**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1181**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Medical Affairs Committee

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Introduced in the Senate on February 7, 2012

Introduced in the House on February 21, 2012

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Hazardous Waste Management Planning (D. No. 4175)

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2012 Senate Introduced, read first time, placed on calendar without reference ([Senate Journal‑page 15](file:///h:\sj%20archive\2012\02-07-12.docx))

2/8/2012 Senate Read second time ([Senate Journal‑page 20](file:///h:\sj%20archive\2012\02-08-12.docx))

2/8/2012 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 20](file:///h:\sj%20archive\2012\02-08-12.docx))

2/9/2012 Senate Read third time and sent to House ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\02-09-12.docx))

2/21/2012 House Introduced and read first time ([House Journal‑page 23](file:///h:\hj%20archive\2012\02-21-12.docx))

2/21/2012 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 23](file:///h:\hj%20archive\2012\02-21-12.docx))

2/23/2012 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 64](file:///h:\hj%20archive\2012\02-23-12.docx))

2/23/2012 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 64](file:///h:\hj%20archive\2012\02-23-12.docx))

**VERSIONS OF THIS BILL**

[2/7/2012](file:///p:\pprever\2011-12\1181_20120207.docx)

[2/7/2012-A](file:///p:\pprever\2011-12\1181_20120207A.docx)

INTRODUCED

February 7, 2012

**S. 1181**

Introduced by Medical Affairs Committee

S. Printed 2/7/12--S.

Read the first time February 7, 2012.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT PLANNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4175, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Hazardous Waste Management Planning, designated as Regulation Document Number 4175, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

R.61‑99 was promulgated and published as a final regulation in the State Register on January 26, 1990, Vol. 14, Issue No. 2. It requires a “demonstration of need” before any applicant can receive a permit to establish or expand a hazardous waste management facility. This need can be demonstrated only by reference to the volume of in‑state wastes.

On April 13, 1995, the United States District Court ruled: South Carolina Department of Health and Environmental Control Regulation 61‑99 (III)(C) is declared invalid and is permanently enjoined. Environmental Technology Council v State of SC, 901 F. Supp. 1026 (D.S.C., 1995). The Court held that Regulation 61‑99 (III)(C) discriminated against interstate commerce in violation of the Commerce Clause. The District Court ruling was upheld on appeal. This court ruling made this regulation null and void. The regulation has remained in the Code of Regulations of the S.C. Code of Laws. It is obsolete and cannot be enforced. In the interest of good government and efficiency, the Department has repeal Regulation 61‑99.

A Notice of Drafting for repeal of R.61‑99 was published in the State Register on June 25, 2010.

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