Regulation 61-79.262.84(d)(2)(xv) shall be revised as follows:

(xv) The receiving facility must send a copy of the signed movement document to confirm receipt within three (3) working days of shipment delivery to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.

Regulation 61-79.262.84(f)(4)(iii) shall be added as follows:

(iii) Transmittals made by the transporter or receiving facility under paragraph (i) of this section being sent to a competent authority or foreign exporter in a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

Regulation 61-79.262.84(f)(5) shall be revised as follows:

(5) Contracts must specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, as appropriate, will provide the notification required in section 262.83(b)(7) prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in section 262.81.

Regulation 61-79.262.84(g)(1) shall be revised as follows:

(1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using the EPA's WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

Regulation 61-79.262.84(g)(2) shall be revised as follows:

(2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this paragraph are defined in section 262.81. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

Regulation 61-79.262.84(h)(2)(iii) shall be revised as follows:

(iii) For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15 (recovery and disposal operations defined in section 262.81), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three (3) years from the date that the final recovery or disposal facility completed processing the waste shipment; and

Regulation 61-79.262.200, "Trained professional" definition, shall be revised as follows:

"Trained professional" means a person who has completed the applicable RCRA training requirements of R.61-79.262.17(a)(7) for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with R.61-79.262.16(b)(9)(iii) for small quantity generators and very small quantity generators that opt into subpart K of this part. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

Regulation 61-79.262.232(a)(5) shall be revised as follows:

(5) The very small quantity generator must comply with the hazardous waste manifest provisions of R.61-79.262 subpart B and the recordkeeping provisions for small quantity generators in R.61-79.262.44 when it sends its episodic event hazardous waste off site to a designated facility, as defined in R.61-79.260.10.

Regulation 61-79.262.232(b)(4)(ii)(C) shall be revised as follows:

(C) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and

61-79.263. Standards Applicable to Transporters of Hazardous Waste.

Regulation 61-79.263.20(a)(2) shall be revised as follows:

(2) Exports. For exports of hazardous waste subject to the requirements of section 262 subpart H, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and a movement document that includes all information required by section 262.83 of this chapter.

Regulation 61-79.263.20(a)(9) shall be revised as follows:

(9) Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Department for portions of the manifest that a transporter is required to complete, the transporter

must address the data correction within thirty (30) days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process by following the process as described in section 265.71(l), which applies to corrections made to either paper or electronic manifests.

Regulation 61-79.263.20(c) shall be revised as follows:

(c) The transporter must ensure that the manifest accompanies the hazardous waste. For exports, the transporter must ensure that a movement document that includes all information required by section 262.83(d) also accompanies the hazardous waste. For imports, the transporter must ensure that a movement document that includes all information required by section 262.84(d) also accompanies the hazardous waste.

Regulation 61-79.263.20(g) shall be revised as follows:

(g) Transporters who transport hazardous waste out of the United States must:

(1) Sign and date the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A) to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

(2) Retain one copy in accordance with 263.22(d);

(3) Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, this paragraph (g)(3) no longer applies, and paragraph (g)(4) of this section applies instead; and

(4) Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

61-79.264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

Regulation 61-79.264.1(g)(3) shall be revised as follows:

(3) A generator accumulating waste onsite in compliance with R.61-79.262.14, sections 262.15, 262.16, 262.17, or subpart K or L of part 262 of this subchapter;

Regulation 61-79.264.12(a)(2) shall be revised as follows:

(2) As per section 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within at least three (3) working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a county with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use the EPA's Waste Import Export Tracking System (WIETS) or its successor system to send movement document data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can

demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the owner or operator of a facility bears no responsibility.

