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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
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**

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **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.

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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
5342	SR50-2		Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5319	SR50-2		Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370	SR50-4		Honey Bees	03/29/2026	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5373	SR50-5		General Retention Schedule for Data Processing Records of State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5374	SR50-5		General Retention Schedule for State Personnel Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5375	SR50-5		General Retention Schedules for County Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5376	SR50-5		General Retention Schedules for Municipal Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5377	SR50-5		General Retention Schedule for Electronic Records Common to Most State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5378	SR50-5		General Retention Schedule for State Administrative Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5379	SR50-5		General Retention Schedule for State Colleges and Universities	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5380	SR50-5		General Retention Schedule for State Financial Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5381	SR50-5		General Retention Schedules for School Districts	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5393	SR50-5		Non-interest Bearing Negotiable Order of Withdrawal (NINOW) Accounts by State-chartered Savings and Loan Associations	05/03/2026	State Board of Financial Institutions	Regs, Admin. Proc., AI & CS	Banking and Insurance
5405	SR50-5		Palmetto Fellows Scholarship Program	05/03/2026	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5413	SR50-5		Regulations on Allocation of State Ceiling on Issuance of Private Activity Bonds	05/03/2026	State Fiscal Accountability Authority	Regs, Admin. Proc., AI & CS	Finance
5399	SR50-5		Fees for Licensure of Genetic Counselors	05/03/2026	LLR	Regs, Admin. Proc., AI & CS	Medical Affairs
5423	SR50-5		South Carolina Auctioneers' Commission	05/03/2026	LLR-South Carolina Auctioneers' Commission	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5424	SR50-5		International Building Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5426	SR50-5		International Fire Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5427	SR50-5		International Fuel Gas Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5428	SR50-5		International Mechanical Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5417	SR50-5		International Residential Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5418	SR50-5		National Electrical Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5400	SR50-5		Massage Therapy Board	05/03/2026	LLR-Massage Therapy Board	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5401	SR50-5		Anesthesiologist's Assistants	05/03/2026	LLR-State Board of Medical Examiners	Regs, Admin. Proc., AI & CS	Medical Affairs
5421	SR50-5		State Board of Nursing	05/03/2026	LLR-State Board of Nursing	Regs, Admin. Proc., AI & CS	Medical Affairs
5425	SR50-5		Board of Examiners in Speech-Language Pathology and Audiology	05/03/2026	LLR-Board of Examiners in Speech/ Language Pathology and Audiology	Regs, Admin. Proc., AI & CS	Medical Affairs
5437	SR50-5		South Carolina Real Estate Commission	05/03/2026	LLR-South Carolina Real Estate Commission	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5432	SR50-5		Division for the Review of the Foster Care of Children	05/03/2026	Office of the Governor-Division for the Review of the Foster Care of Children	Regs, Admin. Proc., AI & CS	Family and Veterans' Services
5439	SR50-5		Shellfish Permit Applications	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5440	SR50-5		Verifiable Documentation	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5407	SR50-5		Standards for Licensing In-Home Care Providers	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
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## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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5420	SR50-5	Board of Accountancy	05/03/2026	LLR-Board of Accountancy	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5422	SR50-5	State Board of Pharmacy	05/03/2026	LLR-State Board of Pharmacy	Regs, Admin. Proc., AI & CS	Medical Affairs
5441	SR50-5	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5408	SR50-5	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5412	SR50-5	Parking and Transportation Services	05/04/2026	University of South Carolina	Regs, Admin. Proc., AI & CS	Education
5433	SR50-5	Parking and Traffic Regulations – Golf Carts	05/05/2026	Clemson University	Regs, Admin. Proc., AI & CS	Education
5431	SR50-6	Self-Insurers' Proof of Compliance, Irrevocable Letter of Credit	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5430	SR50-6	Filing a Claim	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5443	R165 SR50-6	Determination of Rates of Tuition and Fees	01/27/2027	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5436		Insurance Holding Company Systems	Withdrawn	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5434		Closeout and Termination of the SCAAIP	Withdrawn	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5447		Exempt Commercial Policies	Withdrawn	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5438		Uniform Class and Territory Plan – Motorcycles	Withdrawn	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
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5201		Emergency Election Procedures	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5202		Poll Worker Training; Candidate Withdrawals	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5203		Procedures for Electronic Petitions	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5192		R.45-1, Definitions	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5204		R.45-10, Retention and Disposition of Certain Voting Records	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5205		Reports to State Election Commission by County Boards of Voter Registration and Elections	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5193		R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5225		Retention and Storage of Election Records and Election Equipment	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5194		R.45-3, Tabulating Center Personnel	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5195		R.45-4, Certification of Program Instructions	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5196		R.45-5, Ballot Envelopes and Fold Over Ballot Cards	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5197		R.45-6, Defective Ballot Cards	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5198		R.45-7, Ballot Cards, Sealed After Tabulation	Withdrawn	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
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5314		Regulations for the Licensing of Child Care Centers	Withdrawn	Department of Social Services	Regs, Admin. Proc., AI & CS	Family and Veterans' Services
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5366		Procedures and Standards for Review of Charter School Applications		State Board of Education	Regs, Admin. Proc., AI & CS	Education
5371		Defined Program, Grades 9-12 and Graduation Requirements		State Board of Education	Regs, Admin. Proc., AI & CS	Education
5406		Use of the State Aviation Fund; Procedure for Protection of Public Investment in Airports		South Carolina Aeronautics Commission	Regs, Admin. Proc., AI & CS	Transportation
5402		Charter Schools		State Board of Education	Regs, Admin. Proc., AI & CS	Education
5403		Test Security		State Board of Education	Regs, Admin. Proc., AI & CS	Education

**Executive Order No. 2026-09**

**WHEREAS**, on May 14, 2026, the regular annual session of the General Assembly of the State of South Carolina adjourned *sine die* in accordance with section 2-1-180 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, the General Assembly has not yet adopted, enrolled, or ratified a General Appropriations Act for the 2026–2027 fiscal year; and

**WHEREAS**, the General Assembly has enrolled a joint resolution to continue funding state government’s recurring expenses at the same level as the 2025–2026 fiscal year at the end of the current fiscal year on June 30, 2026, *see* S. 769, 126th Gen. Assemb. (S.C. 2026). Such a continuing resolution, however, fails to accomplish the State’s important budget priorities for the coming fiscal year, including additional funding for roads and infrastructure and raising the starting salary for our teachers to at least \$50,000; and

**WHEREAS**, because “[m]oney shall be drawn from the treasury of the State or the treasury of any of its political subdivisions only in pursuance of appropriations made by law,” S.C. Const. art. X, § 8, the absence of a General Appropriations Act for the upcoming fiscal year is a matter that requires the immediate attention of, and action by, the General Assembly prior to its next regular session; and

**WHEREAS**, the General Assembly began debating South Carolina’s congressional districts in light of the United States Supreme Court’s decision in *Louisiana v. Callais*, 608 U.S. \_\_\_, Nos. 24-109, 24-110 (U.S. Apr. 29, 2026), but that debate was not concluded when the General Assembly adjourned *sine die*. An issue of such public importance and interest should be not only debated but also decided by the People’s representatives; and

**WHEREAS**, the undersigned has determined that it is necessary and appropriate for the General Assembly to convene in advance of its next regular session for purposes of promptly adopting a General Appropriations Act and finishing its debate on South Carolina’s congressional maps ahead of the 2026 election cycle, both of which are independent, extraordinary circumstances to convene an extra session; and

**WHEREAS**, article IV, section 19 of the South Carolina Constitution provides that “[t]he Governor may on extraordinary occasions convene the General Assembly in extra session” and further provides that “[s]hould either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such times as he shall think proper, not beyond the time of the annual session then next ensuing”; and

**WHEREAS**, pursuant to article IV, section 19 of the South Carolina Constitution and in accordance with the authority and discretion conferred therein, the undersigned has determined that the foregoing circumstances constitute “extraordinary occasions” such that it is necessary and appropriate to convene the General Assembly in extra session at the earliest practicable opportunity; and

**WHEREAS**, the undersigned has concluded that 11:00 AM on Friday, May 15, 2026, is the earliest practicable opportunity to convene the General Assembly in extra session.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby call an extra session of the General Assembly of the State of South Carolina to convene at the State House in Columbia, commencing at 11:00 AM on Friday, May 15, 2026. This Order is effective immediately and shall remain in effect unless and until modified, amended, or rescinded by subsequent Order.

