**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 It is obsolete and cannot be enforced.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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