Regulation 61-79.264.12(a)(4) shall be revised as follows:

(4) As per section 262.84(g), such owner or operator shall:

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one (1) year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in section 262.81. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

Regulation 61-79.264.13(a)(2) shall be revised as follows:

(2) The analysis may include data developed under part 261 of this chapter, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

Regulation 61-79.264.56(c) shall be revised as follows:

(c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

Regulation 61-79.264.71(a)(2)(i) shall be revised as follows:

(i) Sign and date, by hand, each copy of the manifest;

Regulation 61-79.264.71(a)(2)(iv) shall be revised as follows:

(iv) [Reserved]

Regulation 61-79.264.71(a)(2)(v) shall be revised as follows:

(v) Paper manifest submission requirements are:

(A) [Reserved]

(B) Options for compliance on June 30, 2021. Send to the EPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within thirty (30) days of the date of delivery; and

Regulation 61-79.264.71(a)(3)(i) shall be revised as follows:

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional Continuation Sheet(s) (EPA Form 8700-22A); and

Regulation 61-79.264.71(b)(4) shall be revised as follows:

(4) Within thirty (30) days of delivery, send a copy (Page 1) of the signed and dated manifest to the EPA e-Manifest system; and

Regulation 61-79.264.71(d) shall be revised as follows:

(d) As per section 262.84(d)(2)(xv), within three (3) working days of the receipt of a shipment subject to part 262, subpart H of this chapter, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three (3) working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use the EPA's WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

Regulation 61-79.264.72(a)(3) shall be revised as follows:

(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in sections 261.7(b) and 266.507.

Regulation 61-79.264.72(c) shall be revised as follows:

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within twenty (20) days after receiving the waste, the owner or operator must:

(1) Immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the Department will no longer accept mailed paper Discrepancy Reports from facilities.

Regulation 61-79.264.72(g) shall be revised as follows:

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in section 261.7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three (3) years from the date of amendment, and must within thirty (30) days, send a copy of the amended manifest to the transporter that received copies prior to their being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

Regulation 61-79.264.76(b) shall be revised as follows:

(b) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in section 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

(1) The EPA identification number, name, and address of the facility;

(2)The date the facility received the waste;

(3) The EPA identification number, name, and address of the generator and transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or his authorized representative; and

(7) A brief explanation of why the waste was unmanifested, if known.

Regulation 61-79.264.99(b) shall be revised as follows:

(b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 264.95. The groundwater monitoring system must comply with Section 264.97(a)(2), (b), and (c).

Regulation 61-79.264.140(c) shall be revised as follows:

(c) States and the Federal government are exempt from the requirements of this subpart.

Regulation 61-79.264.1030(b)(3) shall be revised as follows:

(3) A unit that is exempt from permitting under the provisions of section 262.17 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of section 261.6.

Regulation 61-79.264.1050(b)(2) shall be revised as follows:

(2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of section 262.17 (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of part 270; or

Regulation 61-79.264.1310, "Paper manifest submissions" definition, shall be revised as follows:

"Paper manifest submissions" mean submissions to the paper processing center of the EPA e-Manifest system by facility owners or operators, of the data from the designated facility copy of a paper manifest, EPA Form 8700-22, or a paper Continuation Sheet, EPA Form 8700-22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with section 264.1311(b) or by submitting both an image file and data file in accordance with the procedures of section 264.1311(c).

Regulation 61-79.264.1311(a)(2) shall be revised as follows:

(2) The submission of each paper manifest submission to the paper processing center signed by owners or operators of receiving facilities, with the fee assessed according to whether the manifest is submitted to the system by the upload of an image file or by the upload of a data file representation of the paper manifest; and

Regulation 61-79.264.1311(b) shall be revised as follows:

(b) Image file uploads from paper manifests. Receiving facilities may submit image file uploads of completed, ink-signed manifests to the EPA e-Manifest system. Such image file upload submissions may be made for individual manifests received by a facility or as a batch upload of image files from multiple paper manifests received at the facility:

Regulation 61-79.264.1311(c) shall be revised as follows:

(c) Data file uploads from paper manifests. Receiving facilities may submit data file representations of completed, ink-signed manifests in lieu of submitting image files to the EPA e-Manifest system. Such data file submissions from paper manifests may be made for individual manifests received by a facility or as a batch upload of data files from multiple paper manifests received at the facility.