## 4 EXECUTIVE ORDERS

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 14th DAY OF MAY, 2026.**

**HENRY DARGAN MCMASTER  
Governor**

### **Executive Order No. 2026-10**

**WHEREAS**, the undersigned has been notified of the passing of Officer Don “DJ” Keller of the Greenwood Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, prior to his service to the State of South Carolina, Officer Keller served honorably in the United States Army and as a member of the South Carolina National Guard; and

**WHEREAS**, Officer Keller dedicated his life to protecting and serving the people of the State of South Carolina, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his 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 Sunday, May 17, 2026, in tribute to Officer Don “DJ” Keller and in honor of his 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 15th DAY OF MAY, 2026.**

**HENRY DARGAN MCMASTER  
Governor**

### **Executive Order No. 2026-11**

**WHEREAS**, by letter of December 17, 2025, the Town of Greeleyville, through its attorney, advised the undersigned that a vacancy exists on the Town Council for the Town of Greeleyville, and the Town of Greeleyville “did not post the vacancy in accordance with the statute”; and

**WHEREAS**, section 5-7-200(b) of the South Carolina Code of Laws, as amended, provides that “[a] vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more prior to the next general election”; and

**WHEREAS**, the Town advised the undersigned that, following the vacancy, the filing period provided by section 7-13-190(C) of the South Carolina Code of Laws was not initiated within the established timeframe, and therefore, the election was not held in conformity with the statutory schedule; and

**WHEREAS**, the Town requested that the undersigned set a special election to fill the vacancy for April 7, 2026, to coincide with Greeleyville’s regularly scheduled municipal election; and

**WHEREAS**, on January 13, 2026, the undersigned issued Executive Order No. 2026-01 setting the special election for April 7, 2026, but the Town of Greeleyville did not hold that special election; and

**WHEREAS**, the Town of Greeleyville, though its attorney, has now requested that the undersigned set a new special election to fill the vacancy for August 25, 2026; and

**WHEREAS**, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “When any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that a special election shall be held on August 25, 2026, to fill the aforementioned vacancy on the Town Council for the Town of Greeleyville. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, as amended, I designate and appoint the Greeleyville Municipal Election Commission, or, by necessary and appropriate agreement, the Williamsburg County Election Commission, to perform the necessary official duties pertaining to the special election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. To qualify as a candidate to run in the special election, all candidates must file with the Board a statement of intention of candidacy, and submit any applicable filing fees, between noon on Monday, June 29, 2026, and noon on Friday, July 10, 2026. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF JUNE, 2026.**

**HENRY DARGAN MCMASTER**  
**Governor**

## 6 NOTICES

### 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 July 27, 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

Environmental Corporation of America, Corp.  
Attn: Kevin O'Toole  
1375 Union Hill Industrial Court  
Alpharetta, GA 30004

### STATE FISCAL ACCOUNTABILITY AUTHORITY OFFICE OF THE STATE ENGINEER

#### NOTICE OF GENERAL PUBLIC INTEREST

This notice is published pursuant to Sections 1-23-40(2) and 1-34-30(A).

Section 10-1-180 charges the State Engineer with the enforcement and interpretation of building codes applicable to state buildings. Section 1-34-30(A) requires that an agency adopt the latest edition of all nationally recognized codes which the agency is charged by statute with enforcing and allows the agency to propose such adoption by publishing a notice in the State Register.

The State Engineer proposes to adopt the below listed nationally recognized codes with South Carolina Building Council (SCBC) modifications, if any, effective January 1, 2027. Consistent with Section 10-1-180, information regarding the adoption of these codes, including the code editions, revision years, and any deletions, will be published in the Manual for Planning and Execution of State Permanent Improvements.

The predecessors of these codes were originally adopted pursuant to enactments of the General Assembly now codified as Section 10-1-180, with information regarding the code editions, revision years, and any deletions appearing in the Manual for Planning and Execution of State Permanent Improvements.

Interested persons are invited to submit comments concerning particular sections of the proposed edition. Comments should be sent to John White, State Engineer, Office of the State Engineer, 1333 Main Street, Suite 700, Columbia, SC 29201, within sixty days of the publication of this notice.

International Building Code (IBC), 2024 Edition with SCBC modifications  
 International Existing Building Code (IEBC), 2024 Edition  
 International Fire Code (IFC), 2024 Edition with SCBC modifications  
 International Fuel Gas Code (IFGC), 2024 Edition with SCBC modifications  
 International Mechanical Code (IMC), 2024 Edition with SCBC modifications  
 International Plumbing Code (IPC), 2024 Edition with SCBC modifications  
 International Private Sewage Disposal Code (IPSDC), 2024 Edition  
 International Property Maintenance Code (IPMC), 2024 Edition  
 International Residential Code for One and Two Family Dwellings (IRC), 2024 Edition with SCBC modifications  
 International Wildland – Urban Interface Code (IWUIC), 2024 Edition  
 International Code Council Performance Code (ICCPC), 2024 Edition  
 International Swimming Pool and Spa Code (ISPSC), 2024 Edition

The following organization issued the above listed nationally recognized codes:

International Code Council Inc.  
 500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
 Washington, DC 2001-2070

National Electrical Code (NEC) [NFPA-70], 2023 Edition with SCBC modifications

The following organization issued the above listed nationally recognized code:

National Fire Protection Association  
 1 Batterymarch Park  
 Quincy, MA 02169-7471

## 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 **June 26, 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](mailto:coninfo@dph.sc.gov).

#### Affecting Lexington County

#### **Judah Care Provider LLC d/b/a Judah Care Provider**

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

## 8 NOTICES

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 **June 26, 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](mailto:coninfo@dph.sc.gov).

**Affecting Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties**

**Allied Nurses, LLC**

The establishment of a Specialty Home Health Agency limited to nursing services and related home health services in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties at a total project cost of \$38,000.00. (Restricted)

**Affecting Clarendon, Lee, and Sumter Counties**

**Providers Home Care**

The establishment of a home health agency in Clarendon, Lee, and Sumter Counties at a total project cost of \$20,000.00.

**Affecting Florence County**

**Adira Healthcare, LLC**

The establishment of a Home Health Agency in Florence County at a total project cost of \$7,100.00.

## DEPARTMENT OF PUBLIC HEALTH

### ERRATA

#### State Register Document No. 5407

The Department promulgated amendments to Regulation 60-122, *Standards for Licensing In-Home Care Providers*, which took legal effect as final regulations in the May 22, 2026, *State Register*, as Document No. 5407.

This notice corrects the following scrivener’s error:

In the last sentence of Section 601.B.3, the citation “601.C.3.a” is corrected to “601.B.3.a.” Section 601.C.3.a does not exist. The intent was to refer back to Section 601.B.3.a. Therefore, the last paragraph of Section 601.B.3 is corrected to read as follows:

The care services plan shall be completed by the provider within seven business days after care services are initially provided. The plan shall be revised whenever there are changes listed in Section 601.B.3.a through d.

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

## CHAPTER 61

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026

**Notice of Drafting:**

The Department of Environmental Services (Department) proposes amending S.C. Code Ann. Regs. 61-107.3, Solid Waste Management: Waste Tires (2012 & Supp. 2025). Interested persons may submit comments on the proposed amendments to Stacey French, Assistant Bureau Chief of the Bureau of Land and Waste Management, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; [swregdev@des.sc.gov](mailto:swregdev@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on July 27, 2026, the close of the Notice of Drafting comment period.

**Synopsis:**

On May 19, 2025, Governor McMaster signed S.C. Act 33, known as Regrooved and Regroovable Tires, revising the current waste tire recycling and tipping fees, expanding the Waste Tire Grant Fund to allow eligible tire manufacturing and recycling companies to apply, streamlining the tire hauler registration, manifesting, and auditing processes, revising the fee distribution of the \$2 per tire recycling fee to include used tire purchases, revising the conditions of unsafe used tires, streamlining requirements for tire retreading processes, allowing for counties to increase tipping fees for tire recycling by retailers, and establishing and promoting a market for tire-derived products in collaboration with the Department of Commerce. The Department proposes amending R.61-107.3, Solid Waste Management: Waste Tires, to incorporate these Act requirements. The proposed amendments will include revisions to grant recipient eligibility and council appointments; revisions to tire hauling registration, decal, manifesting, and auditing processes; and administrative fees for the new decal system, as directed by the Act. Other revisions may also incorporate stakeholder comments and any other necessary updates.

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

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

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

## CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 44-55-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026

**Notice of Drafting:**

The South Carolina Department of Environmental Services (Department) proposes amending S.C. Code Ann Regs. 61-71, Well Standards (R.61-71), to revise the grout composition description in applicable sections to remove the specific neat cement composition of Class A, Type I Portland Cement, and replace it with a general neat cement description. Interested persons may submit comment(s) on the proposed amendments to Joseph Koon of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; [Joseph.Koon@des.sc.gov](mailto:Joseph.Koon@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on July 27, 2026, the close of the Notice of Drafting comment period. This Notice of Drafting (NOD) supersedes the NOD previously published on April 24, 2026, addressing proposed amendments to R.61-71.

## 10 DRAFTING NOTICES

### Synopsis:

Pursuant to S.C. Code Sections 48-1-10 et seq. and 44-55-10 et seq, the Department is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71 to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement, and replace it with a general neat cement description. This change will allow flexibility of neat cement composition in applicable sections of R.61-71 addressing grout composition.

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.

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

### Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39G. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

### Synopsis:

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.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) because the “underlying federal law... is vacated, repealed, or otherwise does not have the force and effect of law.”

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Section 34-1-60

### Notice of Drafting:

The South Carolina State Board of Financial Institutions proposes to amend R.15-17. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

### Synopsis:

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.

Legislative review of this proposal is required.

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Section 34-1-60

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-16. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is required.

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Section 34-1-110

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39E. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is required.

## 12 DRAFTING NOTICES

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39F. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) because the “underlying federal law... is vacated, repealed, or otherwise does not have the force and effect of law.”

**STATE BOARD OF FINANCIAL INSTITUTIONS**  
**CHAPTER 15**  
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-36. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) because the “underlying federal law... is vacated, repealed, or otherwise does not have the force and effect of law.”

## STATE BOARD OF FINANCIAL INSTITUTIONS

## CHAPTER 15

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

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39P. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) because the “underlying federal law... is vacated, repealed, or otherwise does not have the force and effect of law.”

## STATE BOARD OF FINANCIAL INSTITUTIONS

## CHAPTER 15

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

**Notice of Drafting:**

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39N. Interested persons may submit written comments to Kathy Bickham, Commissioner of Banking, State Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201.

**Synopsis:**

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.

Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(1) because the “underlying federal law... is vacated, repealed, or otherwise does not have the force and effect of law.”

## 14 DRAFTING NOTICES

### DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110 et seq., and 38-21-300

#### Notice of Drafting:

The Department of Insurance proposes to amend Regulation 69-14, Insurance Holding Company Systems, to correct a scrivener's error and to make other corrections to the language in the regulation. 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](mailto:gmcgriff@doi.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on July 27, 2026, the end of the drafting comment period.

#### Synopsis:

This regulation needs to be modified to clarify language in the regulation. The following amendments will be made:

- 1) the subject to section 5B of the Act language in Section XIX.B will be changed to S.C. Code Ann. Section 38-21-270;
- 2) the shall report to the Commissioner language and other references to commissioner in Sections XIX.B and XX , will be changed to "shall report to the director or his designee" where appropriate;
- 3) the within fifteen business days following the declaration thereof language required by subsection A(4) in Section XIX.B. shall be changed to within five (5) business days following the declaration thereof, and at least fifteen (15) days prior to the payment thereof, including the same information required by South Carolina Code Section 38-21-260 and Subsection A(4);"
- 4) the factors set forth in Section 38-21-90D language in Section XX will be changed to "director or his designee" where appropriate;
- 5) remove 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
- 6) remove 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 have occurred since the last filing of the report to the lead state commissioner.

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

### DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

#### Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South

Carolina Code of Regulations. S.C. Code Section 40-1-50(B) provides that fees for revenue-funded boards must be adjusted biennially to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of each respective board. The Department most recently adjusted fees during the 2025 legislative session, therefore in accordance with Section 40-1-50(B), it is necessary for the Department to perform fee adjustments in 2027.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**CHAPTER 10**

Statutory Authority: 1976 Code Section 40-1-50

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees and fee descriptions within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to add to, amend or repeal fees and fee descriptions within the fee schedules for certain boards and commissions whose fees appear in Chapter 10 of the South Carolina Code of Regulations. The amendments are necessary to ensure that fees required by law to be charged are included in the fee schedules, fees are charged in the correct amounts, and fees that are not authorized by law to be charged or have been rendered obsolete are removed from the fee schedules.

Legislative review of this amendment is required.

**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. 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.

Legislative review of this amendment is required.

## 16 DRAFTING NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

#### CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-70 and 40-22-60

#### **Notice of Drafting:**

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend Chapter 49, to include but not be limited to correcting a scrivener's error in R.49-202. Interested persons may submit comments to Lenora Addison-Miles, Board Executive, Board of Registration for Professional Engineers and Land Surveyors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend Chapter 49, to include but not be limited to correcting a scrivener's error in R.49-202. The scrivener's error occurred when the regulations were amended, effective May 27, 2022, and certain sections were deleted but the remaining sections were not re-lettered accordingly.

Legislative review of this amendment is required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE BOARD OF MEDICAL EXAMINERS

#### CHAPTER 81

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

#### **Notice of Drafting:**

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

#### **Synopsis:**

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

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA BOARD OF OCCUPATIONAL THERAPY  
CHAPTER 94**

Statutory Authority: 1976 Code Sections 40-1-70, 40-36-60, and 40-36-260

**Notice of Drafting:**

The South Carolina Board of Occupational Therapy proposes to amend Chapter 94 regarding continuing education. Interested persons may submit comments to Mack Williams, Administrator, Board of Occupational Therapy, Post Office Box 11329, Columbia, S.C. 29211-1139.

**Synopsis:**

The South Carolina Board of Occupational Therapy proposes to amend Chapter 94 regarding continuing education.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
STATE BOARD OF PHARMACY  
CHAPTER 99**

Statutory Authority: 1976 Code Sections 40-1-70, 40-1-77(I), 40-43-30(8), 40-43-30(19), 40-43-30(54), 40-43-60(D)(5), 40-43-60(D)(8), 40-43-83(C), and 40-43-86(CC)(2)(a)

**Notice of Drafting:**

The South Carolina Board of Pharmacy proposes adding, amending and/ or repealing various sections of Chapter 99, to include but not be limited to compounding and collaborative practice agreements. Interested parties may submit comments to Kayce Shealy, Board Executive, South Carolina Board of Pharmacy, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Pharmacy proposes adding, amending and/ or repealing various sections of Chapter 99, to include but not be limited to compounding and collaborative practice agreements.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD  
CHAPTER 137**

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38.

**Notice of Drafting:**

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to conform to Federal law and regulations and to make various other changes. Interested persons may submit written comments to Laura Smith, Board of Real Estate Appraisers, Board of Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

## 18 DRAFTING NOTICES

### Synopsis:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to conform to Federal law and regulations and to make various other changes.

Legislative review of this amendment is required.

**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114  
Statutory Authority: 1976 Code Section 43-1-80

### Notice of Drafting:

The South Carolina Department of Social Services proposes to amend South Carolina Code of Regulations Section 114-550, Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care. Interested persons may submit written comments to Kaci Wingate, Director of Permanency Management at South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202 or via email at Kaci.R.Wingate@dss.sc.gov. To be considered all comments must be received no later than 5:00 p.m. on July 30, 2026, the close of the drafting comment period.

### Synopsis:

As the State's Title IV-E agency, the South Carolina Department of Social Services is the agency 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 modification 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 make changes that eliminate licensure barriers placed upon current and prospective foster parents.

Legislative review of these amendments is necessary.

Document No. 5457  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**  
 CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards.

**Preamble:**

Pursuant to the federal Clean Air Act (“CAA”), 42 U.S.C. Sections 7401 et seq., and the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., the South Carolina Department of Environmental Services (“Department”) proposes amending South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (“SIP”), as follows:

1. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
2. R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, and to make other select additions and clarifications to definitions and requirements.
3. R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
4. R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
5. R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO<sub>x</sub> SIPs.
6. The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

These amendments will require General Assembly review pursuant to S.C. Code Ann. Section 1-23-120(A) (Supp. 2025).