Regulation 61-79.264.1312(a) shall be revised as follows:

(a) The fee calculation formula or methodology that EPA will use initially to determine per manifest fees is as follows:

$\text{Fee}_i = (\text{System Setup Cost}/[\text{Years x } N_t]) + (\text{Marginal Cost}_i + [\text{O\&M Cost}/N_t]) \text{ x } (1 + \text{Indirect Cost Factor})$

System Setup Cost = Procurement Cost + EPA Program Cost

O&M Cost = Electronic System O&M Cost + Paper Center O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost to Modify or Upgrade e-Manifest System Related Services

Where Fee_i represents the per manifest fee for each manifest submission type "i" and N_t refers to the total number of manifests completed in a year.

Regulation 61-79.264.1312(b)(1) shall be revised as follows:

(b)(1) If after four (4) years of system operations, electronic manifest usage does not equal or exceed seventy-five (75) percent of total manifest usage, EPA may transition to the following formula or methodology to determine per manifest fees:

Fee_i = (System Setup Cost/[Years x N_t]) + (Marginal $Cost_i$ + [$O\&M_i$ Cost/N_i]) x (1 + Indirect Cost Factor)

System Setup Cost = Procurement Cost + EPA Program Cost

$O\&M_{\text{fully electronic}}$ Cost = Electronic System O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost to Modify or Upgrade e-Manifest System Related Services

$O\&M_{\text{all other}}$ Cost = Electronic System O&M Cost + Paper Center O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost to Modify or Upgrade e-Manifest System Related Services

Where N_i refers to the total number of one (1) of the four (4) manifest submission types "*i*" completed in a year and *$O\&M_i$ Cost* refers to the differential O&M Cost for each manifest submission type "*i*."

61-79.265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

Regulation 61-79.265.12(a)(2) shall be revised as follows:

(2) As per section 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three (3) working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

Regulation 61-79.265.12(a)(4)(i) shall be revised as follows:

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

Regulation 61-79.265.12(a)(4)(ii) shall be revised as follows:

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one (1) year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using EPA's WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in section 262.81. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

Regulation 61-79.265.71(a)(2)(iv) shall be revised as follows:

(iv) [Reserved]

Regulation 61-79.265.71(a)(2)(v) shall be revised as follows:

(v) Paper manifest submission requirements are:

(A) [Reserved]

(B) Options for compliance on June 30, 2021. Send to the EPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within thirty (30) days of the date of delivery; and

Regulation 61-79.265.71(a)(3) shall be revised as follows:

(3) The owner or operator of a facility that receives hazardous waste subject to part 262, subpart H, from a foreign source must:

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a Continuation Sheet(s) (EPA Form 8700-22A); and

(ii) Send a copy of the manifest to the EPA e-Manifest system per paragraph (a)(2)(v) of this section.

Regulation 61-79.265.71(b)(4) shall be revised as follows:

(4) Within thirty (30) days of delivery, send a copy (Page 1) of the signed and dated manifest to the EPA e-Manifest system.

Regulation 61-79.265.71(d) shall be revised as follows:

(d) As per section 262.84(d)(2)(xv), within three (3) working days of the receipt of a shipment subject to part 262, subpart H, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three (3) working days of shipment delivery using EPA's WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

Regulation 61-79.265.71(l) shall be revised as follows:

(l) Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Department for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within thirty (30) days from the date of the request.

Regulation 61-79.265.72(a)(3) shall be revised as follows:

(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in sections 261.7(b) and 266.507.

Regulation 61-79.265.72(c) shall be revised as follows:

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within twenty (20) days after receiving the waste, the owner or operator must:

(1) Immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the Department will no longer accept mailed paper Discrepancy Reports from facilities.