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

Section-by-Section Discussion:

Section	Type of Change	Purpose
<b>R.61-62.1</b>		
R.61-62.1(I)	Revision	Revised definition of Air Curtain Incinerator for consistency with federal definition.
	Addition and Reorganization	Inserted definitions for “Air Facility Contact”, “ePermitting”, and “Owner or Operator”, in

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Section	Type of Change	Purpose
		alpha-numeric order, for internal consistency, and recodified section.
R.61-62.1(II)(A)(3)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as option of hand delivery.
R.61-62.1(II)(B)(2)(h)	Revision	Recodified paragraph (h) to incorporate subparagraph (i), and amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(2)(h)(ii)	Addition	Added subparagraph (ii) to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(3)	Revision	Amended to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(5)	Revision	Paragraph stricken and marked [Reserved] to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(B)(6)	Revision	Amended to update internal citation and strike unnecessary language, consistent with changes being made to paragraphs II(B)(2)(h) and II(B)(3), to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
R.61-62.1(II)(C)(1)	Revision	Amended for consistency and clarification.
R.61-62.1(II)(C)(3)(a)	Revision	Amended "name" to "legal name" for consistency and clarification.
R.61-62.1(II)(C)(3)(f)	Revision	Amended for clarification.
R.61-62.1(II)(E)(2)(a)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the options of mail or hand delivery.
R.61-62.1(II)(E)(2)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(F)(1)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, as well as the option of hand delivery.

Section	Type of Change	Purpose
R.61-62.1(II)(F)(4)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(F)(4)(c)	Revision	Amended for clarification.
R.61-62.1(II)(G)(4)(a)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(G)(4)(b)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery. Also amended to clarify “these facilities” as referring to sources that have obtained a federally enforceable synthetic minor permit.
R.61-62.1(II)(H)(2)	Revision	Amended to update procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department’s ePermitting system, as well as the option of hand delivery.
R.61-62.1(II)(H)(5)(a)	Revision	Amended “name” to “legal name” for consistency and clarification.
R.61-62.1(II)(M)	Revision	Amended to update procedures to specify the method of submitting a permit transfer request (by mail, hand delivery, or electronically through ePermitting). Also amended to update provisions as appropriate to address situations in which the current permit holder is not available to request the transfer.
R.61-62.1(II)(O)(3)	Revision	Amended for clarity and consistency.
<b>R.61-62.5 Standard No. 1</b>		
R.61-62.5, Standard No. 1, Section IV.A.2.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
R.61-62.5, Standard No. 1, Section IV.B.1.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
R.61-62.5, Standard No. 1, Section IV.D.1.	Revision	Amended to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
<b>R.61-62.5 Standard No. 4</b>		
R.61-62.5, Standard No. 4, Section VIII, Title	Revision	Amended section title to clarify the applicability of Section VIII.
<b>R.61-62.5 Standard No. 5.2</b>		
R.61-62.5, Standard No. 5.2, Section I (B)(2) through (B)(4)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.

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Section	Type of Change	Purpose
R.61-62.5, Standard No. 5.2, Section II (K)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section III (A)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(1)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(1)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (A)(2)	Revision	Amended and reorganized to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (B)(2)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (B)(2)(b)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(1)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(1)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(3)(c)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (C)(3)(d)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D), Introductory Paragraphs	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D)(2)(a)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.
R.61-62.5, Standard No. 5.2, Section IV (D)(2)(b)	Revision	Amended to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO <sub>x</sub> SIPs.

### Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments via the Department's Public Notice website at the following link: <https://epermitting.des.sc.gov/ext/ncore/external/publicnotice/info/2915460212159124958/details>; via mail to Marie Brown of the Air Regulation and Data Analysis Section, Bureau of Air Quality; S.C. Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email at [marie.brown@des.sc.gov](mailto:marie.brown@des.sc.gov). To

be considered, the Department must receive the comment(s) no later than 5:00 p.m. on July 27, 2026, the close of the comment period.

Should a public hearing be requested 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 Monday, August 24, 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 July 27, 2026, the hearing will be cancelled.

If the hearing at the ALC is cancelled, but a hearing is requested pursuant to 40 CFR 51.102, as amended, such hearing will be conducted at SCDES Headquarters, 2600 Bull Street, Columbia, S.C. 29201, on Monday, August 24, 2026, at 10:00 a.m. in Room 2380 of the Sims Building. If a qualifying request pursuant to 40 CFR 51.102 is not received by 5:00 p.m. on July 27, 2026, the hearing will be cancelled.

Should the public hearing be cancelled at either or both locations, the Department will post the notice of cancellation at least one week prior to the scheduled hearing at <https://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>. Interested persons may also contact Marie Brown via phone at (803) 898-1796 or email at [marie.brown@des.sc.gov](mailto:marie.brown@des.sc.gov) for more information or to find out if the hearing has been cancelled.

SCDES provides information tracking the status of its proposed new regulations, amendments, and repeals and provides links to associated State Register documents at <https://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>.

**Preliminary Fiscal Impact Statement:**

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP include revisions that will help clarify state requirements and therefore reduce economic burden.

**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.61-62. Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan (“SIP”).

Purpose: The proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP, support the Department’s goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner. These amendments address outstanding matters related to previously submitted SIPs concerning Regulation 61-62.1 and Regulation 61-62.5, Standard No. 5.2; update terminology and procedures to reflect implementation of the Department’s ePermitting system; update transfer of ownership procedures for permittees for clarity and ease of implementation; clarify select definitions and other language in Regulation 61-62.1; and make limited clarifications to Regulation 61-62.5, Standards No. 1 and 4.

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: Upon taking legal effect, SCDES personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The SCDES Regulation Development Updates webpage (accessible at

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<https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Freedom of Information Office within SCDES.

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

- (1) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
- (2) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's ePermitting system, and to make other select additions and clarifications to definitions and requirements.
- (3) The Department proposes amending R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
- (4) The Department proposes amending R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
- (5) The Department proposes amending R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO<sub>x</sub> SIPs.

The Department also proposes other changes to R.61-62, Air Pollution Control Regulations and Standards, including other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

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

The intent of these amendments is to simplify, clarify, and correct elements of the Department's air quality regulations to support the Department's goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner, and to address outstanding matters related to previous SIP submittals. These amendments are reasonable and beneficial, as they promote consistency, clarity, certainty, and ease of use, and are consistent with federal air quality regulations. There would be no detrimental effect on the environment or public health if the proposed amendments to R.61-62 and the SIP are adopted.

### DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments are consistent with federal air quality statutes and regulations, which the Department implements pursuant to its authority under Section 48-1-50 of the Pollution Control Act. These amendments will benefit the regulated community by clarifying and updating the regulations and improving their ease of use, and by addressing outstanding matters related to previous SIP submittals, increasing certainty and clarity for the Department, the regulated community, and the public.

### 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:

Adoption of the proposed amendments to R.61-62 will provide continued protection of the environment and public health.

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

The Department does not anticipate any detrimental effect on the environment and/or public health associated with these revisions. To the contrary, certainty and clarity with respect to the status of State Implementation Plan provisions may be compromised if these amendments are not adopted. The regulatory text updates and clarifications seek to have a positive effect on both the environment and public health.

**Statement of Rationale:**

The Department proposes amending Regulation 61-62, Air Pollution Control Regulations and Standards, to support the goal of promoting and protecting the health of the public and the environment in a clearer and more efficient and effective manner. These amendments address outstanding matters related to previously submitted SIPs concerning Regulation 61-62.1 and Regulation 61-62.5, Standard No. 5.2; update terminology and procedures to reflect implementation of the Department’s ePermitting system; update transfer of ownership procedures for permittees for clarity and ease of implementation; clarify select definitions and other language in Regulation 61-62.1; and make limited clarifications to Regulation 61-62.5, Standards No. 1 and 4.

**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.

**Preamble:**

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 proposes 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 proposes 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.

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2. The Department proposes 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 proposes 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 proposes 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 proposes 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 proposes 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 proposes these amendments for compliance with federal law.

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
<b>R.61-79.260</b>		
260.2(d)(1)	Revision	Amended to incorporate federal revisions and update references.
260.2(d)(2)	Revision	Amended to incorporate federal revisions and update references.
260.10, “Final closure” definition	Revision	Amended to update references.
<b>R.61-79.261</b>		
261.1(a)(1)	Revision	Amended to incorporate federal revisions and clarify references.
261.4(a)(25)(i)(A)	Revision	Amended to clarify address type for consistency with federal regulation.
261.4(a)(25)(i)(H)	Revision	Amended to clarify address type for consistency with federal regulation.
261.4(a)(25)(i)(I)	Revision	Amended to clarify reference.
261.4(a)(25)(v)	Revision	Amended to incorporate federal revisions.
261.4(a)(25)(vi)	Revision	Amended to incorporate federal revisions.