Regulation 61-79.265.72(g) shall be revised as follows:

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in section 261.7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three (3) years from the date of amendment, and must within thirty (30) days, send a copy of the amended manifest to the transporter that received copies prior to their being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a complete manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

Regulation 61-79.265.76(b) shall be revised as follows:

(b) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by section 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within fifteen (15) days after receiving the waste. The Unmanifested Waste Report must contain the following information:

(1) The EPA identification number, name, and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name, and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or their authorized representative; and

(7) A brief explanation of why the waste was unmanifested, if known.

Regulation 61-79.265.1310, "Paper manifest submissions" definition, shall be revised as follows:

"Paper manifest submissions" mean submissions to the paper processing center of the EPA e-Manifest system by facility owners or operators, of the data from the designated facility copy of a paper manifest, EPA Form 8700-22, or a paper Continuation Sheet, EPA Form 8700-22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with section 264.1311(b), or by submitting both an image file and data file in accordance with the procedures of section 264.1311(c).

Regulation 61-79.265.1311(a)(2) shall be revised as follows:

(2) The submission of each paper manifest submission to the paper processing center signed by owners or operators of receiving facilities, with the fee assessed according to whether the manifest is submitted to the system by the upload of an image file or by the upload of a data file representation of the paper manifest; and

Regulation 61-79.265.1311(b) shall be revised as follows:

(b) Image file uploads from paper manifests. Receiving facilities may submit image file uploads of completed, ink-signed manifests to the EPA e-Manifest system. Such image file upload submissions may be made for individual manifests received by a facility or as a batch upload of image files from multiple paper manifests received at the facility:

Regulation 61-79.265.1311(c) shall be revised as follows:

(c) Data file uploads from paper manifests. Receiving facilities may submit data file representations of completed, ink-signed manifests in lieu of submitting image files to the EPA e-Manifest system. Such data file submissions from paper manifests may be made for individual manifests received by a facility or as a batch upload of data files from multiple paper manifests received at the facility.

Regulation 61-79.265.1312(a) shall be revised as follows:

(a) The fee calculation formula or methodology that EPA will use initially to determine per manifest fees is as follows:

Fee_i = (System Setup Cost/[Years x N_t]) + (Marginal $Cost_i$ + [O&M Cost/N_t]) x (1 + Indirect Cost Factor)

System Setup Cost = Procurement Cost + EPA Program Cost

O&M Cost = Electronic System O&M Cost + Paper Center O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost to Modify or Upgrade e-Manifest System Related Services

Where Fee_i represents the per manifest fee for each manifest submission type "i" and N_t refers to the total number of manifests completed in a year.

Regulation 61-79.265.1312(b)(1) shall be revised as follows:

(b)(1) If after four (4) years of system operations, electronic manifest usage does not equal or exceed seventy-five (75) percent of total manifest usage, EPA may transition to the following formula or methodology to determine per manifest fees:

Fee_i = (System Setup Cost/[Years x N_t]) + (Marginal $Cost_i$ + [$O\&M_i$ Cost/N_i]) x (1 + Indirect Cost Factor)

System Setup Cost = Procurement Cost + EPA Program Cost

$O\&M_{\text{fully electronic}}$ Cost = Electronic System O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost ot Modify or Upgrade e-Manifest System Related Services

$O\&M_{\text{all other}}$ Cost = Electronic System O&M Cost + Paper Center O&M Cost + Help Desk Cost + EPA Program Cost + CROMERR Cost + LifeCycle Cost to Modify or Upgrade e-Manifest System Related Services

Where N_i refers to the total number of one (1) of the four (4) manifest submission types "*i*" completed in a year and $O\&M_i$ *Cost* refers to the differential O&M Cost for each manifest submission type "*i*."

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

Regulation 61-79.266.100(c)(3) shall be revised as follows:

(3) Hazardous wastes that are exempt from regulation under sections 261.4 and 261.6(a)(3)(iii) and (iv) of this subchapter, and hazardous wastes that are subject to the conditions for exemption for very small quantity generators under section 262.14 of this subchapter; and

Regulation 61-79.266.104(e)(1) shall be revised as follows:

(1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins (PCDDs) and Polychlorinated Dibenzofurans Emissions from Stationary

Sources, EPA Publication SW-846, as incorporated by reference in section 260.11 of this chapter or Method 23, provided in Appendix A-7 of 40 CFR Part 60.