261.4(a)(25)(vii)	Revision  Addition	Amended to incorporate federal revisions. Subsection 261.4(a)(25)(vii) revised to allow for the addition of the following:  261.4(a)(25)(vii)(A) through 261.4(a)(25)(vii)(B)(7).
261.4(a)(25)(xi)(D)	Revision	Amended to incorporate federal revisions concerning requirements for consent numbers.
261.4(e)(1)	Revision	Amended to update references.
261.6(a)(2)	Revision  Technical Correction  Addition	Amended to update and clarify reference.  Subsection 261.6(a)(2)(iv) grammatically revised to accommodate additional subsection.  261.6(a)(2)(v) added to incorporate federal revision.
261.6(a)(3)(i)(A)	Revision	Amended to incorporate federal revisions and update references.
261.6(a)(3)(i)(B)	Revision	Amended to incorporate federal revisions and update references.
261.6(c)(1)	Revision	Amended to update references.
261.11(c)	Deletion	Deleted for compliance with federal revisions.
261.30(d)	Revision	Amended to incorporate federal revisions and update references.
261.39(a)(5)(i)(A)	Revision	Amended to clarify address type for consistency with federal regulation.
261.39(a)(5)(i)(F)	Revision	Amended to clarify address type for consistency with federal regulation.
261.39(a)(5)(v)(B)	Revision	Amended to incorporate federal revisions.
261.39(a)(5)(xi)	Revision	Amended to incorporate federal revisions.
261.142(a)(2)	Technical Correction Revision	Amended to clarify reference and make grammatical change.
261.142(a)(3)	Revision	Amended to clarify reference.
261.142(a)(4)	Revision	Amended to clarify reference.
261.143(a)(7)	Revision	Amended to clarify reference.
261.147(g)(2)(i)(A)	Technical Correction	Amended to capitalize “State.”
261.147(g)(2)(i)(B)	Technical Correction Revision	Amended to capitalize “State” and update reference.
261.147(g)(2)(ii)(B)	Revision	Amended to update reference.
261.151 Appendix G-2	Revision Technical Correction	Amended to update reference, grammar, and to correct the codification of (11)-(14).
261.151 Appendix L-2	Revision	Amended to incorporate federal revisions.
261.400	Revision  Addition	Amended to incorporate federal revisions.  261.400(c) added for compliance with federal regulation.
261.411(d)(3)	Revision	Amended to incorporate federal revisions and update reference.
261.420 Title	Revision	Amended to incorporate federal revisions.

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261.420 Introduction	Revision	Amended to incorporate federal revisions and clarify reference.
261.420(b)(2)	Revision	Amended to incorporate federal revisions and clarify reference.
261.420(b)(3)	Revision	Amended to update reference.
261.1033(n)(1)(i)	Revision	Amended to update reference.
261.1083(a)(1)	Revision	Amended to update reference.
261.1083(a)(1)(i)	Revision	Amended to update reference.
261.1083(c)(4)	Revision	Amended to update reference.
261.1084(j)(2)	Revision	Amended to update references.
261.1089(a)	Revision	Amended to update reference.
261.1089(f)	Technical Correction	261.1089(f)(1) recodified to 261.1089(f)
	Revision	Amended to update reference.
	Deletion	261.1089(f)(2) removed for consistency with federal regulation.
261.1089(g)	Revision	Amended to update reference.
<b>R.61-79.262</b>		
262.1, “Condition for exemption” definition	Revision	Amended to incorporate federal revisions and update references.
262.10(a)(2)	Revision	Amended to incorporate federal revisions and update references.
262.10(i)	Revision	Note 1 to paragraph (i) removed for consistency with federal regulation.
262.10, notes	Addition	Notes 1 and 2 added to section 262.10 for consistency with federal regulation.
262.14(a)(3)	Revision	Amended to incorporate federal revisions.
	Technical Correction	Subsection 262.14(a)(3)(i) and (ii) grammatically revised to accommodate additional subsections.
	Addition	262.14(a)(3)(iii) through (vii) added to incorporate federal revisions.
262.14(a)(4)	Revision	Amended to incorporate federal revisions.
	Technical Correction	262.14(a)(4)(ii) and (iii) grammatically revised to accommodate additional subsections.
	Addition	262.14(a)(4)(iv) through (viii) added to incorporate federal revisions.
262.14(a)(5)(vi)	Technical Correction	Amended to recodify 262.14(a)(5)(vi)(1) and (2).
	Addition	262.14(a)(5)(vi)(B) added to incorporate federal revisions.
262.16, opening paragraph	Revision	Amended to incorporate federal revisions and update references.
262.16(b)	Revision	Amended to update references.

262.16(b)(1)	Revision	Amended to incorporate federal revisions concerning accumulation amounts for acute and non-acute wastes.
262.16(b)(5)	Technical Correction	Amended to correct grammar.
262.16(b)(8)(iv)(A)	Revision	Amended to update reference.
262.16(b)(8)(iv)(B)	Revision	Amended to update reference.
262.17, opening paragraph	Revision	Amended to incorporate federal revisions and clarify references.
262.17(a)(2)	Revision	Amended to incorporate federal revisions and update references.
262.17(a)(7)(i)(A)	Revision	Amended to update reference.
262.17(a)(8)(i)	Revision	Amended to incorporate federal revisions concerning waste accumulation units.
262.17(a)(8)(iii)(A)(4)	Revision	Amended to update reference.
262.17(b)	Revision	Amended to incorporate federal revisions and clarify references.
262.17(c)	Revision	Amended to incorporate federal revisions and clarify references.
262.17(d)	Revision	Amended to incorporate federal revisions and clarify references.
262.17(e)	Revision	Amended to incorporate federal revisions and clarify references.
262.17(f)	Revision	Amended to incorporate federal revisions and clarify references.
262.20(a)(1)	Revision	Amended to incorporate federal revisions pertaining to generators needing to register with EPA’s e-Manifest system.
262.20(a)(2)	Revision	Amended to incorporate federal revisions pertaining to manifesting requirements and requirements for post-receipt corrections to EPA’s e-Manifest system.
262.21(f)(5)	Revision	Amended to incorporate federal revisions.
262.21(f)(6)	Revision	Amended to incorporate federal revisions.
262.21(f)(7)	Revision	Amended to incorporate federal revisions.
262.24(g) and (h)	Deletion	Deleted for consistency with federal regulation.
262.42	Revision	Amended to incorporate federal revisions.
262.81, “Disposal operations” definition	Revision	Amended to incorporate federal revisions.
262.81, “Recovery operations” definition	Revision	Amended to incorporate federal revisions.
262.82(e)(2)	Revision	Amended to incorporate federal revisions.
262.83(a)(6)	Revision	Amended to incorporate federal revisions.
262.83(b)(1)(i) through (iv)	Revision	Amended to incorporate federal revisions and clarify references.
262.83(b)(3)	Revision	Amended to incorporate federal revisions and update references.
262.83(c)	Revision	Amended to incorporate federal revisions and update references.
262.83(d)(2)	Revision	Amended to incorporate federal revisions and update references.
262.83(f)(3)(iii)	Addition	Added to incorporate federal revisions.

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262.83(f)(4)	Revision	Amended to incorporate federal revisions.
262.83(f)(5)	Revision	Amended to incorporate federal revisions.
262.83(f)(6)	Revision	Amended to update references.
262.83(f)(6)(ii)	Revision	Amended to incorporate federal revisions and update references.
262.83(g)	Revision	Amended to incorporate federal revisions.
262.83(i)(1)	Revision	Amended to update reference.
262.83(i)(1)(v)	Revision	Amended to update reference.
262.83(i)(1)(vi)	Addition	Added to incorporate federal revisions.
262.84(b)(1)(i) through (iv)	Revision	Amended to incorporate federal revisions.
262.84(b)(2)	Revision	Amended to incorporate federal revisions and update references.
262.84(c)(1)(i)	Revision	Amended to incorporate federal revisions.
262.84(c)(3)	Revision	Amended to incorporate federal revisions.
262.84(c)(4)	Revision	Amended to incorporate federal revisions.
262.84(d)(2)(i) through (v)	Revision	Amended to incorporate federal revisions.
262.84(d)(2)(viii)	Revision	Amended to incorporate federal revisions.
262.84(d)(2)(ix)	Revision	Amended to incorporate federal revisions.
262.84(d)(2)(xv)	Revision	Amended to incorporate federal revisions.
262.84(f)(4)(iii)	Addition	Added to incorporate federal revisions.
262.84(f)(5)	Revision	Amended to update references.
262.84(g)(1)	Revision	Amended to incorporate federal revisions.
262.84(g)(2)	Revision	Amended to incorporate federal revisions and update references.
262.84(h)(2)(iii)	Revision	Amended to update references.
262.200 “trained professional” definition	Revision	Amended to incorporate federal revisions and update references.
262.232(a)(5)	Revision	Amended to incorporate federal revisions and update references.
262.232(b)(4)(ii)(C)	Revision	Amended to incorporate federal revisions.
<b>R.61-79.263</b>		
263.20(a)(2)	Revision	Amended to incorporate federal revisions and update references.
263.20(a)(9)	Revision	Amended to incorporate federal revisions and update references.
263.20(c)	Revision	Amended to incorporate federal revisions.
263.20(g)	Revision	Amended to incorporate federal revisions.
<b>R.61-79.264</b>	Revision	
264.1(g)(3)	Revision	Amended to update references.
264.12(a)(2)	Revision	Amended to incorporate federal revisions.
264.12(a)(4)	Revision	Amended to incorporate federal revisions and update references.
264.13(a)(2)	Revision	Amended to clarify references.
264.56(c)	Technical Correction	Amended for grammar.
264.71(a)(2)(i)	Revision	Amended to incorporate federal revisions.
264.71(a)(2)(iv)	Revision	Amended to reserve subsection for consistency with federal regulation.
264.71(a)(2)(v)	Revision	Amended to incorporate federal revisions.
264.71(a)(3)(i)	Revision	Amended to incorporate federal revisions.
264.71(b)(4)	Revision	Amended to incorporate federal revisions.