Regulation 61-79.266.108(c), Note, shall be revised as follows:

Note to paragraph (c): Hazardous wastes that are subject to the conditions for exemption for very small quantity generators under section 262.14 of this subchapter may be burned in an offsite device under the exemption provided by 266.108, but must be included in the quantity determination for the exemption.

Regulation 61-79.266.501(d)(2) shall be revised as follows:

(2) Sections 266.502(a), 266.503, 266.505 through 266.507 and 266.509 of this subpart with respect to the management of potentially creditable hazardous waste pharmaceuticals that are prescription pharmaceuticals and are destined for a reverse distributor.

Regulation 61-79.266.502(d)(4) shall be revised as follows:

(4) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and non-hazardous non-creditable waste pharmaceuticals in the same container, except that non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition of section 268.3(c) of this subchapter (i.e., metal-bearing waste codes listed in appendix XI of part 268 of this subchapter, unless one or more criteria in section 268.3(c)(1) through (6) are met), or because it is prohibited from being lab packed due to section 268.42(c) (i.e., waste codes listed in appendix IV of part 268), must be accumulated in separate containers and labeled with all applicable EPA hazardous waste numbers (i.e., hazardous waste codes).

Regulation 61-79.266.502(h) shall be revised as follows:

(h) Procedures for healthcare facilities for managing rejected shipments of non-creditable hazardous waste pharmaceuticals. A healthcare facility that sends a shipment of non-creditable hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of section 264.72 or section 265.72 of this chapter may accumulate the rejected non-creditable hazardous waste pharmaceuticals on-site for up to an additional ninety (90) calendar days provided the rejected shipment is managed in accordance with paragraphs (d) and (e) of this section. Upon receipt of the rejected shipment, the healthcare facility must:

Regulation 61-79.266.502(h)(4) shall be revised as follows:

(4) Within ninety (90) calendar days of receipt of the rejected shipment, transport or offer for transport the returned shipment in accordance with the shipping standards of section 266.508(a).

Regulation 61-79.266.502(i)(2)(i)(A) shall be revised as follows:

(A) If a healthcare facility does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within sixty (60) calendar days of the date the non-creditable hazardous waste pharmaceuticals were accepted by the initial transporter, the healthcare facility must submit:

Regulation 61-79.266.502(i)(2)(ii)(A) shall be revised as follows:

(A) If a healthcare facility does not receive a copy of the manifest for a rejected shipment of the non-creditable hazardous waste pharmaceuticals that is forwarded by the designated facility to an alternate facility (using appropriate manifest procedures), with the signature of the owner or operator of the alternate facility, within sixty (60) calendar days of the date the non-creditable hazardous waste was accepted by the initial transporter forwarding the shipment of non-creditable hazardous waste pharmaceuticals from the designated facility to the alternate facility, the healthcare facility must submit:

Regulation 61-79.266.503(b)(1) shall be revised as follows:

(1) Is under the control of the same person, as defined in section 260.10 of this subchapter), as the very small quantity generator healthcare facility that is sending the potentially creditable hazardous waste pharmaceuticals off site, "control," for the purposes of this section, means the power to direct the policies of the healthcare facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate healthcare facilities on behalf of a different person as defined in section 260.10 of this subchapter shall not be deemed to "control" such healthcare facilities, or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the very small quantity generator healthcare facility;

Regulation 61-79.266.504(b) shall be revised as follows:

(b) Off-site collection of hazardous waste pharmaceuticals generated by a healthcare facility that is a very small quantity generator. A healthcare facility that is a very small quantity generator for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its hazardous waste pharmaceuticals off-site to another generator, provided:

Regulation 61-79.266.505 shall be revised as follows:

All healthcare facilities—including very small quantity generators operating under section 262.14 of this subchapter in lieu of this subpart—and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system that passes through to a publicly-owned treatment works. Healthcare facilities and reverse distributors remain subject to the prohibitions in 40 CFR 403.5(b).