264.71(d)	Revision	Amended to incorporate federal revisions and clarify reference.
264.72(a)(3)	Revision	Amended to update references.
264.72(c)	Revision	Amended to incorporate federal revisions.
264.72(g)	Revision	Amended to incorporate federal revisions and clarify reference.
264.76(b)	Revision	Amended to incorporate federal revisions.
264.99(b)	Revision	Amended to update references.
264.140(c)	Revision	Amended to incorporate federal revisions.
264.1030(b)(3)	Revision	Amended to update references.
264.1050(b)(2)	Revision	Amended to update reference.
264.1310 “Paper manifest submissions” definition	Revision	Amended to incorporate federal revisions.
264.1311(a)(2)	Revision	Amended to incorporate federal revisions.
264.1311(b)	Revision	Amended to incorporate federal revisions.
264.1311(c)	Revision	Amended to incorporate federal revisions.
264.1312(a)	Technical Correction	Amended for grammar.
264.1312(b)(1)	Technical Correction	Amended for grammar.
<b>R.61-79.265</b>		
265.12(a)(2)	Revision	Amended to incorporate federal revisions.
265.12(a)(4)(i)	Revision	Amended to incorporate federal revisions.
265.12(a)(4)(ii)	Revision	Amended to incorporate federal revisions and update references.
265.71(a)(2)(iv)	Revision	Amended to reserve subsection for consistency with federal regulation.
265.71(a)(2)(v)	Revision	Amended to incorporate federal revisions.
265.71(a)(3)	Revision	Amended to incorporate federal revisions.
265.71(b)(4)	Revision	Amended to incorporate federal revisions.
265.71(d)	Revision	Amended to incorporate federal revisions.
265.71(l)	Revision	Amended to incorporate federal revisions.
265.72(a)(3)	Revision	Amended to update references.
265.72(c)	Revision	Amended to incorporate federal revisions.
265.72(g)	Revision	Amended to incorporate federal revisions and clarify references.
265.76(b)	Revision	Amended to incorporate federal revisions.
265.1310 “Paper manifest submissions” definition	Revision	Amended to incorporate federal revisions and update references.
265.1311(a)(2)	Revision	Amended to incorporate federal revisions.
265.1311(b)	Revision	Amended to incorporate federal revisions.
265.1311(c)	Revision	Amended to incorporate federal revisions.
265.1312(a)	Technical Correction	Amended for grammar.
265.1312(b)(1)	Technical Correction	Amended for grammar.
<b>R.61-79.266</b>		
266.100(c)(3)	Revision	Amended to incorporate federal revisions and clarify references.
266.104(e)(1)	Revision	Amended to incorporate federal revisions.
266.108(c), Note	Revision	Amended to incorporate federal revisions and clarify references.
266.501(d)(2)	Revision	Amended to update reference.
266.502(d)(4)	Revision	Amended to incorporate federal revisions and update references.

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266.502(h)	Revision	Amended to incorporate federal revisions and make grammatical corrections.
266.502(h)(4)	Technical Correction	Amended for grammar.
266.502(i)(2)(i)(A)	Revision	Amended to specify calendar days.
266.502(i)(2)(ii)(A)	Revision	Amended to specify calendar days.
266.503(b)(1)	Revision	Amended to incorporate federal revisions.
266.504(b)	Revision	Amended to incorporate federal revisions.
266.505	Revision	Amended to clarify and update references.
266.506 Title	Revision	Amended to incorporate federal revisions.
266.506(a)(2)	Revision	Amended to incorporate federal revisions.
266.506(b)(3)(iii)	Technical Correction	Amended for grammar.
266.506(b)(3)(iv)	Technical Correction	Amended for grammar.
266.507(b)	Revision	Amended to incorporate federal revisions.
266.507(c)	Revision	Amended to incorporate federal revisions and clarify references.
266.507(d)	Revision	Amended to incorporate federal revisions.
266.508(a)(1)(iii)(C)	Revision	Amended to incorporate federal revisions.
266.508(a)(2)	Revision	Amended to incorporate federal revisions.
266.510(a)(9)(i)(C)	Revision	Amended to incorporate federal revisions.
266.510(c)(4)(vi)	Revision	Amended to incorporate federal revisions and clarify references.
266.510(c)(5)	Revision	Amended to incorporate federal revisions and clarify references.
266.510(c)(7)	Revision	Amended to incorporate federal revisions and clarify references.
266.510(c)(7)(iv)	Technical Correction	Amended for grammar.
266.510(c)(9)(ii)(A)(2)	Revision	Amended for grammar.
266.510(c)(9)(ii)(B)(2)	Revision	Amended for grammar.
266.510(c)(9)(ii)(B)(2)(i)	Revision	Amended to incorporate federal revisions.
266, Subpart Q	Addition	Added to incorporate federal revisions.
<b>R.61-79.270</b>		
270.1(c)(2)(ix)	Revision	Amended to reserve subsection for consistency with federal regulation.
270.1(c)(2)(xi)	Revision	Amended to incorporate federal revisions and update references.
270.1(l)(7)	Revision	Amended to incorporate federal revisions.
270.30(l)(8)	Revision	Amended to incorporate federal revisions.
270.42(c)(2)(iv)	Technical Correction	Amended for grammar.

### Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Kent Krieg of the Bureau of Land and Waste Management, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, South Carolina 29201; or via email at [Kent.Krieg@des.sc.gov](mailto:Kent.Krieg@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, July 27, 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 Friday, August 14, 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 July 27, 2026, the hearing will be cancelled.

**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.61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of these amendments is to realize the benefits of and maintain state consistency with the following EPA regulations published in the Federal Register: “Canada Import Export Recovery and Disposal Code Changes” published on October 1, 2021 at 86 FR 45381-45386; “Test Method for Standards to Control Organic Emissions” published March 20, 2023 at 88 FR 16732-16774; “Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule” published on August 9, 2023 at 88 FR 54086-54115; “Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports” published on July 26, 2024 at 89 FR 60692-60740; “Management of Certain Hydrofluorocarbons and Substitutes under the American Innovation and Manufacturing Act of 2020” published on October 11, 2024 at 89 FR 82682-82872; and “Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule; Technical Corrections” published on December 11, 2024 at FR 99727-99732.

Legal 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

Plan for Implementation: The amendments will take legal effect upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted the Department’s website, accessible at [www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-table](http://www.des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-table). Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The intent of these amendments is to simplify and correct certain issues in our regulations to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-79 are adopted.

**DETERMINATION OF COSTS AND BENEFITS:**

There is no anticipated increased cost to the state or its political subdivisions resulting from these revisions.

**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 revisions to R.61-79 will enhance current protections of human and environmental health through implementation of alternative testing methods, standardized e-Manifest system requirements, and increased management of hazardous waste materials.

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

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If the Department does not adopt these amendments, the EPA's delegation of authority to South Carolina to implement environmental protection programs would be compromised. As a delegated state program, the EPA requires South Carolina's regulations be at least as stringent as the federal regulations. Adoption of these revisions ensures equivalency with federal requirements.

### **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, Sections 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. Section 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.

### **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. 5443  
**STATE COMMISSION ON HIGHER EDUCATION**  
 CHAPTER 62  
 Statutory Authority: 1976 Code Section 59-112-100

62-600 - 62-612. Determination of Rates of Tuition and Fees.

**Synopsis:**

R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, the regulation is being updated to reflect recently passed Act 51 of 2023, relating to the requirement to acquire a South Carolina Driver's license within a 45 day period of relocating to the state. In addition, the number of items required to show intent are being reduced. There are other revisions which seek to simplify the residency process for both applicants and institutions. The revisions seek to promote flexibility among the State institutions and their residency classification processes.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *South Carolina State Register* on June 27, 2025.

**Instructions:**

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

**Text:**

ARTICLE V  
 DETERMINATION OF RATES OF TUITION AND FEES

Table of Contents:

- 62-600. Rates of Tuition and Fees.
- 62-601. Code of Laws Governing Residence.
- 62-602. Definitions.
- 62-603. Establishing Residency, Citizens and Permanent Residents.
- 62-604. Non-Resident Aliens, Non-Citizens, and Non-Permanent Residents.
- 62-605. Establishing the Requisite Intent to Become a South Carolina Domiciliary.
- 62-606. Maintaining Residence.
- 62-607. Effect of Change of Residency.
- 62-608. Effect of Marriage.
- 62-609. Exceptions.
- 62-610. Application for Change of Resident Status.
- 62-611. Incorrect classification.
- 62-612. Inquiries and Appeals.

62-600. Rates of Tuition and Fees.

A. Resident classification is an essential part of tuition and fee determination, admission regulations, scholarship eligibility, and other relevant policies of the state. It is important that institutions have fair and equitable regulations that can be administered consistently and are sensitive to the interests of both students and the state. The Commission on Higher Education hereby establishes regulations for the Statute Governing Residency for Tuition and Fee Purposes to be applied consistently by all South Carolina institutions of higher

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education. These regulations do not address residency matters relating to in county categories used within the State's technical colleges.

B. Institutions of higher education are required by the Statute to determine the residence classification of applicants as established in Section 59-112-80 of the S.C. Code of Laws. The initial determination of one's resident status is made at the time of admission. The determination made at that time, and any determination made thereafter, prevails for each subsequent semester until information becomes available that would impact the existing residency status and the determination is successfully challenged. The burden of proof rests with the students to show evidence as deemed necessary to establish and maintain their residency status.

### 62-601. Code of Laws Governing Residence.

Rules regarding the establishment of legal residence for tuition and fee purposes for institutions of higher education are governed by Title 59, Chapter 112 of the 1976 South Carolina Code of Laws, as amended.

### 62-602. Definitions.

A. "Academic Session" is defined as a term or semester of enrollment. (62-607.B)

B. "Continue to be Enrolled" is defined as continuous enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. (62-607.A)

C. "Dependent Person" is defined as one whose predominant source of income or support is from payments from a parent, spouse, or legal guardian, who claims the dependent person on his/her/their federal and state (when applicable) income tax returns. In situations where the dependent is submitting the tax return of joint filers, the residency and income of both filers should be considered. However, in cases where the institution determines S.C. residency has been established by one parent or legal guardian, the residency determination of the institution may be based solely on one parent or legal guardian. In the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, a dependent person can be defined as one who qualifies as a dependent or exemption on the federal and state (when applicable) income tax returns of the parent, spouse, or guardian. A dependent person is also one for whom payments are made, under court order, for child support and the cost of the dependent person's college education. A dependent person's residency is presumed to be that of the person upon whom they are dependent. (62-602.G) (62-602.N) (62-603.B) (62-605.C) (62-607.A)

D. "Domicile" is defined as the true, fixed, primary residence and place of habitation. It shall indicate the place where a person intends to remain, or to where one expects to return upon leaving without establishing a new domicile in another state. For purposes of this section, one may have only one legal domicile. One is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for student at institutions shall be presumed not to be a place of principal residence, as residency in such housing is by its nature temporary. In cases where domicile is being rented or leased, the institution may determine the appropriate value for the type of domicile being rented in the identified area. (62-602.E) (62-602.K) (62-602.M) (62-602.N) (62-603.A) (62.603.B) (62-605.B) (62-605.C) (62-607.A) (62-607.B) (62-608.A) (62-608.C) (62-608.D) (62-609.A.3) (62-609.A.4)

E. "Full time employment" is defined as employment that consists of at least thirty seven and one half hours a week on a single job in a full time status, with gross earnings of at least minimum wage. However, a person who works less than thirty seven and one half hours a week but receives or is entitled to receive full time employee benefits shall be considered to be employed full time if such status is verified by the employer. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they satisfy their prescribed employment specifications in order to qualify as having full time employment. (62-605.C.1) (62-609.A.2) (62-609.A.3)

F. "Guardian" is defined as one legally responsible for the care and management of the person or property of a minor child based upon the five tests for dependency prescribed by the Internal Revenue Service in publication 501, each year; provided, however, that where circumstances indicate that such guardianship or custodianship was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or dependent person, it shall not be given such effect. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)

G. “Immediately Prior” is defined as the period of time between the offer of admission and the first day of class of the term for which the offer was made, not to exceed one calendar year. (62-607.A)

H. “Independent Person or parent, spouse or guardian of the dependent person” is defined as one in his/her majority (eighteen years of age or older) or an emancipated minor, whose predominant source of income is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial, educational or student loans in the name of the independent person and provided by an insured and federally regulated financial entity, or payments made in accordance with court order and for the purposes of determining residency for tuition and fees. An independent person:

(1) must provide more than half of his or her support, which shall include the institutional cost of attendance as defined by Title IV, during the twelve months immediately prior to the date that classes begin for the semester for which resident status is requested ;

(2) cannot claim the domicile of another individual as their own for the purposes of establishing intent to become a South Carolina resident;

(3) must have established his/her own domicile and provide documentation of establishing his/her own domicile for twelve months to include documentation of renting a domicile, prior to receiving in-state tuition and fees; and

(4) cannot be claimed as a dependent or exemption on the federal and state (when applicable) tax returns of his or her parent, spouse, or guardian for the year in which resident status is requested. (62-602.N) (62-603.A) (62-605.C) (62-607.B) (62-608.B)

I. “Minor” is defined as a person who has not attained the age of eighteen years. An “emancipated minor” shall mean a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor. (62-602.H)

J. “Non-resident Alien” is defined as a person who is not a citizen or permanent resident of the United States. By virtue of their non-resident status “non-resident aliens” generally do not have the capacity to establish domicile in South Carolina. Individuals in certain VISA classifications identified in Title 8 of the Code of Federal Regulations (CFR), and approved by the South Carolina Commission on Higher Education, shall be charged the resident classification rate. (62-602.M) (62-604.A)

K. “Parent” is defined as the father, mother, stepfather, stepmother, foster parent or parent of a legally adopted child. (62-602.C) (62-602.E) (62-602.I) (62-602.J) (62-602.M) (62-603.B) (62-603.C) (62-605.C)

L. “Reside” is defined as continuous and permanent physical presence within the State, provided that absences for short periods of time shall not affect the establishment of residence. Excluded are absences associated with requirements to complete a degree, absences for military training service, and like absences, provided South Carolina domicile is maintained. (62-603.A) (62-606.B) (62-609.A) (62-609.A.3) (62-609.A.4) (62-609.B)

M. “Resident” for tuition and fee purposes is defined as an independent person who has abandoned all prior domiciles and has been domiciled in South Carolina continuously for at least twelve months immediately preceding the first day of class of the term for which resident classification is sought and for whom there is a demonstration of intent from section 62-605 C, that supports the establishment to make South Carolina the state of residence at least twelve months on/before the first day of classes for the term in which residency is being sought, not withstanding other provisions of the Statute. (62-600.A) (62-600.B) (62-602.I) (62-602.K) (62-602.M) (62-603.A) (62-603.B) (62-603.C) (62-604.A) (62-605.A) (62-605.C) (62-605.C.7) (62-606.A) (62-606.A.5) (62-606.B) (62-607.A) (62-608.B) (62-609.A.3) (62-610.A) (62-610.B) (62-611.A) (62-611.B)

N. “Spouse” is defined as the husband or wife of a married person in accordance with Title 20, Chapter 1 of the 1976 South Carolina Code of Laws, as amended. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)

O. “Temporary Absence” is defined as a break in enrollment during a fall or spring semester (or its equivalent) during which a student is not registered for class. (62-606.A)

P. “Terminal Leave” is defined as a transition period following active employment and immediately preceding retirement (with a pension or annuity), during which the individual may use accumulated leave. (62-609.A.4)

Q. “United States Armed Forces” is defined as the United States Air Force, Army, Marine Corps, Navy, and Coast Guard. (62-606.B) (62-609.A(1))

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R. “Trust” is defined as a legal entity created by a grantor for the benefit of designated beneficiaries under the laws of the state and the valid trust instrument. However, that where circumstances indicate that such trust was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or independent person, it shall not be given such effect.