Regulation 61-79.266.506, Title, shall be revised as follows:

266.506. Conditional exemption for hazardous waste pharmaceuticals that are also controlled substances and household waste pharmaceuticals collected by an authorized collector.

Regulation 61-79.266.506(a)(2) shall be revised as follows:

(2) Household waste pharmaceuticals that are collected by an authorized collector (as defined by the Drug Enforcement Administration) registered with the Drug Enforcement Administration that commingles the household waste pharmaceuticals with controlled substances from an ultimate user (as defined by the Drug Enforcement Administration).

Regulation 61-79.266.506(b)(3)(iii) shall be revised as follows:

(iii) A permitted hospital, medical and infectious waste incinerator, subject to 40 CFR part 62 subpart HHH or applicable state plan for existing hospital, medical and infectious waste incinerators, or 40 CFR part 60 subpart Ec, for new hospital, medical and infectious waste incinerators; or

Regulation 61-79.266.506(b)(3)(iv) shall be revised as follows:

(iv) A permitted commercial and industrial solid waste incinerator, subject to 40 CFR part 62 subpart III or applicable state plan for existing commercial and industrial solid waste incinerators, or 40 CFR part 60 subpart CCCC for new commercial and industrial solid waste incinerators; or

Regulation 61-79.266.507(b) shall be revised as follows:

(b) Syringes. A syringe is considered empty and the residues are not regulated as hazardous waste under this subpart provided the contents have been removed by fully depressing the plunger of the syringe. At healthcare facilities operating under this subpart, if a syringe is not empty, the syringe must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this subpart and any applicable federal, state, and local requirements for sharps containers and medical waste.

Regulation 61-79.266.507(c) shall be revised as follows:

(c) Intravenous (IV) bags. An intravenous (IV) bag is considered empty and the residues are not regulated as hazardous waste provided the pharmaceuticals in the IV bag have been fully administered to a patient, or if the IV bag held non-acute hazardous waste pharmaceuticals and is empty as defined in R.61-79.261.7(b)(1) of this subchapter. At healthcare facilities operating under this subpart, if an IV bag is not empty, the IV bag must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this subpart.

Regulation 61-79.266.507(d) shall be revised as follows:

(d) Other containers, including delivery devices. At healthcare facilities operating under this subpart, hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable hazardous waste pharmaceuticals under this subpart, unless the container held non-acute hazardous waste pharmaceuticals and is empty as defined in section 261.7(b)(1) or (2). This includes, but is not limited to, residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

Regulation 61-79.266.508(a)(1)(iii)(C) shall be revised as follows:

(C) Lab packs that will be incinerated in compliance with section 268.42(c) of this subchapter are not required to be marked with EPA Hazardous Waste Number(s) (i.e., hazardous waste codes), except D004, D005, D006, D007, D008, D010, and D011, where applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the EPA Hazardous Waste Number(s) (i.e., hazardous waste codes).

Regulation 61-79.266.508(a)(2) shall be revised as follows:

(2) The manifest requirements of part 262, subpart B, except that:

(i) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable EPA hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of EPA Form 8700-22.

(ii) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word “PHRM” or “PHARMS” in Item 13 of EPA Form 8700-22. A healthcare facility may also include the applicable EPA hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of EPA Form 8700-22.

Regulation 61-79.266.510(a)(9)(i)(C) shall be revised as follows:

(C) The EPA identification number, name, and address of the healthcare facility (or other entity) that shipped the unauthorized waste, if available;

Regulation 61-79.266.510(c)(4)(vi) shall be revised as follows:

(vi) Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition of section 268.3(c) of this subchapter (i.e., metal-bearing waste codes listed in appendix XI of part 268 of this subchapter, unless one or more criteria in section 268.3(c)(1) through (6) are met), or because it is prohibited from being lab packed due to section 268.42(c) of this subchapter (i.e., waste codes listed in appendix IV of part 268 of this subchapter), in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

Regulation 61-79.266.510(c)(5) shall be revised as follows:

(5) Hazardous waste numbers. Prior to shipping evaluated hazardous waste pharmaceuticals off site, all containers must be marked with the applicable hazardous waste numbers (i.e., hazardous waste codes), except as provided in R.61-79.266.508(a)(1)(iii)(C). A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the EPA Hazardous Waste Number(s) (i.e., hazardous waste codes).

Regulation 61-79.266.510(c)(7) shall be revised as follows:

(7) Procedures for a reverse distributor for managing rejected shipments. A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of section 264.72 or 265.72 of this subchapter, may accumulate the rejected evaluated hazardous waste pharmaceuticals on site for up to an additional ninety (90) calendar days in the on-site accumulation area provided the rejected shipment is managed in accordance with paragraphs (a) and (c) of this section. Upon receipt of the rejected shipment, the reverse distributor must:

Regulation 61-79.266.510(c)(7)(iv) shall be revised as follows:

(iv) Within ninety (90) calendar days of receipt of the rejected shipment, transport or offer for transport the returned shipment of evaluated hazardous waste pharmaceuticals in accordance with the applicable shipping standards of section 266.508(a) or (b).

Regulation 61-79.266.510(c)(9)(ii)(A)(*2*) shall be revised as follows:

(*2*) A reverse distributor must submit an Exception Report to the Department if it has not received a copy of the manifest with the signature of the owner or operator of the designated facility within forty-five (45) calendar days of the date the evaluated hazardous waste pharmaceutical was accepted by the initial transporter. The Exception Report must include:

Regulation 61-79.266.510(c)(9)(ii)(B)(*2*) shall be revised as follows:

(*2*) A reverse distributor must submit an Exception Report to the Department if it has not received a copy of the manifest with the signature of the owner or operator of the alternate facility within forty-five (45) calendar days of the date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter. The forty-five (45)-day timeframe begins the date the evaluated hazardous waste pharmaceuticals are accepted by the transporter forwarding the hazardous waste pharmaceutical shipment from the designated facility to the alternate facility. The Exception Report must include:

Regulation 61-79.266.510(c)(9)(ii)(B)(*2*)(*i*) shall be revised as follows:

(*i*) A legible copy of the manifest for which the reverse distributor does not have confirmation of delivery; and

Regulation 61-79.266, Subpart Q, shall be added at the conclusion of Subpart P and before Appendix I as follows:

SUBPART Q
Ignitable Spent Refrigerants Recycled for Reuse

266.600. Purpose and Applicability.

(a) The purpose of this subpart is to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling for reuse of such refrigerants during the service, repair, and disposal of appliances.

(b) The requirements of this subpart operate in lieu of parts 260 through 270 of this chapter and apply to lower flammability spent refrigerants, as defined in R.61-79.266.601, where the refrigerant exhibits the hazardous waste characteristic of ignitibility per R.61-79.261.21 of this chapter and is being recycled for reuse in the United States.

(c) These requirements do not apply to other ignitable spent refrigerants. Ignitable spent refrigerants not subject to this subpart are subject to all applicable requirements of parts 260 through 270 of this chapter when recovered (i.e., removed from an appliance and stored in an external container) and/or disposed of.

266.601. Definitions for this subpart.

For the purposes of this subpart, the following terms have the meanings given below:

(a) "Refrigerant" has the same meaning as defined in 40 CFR 82.152.

(b) "Ignitable spent refrigerant" is a used refrigerant that cannot be reused without first being processed, and that exhibits the hazardous characteristic of ignitability per section 261.21 of this chapter. Used refrigerants that can be legitimately reused without processing are not spent refrigerant.

(c) "Recycle for reuse", when referring to an ignitable spent refrigerant, means to process the refrigerant to remove contamination and prepare it to be used again. "Recycling for reuse" does not include recycling that involved burning for energy recovery or use in a manner constituting disposal as defined in section 261.2(c) of this chapter, or sham recycling as defined in section 261.2(g) of this chapter.

(d) "Lower flammability spent refrigerant" means a spent refrigerant that is not considered highly flammable. Highly flammable refrigerants include but are not limited to the following chemicals: butane, isobutane, methane, propane, and/or propylene.

266.602. Standards for ignitable spent refrigerant recycled for reuse under this subpart.

(a) Persons who recover (i.e., remove from an appliance and store in an external container) and/or recycle ignitable spent refrigerants for reuse either for further use in equipment of the same owner, or in compliance with motor vehicle air conditioner (MVAC) standards in 40 CFR part 82, subpart B, or who send recovered refrigerant offsite to be recycled for reuse must:

(1) Recover and/or recycle for reuse the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36 and/or 40 CFR 82.158 of this chapter; and

(2) Not speculatively accumulate the ignitable spent refrigerant per section 261.1(c) of this chapter.

(b) Persons who receive ignitable spent refrigerants from off-site, and are not a transfer facility that stores the refrigerants for less than ten (10) days before sending the refrigerant to another site to be recycled for reuse, must:

(1) If recovering the refrigerant, recover the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36 of this chapter;

(2) Meet the applicable emergency preparedness and response requirements of R.61-79.261, subpart M; and

(3) Not speculatively accumulate the ignitable spent refrigerant per section 261.1(c) of this chapter.

(c) Persons receiving ignitable spent refrigerant from off-site to be recycled for reuse under this subpart must:

(1) Maintain certification by EPA under 40 CFR 82.164 of this chapter;

(2) Meet the applicable emergency preparedness and response requirements of R.61-79.261, subpart M; and

(3) Starting with the calendar year beginning January 1. 2029, not speculatively accumulate the ignitable spent refrigerant per section 261.1(c) of this chapter.

61-79.270. Permit Requirements.

Regulation 61-79.270.1(c)(2)(ix) shall be revised as follows:

(ix) [Reserved]

Regulation 61-79.270.1(c)(2)(xi) shall be revised as follows:

(xi) Recyclers of ignitable spent refrigerants subject to regulation under R.61-79.266, subpart Q.

Regulation 61-79.270.30(l)(7) shall be revised as follows:

(7) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee must:

(i) Attempt to reconcile the discrepancy. If not resolved within twenty (20) days, the permittee must submit a letter report, including a copy of the manifest, to the Department. (See R.61-79.264.72.)

(ii) Beginning on December 1, 2025, attempt to reconcile the discrepancy. If not resolved within twenty (20) days, the permittee must immediately submit a Discrepancy Report to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. (See R.61-79.264.72.)

Regulation 61-79.270.30(l)(8) shall be revised as follows:

(8) Unmanifested waste report: A permittee must:

(i) Submit the Unmanifested Waste Report to the Department within fifteen (15) days of receipt of unmanifested waste. (See R.61-79.264.76.)

(ii) Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report to the EPA e-Manifest system for submission to the EPA within fifteen (15) days of receipt of unmanifested waste. (See R.61-79.264.76.)

Regulation 61-79.270.42(c)(2)(iv) shall be revised as follows:

(iv) Name and telephone number of a Department contact person;

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-79 contains requirements for hazardous waste management, including identification of waste, standards for generators, transporters, and owners/operators of treatment, storage, and disposal (TSD) facilities, procedures for permits for TSD facilities, investigation and cleanup of hazardous waste, and closure/post-closure requirements. The regulation is promulgated pursuant to the S.C. Hazardous Waste Management Act, Section 44-56-30. As an authorized state program, the regulation must be equivalent to and consistent with the U.S. EPA's regulations under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 et. seq. EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulation. R. 61-79 has been amended numerous times since it was first promulgated in 1984 to adopt federal regulations and to establish state-only requirements.