### 62-603. Establishing Residency, Citizens and Permanent Residents.

A. Independent persons, or the parent, spouse, or legal guardian of dependent persons, who have physically resided and been domiciled in South Carolina for twelve continuous months immediately preceding the date the classes begin for the semester for which resident status is claimed may qualify to pay in state tuition and fees. The twelve month residency period starts when the independent person establishes the intent to become a South Carolina resident per Section 62-605 entitled “Establishing the Requisite Intent to Become a South Carolina Domiciliary.” The twelve month residency period begins with the establishment of domicile, in conjunction with the determination that intent to establish residency is present, as determined by the institution. Absences from the State during the twelve month period may affect the establishment of permanent residence for tuition and fee purposes.

B. The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person’s support and claims or, only in the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, qualifies to claim the dependent person as a dependent for federal and state (when applicable) income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian. Items that a parent or legal guardian shall provide to demonstrate residency include the following:

(1) Possession of a valid South Carolina driver’s license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until a valid South Carolina driver’s license is obtained;

(2) Possession of a valid South Carolina vehicle registration card for at least one vehicle the independent person is in sole or partial ownership of. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s). Independents persons who do not own vehicles should notify the institution;

(3) Maintenance of an established and primary domicile in South Carolina;

(4) Filing South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed.

The institution shall require the four items listed above to make a determination of resident classification. The institution may require additional documentation and information, in conjunction with the items listed above, when making determinations on resident classification if insufficient or incorrect information has been submitted.

C. In the case of divorced or separated parents, the resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes (consideration may be given for claiming status over a two-year period to allow for alternate year claiming stipulations); or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his/her college tuition and fees.

### 62-604. Non-Resident Aliens, Non-Citizens, and Non-Permanent Residents.

A. Except as otherwise specified in this section or as provided in Section 62-609 (1) & (2), non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out of state rate. Non-resident aliens may be entitled to resident, in state classification once they have been awarded permanent resident status by the United States Citizenship and Immigration Services (USCIS) and meet all the statutory residency requirements provided that all other domiciliary requirements are met. Time spent living in South Carolina immediately prior to the awarding of permanent resident status does not count toward the twelve month residency period, with the exception of time spent in an eligible unexpired and CHE approved VISA classification at the time permanent status was awarded to receive in state residency status. Certain non resident aliens present in the United States in specified visa classifications are eligible to receive in state residency status

for tuition and fee purposes as prescribed by the Commission on Higher Education. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

B. Title 8 of the Code of Federal Regulations (CFR) serves as the primary resource for defining visa categories.

62-605. Establishing the Requisite Intent to Become a South Carolina Domiciliary.

A. Resident status may not be acquired by an applicant or student while residing in South Carolina for the primary purpose of enrollment in an institution or for access to state supported programs designed to serve South Carolina residents. An applicant or student from another state who comes to South Carolina usually does so for the purpose of attending school. Therefore, an applicant or student who enrolls as a non-resident in an institution is presumed to remain a non-resident throughout his or her attendance and does not qualify under any of the residency provisions.

B. If a person asserts that his/her domicile has been established in this State, the individual has the burden of proof. Such persons must provide to the designated residency official of the institution to which they are applying any and all evidence the person believes satisfies the burden of proof. The residency official will consider any and all evidence provided concerning such claim of domicile, including the four listed items of intent in 62-605(C), and will evaluate the evidence that intent to become a South Carolina resident has been established.

C. For independent persons or the parent, spouse, or guardian of dependent persons, indicia showing intent to become a South Carolina resident shall include the four following indicia:

(1) Possession of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until a valid South Carolina driver's license is obtained;

(2) Possession of a valid South Carolina vehicle registration card for at least one vehicle the independent person is in sole or partial ownership of. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident may delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s). Independents persons who do not own vehicles should notify the institution;

(3) Maintenance of an established and primary domicile in South Carolina;

(4) Filing South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed.

The institution shall require the four items listed above to make a determination of resident classification. The institution may require additional documentation and information, in conjunction with the items listed above, when making determinations on resident classification if insufficient or incorrect information has been submitted.

62-606. Maintaining Residence.

A. A person's temporary absence from the State does not necessarily constitute loss of South Carolina residence unless the person has acted inconsistently with the claim of continued South Carolina residence during the person's absence from the State. The burden is on the person to show retention of South Carolina residence during the person's absence from the State. A person who obtains indicia in another state after leaving the state is demonstrating intent to be a resident of that state. Steps a person should take to retain South Carolina resident status for tuition and fee purposes include:

(1) Continuing to use a South Carolina permanent address on all records;

(2) Maintaining South Carolina driver's license;

(3) Maintaining South Carolina vehicle registration;

(4) Satisfying South Carolina resident income tax obligation. Individuals claiming permanent residence in South Carolina are liable for payment of income taxes on their total income from the date that they established South Carolina residence. This includes income earned in another state or country.

B. Active duty members of the United States Armed Forces and their dependents who are permanently assigned to a state outside of South Carolina on active duty are eligible to pay in state tuition and fees as long as they continuously claim South Carolina as their state of legal residence during their military service.

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Documentation will be required in all cases to support this claim, including an official Leave and Earnings Statement (LES) demonstrating South Carolina as the member's state of legal residence. South Carolina residents who change their state of legal residence while in the military lose their South Carolina resident status for tuition and fee purposes.

### 62-607. Effect of Change of Residency.

A. Notwithstanding other provisions of this section, any dependent person of a legal resident of this state who has been domiciled with his/her family in South Carolina for a period of not less than three years immediately prior to his/her enrollment may enroll at the in state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State. The student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters. Transfers within or between South Carolina colleges and universities of a student seeking a certificate, diploma, associate, baccalaureate, or graduate level degree does not constitute a break in enrollment.

B. If domicile of an independent person in South Carolina is lost after enrollment, and information becomes available that would impact the existing residency status, eligibility for in state rates shall end on the last day of the academic session during which domicile is lost. Application of this provision shall be at the discretion of the institution involved. However, a student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters.

### 62-608. Effect of Marriage.

A. In ascertaining domicile of a married person, irrespective of gender, such a review shall be determined just as for an unmarried person by reference to all relevant evidence of domiciliary intent.

B. If a non-resident marries a South Carolina resident, the non-resident does not automatically acquire South Carolina resident status. The non-resident may acquire South Carolina resident status if the South Carolina resident is an independent person and the non-resident is a dependent of the South Carolina resident.

C. Marriage to a person domiciled outside South Carolina shall not be solely the reason for precluding a person from establishing or maintaining domicile in South Carolina and subsequently becoming eligible or continuing to be eligible for residency.

D. No person shall be deemed solely by reason of marriage to a person domiciled in South Carolina to have established or maintained domicile in South Carolina and consequently to be eligible for or to retain eligibility for South Carolina residency.

### 62-609. Exceptions.

A. Persons in the following categories qualify to pay in state tuition and fees without having to establish a permanent home in the state for twelve months. Persons who qualify under any of these categories must meet the conditions of the specific category on or before the first day of class of the term for which payment of in state tuition and fees is requested. The following categories apply only to in state tuition and do not apply to State supported scholarships and grants. Individuals who qualify for in state tuition and fees under the following exceptions do not automatically qualify for LIFE, SC HOPE or Palmetto Fellows Scholarships. However, where all scholarship & grant timelines related to residency and academic requirements are met, persons in categories (1), (3) and (4) may qualify for state scholarships or grants:

(1) "Military Personnel and their Dependents": Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty and their dependents are eligible to pay in state tuition and fees. When such personnel are transferred from the State, their dependents may continue to pay in state tuition and fees as long as they are continuously enrolled or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student's previous institution in order to certify the student's eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty (and their dependents) may also be eligible to pay in state tuition and fees as long as they are continuously enrolled after their discharge from the military, provided they have demonstrated an intent

to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the twelve month “physical presence” requirement for them or their dependents to qualify to pay in state tuition and fees.

(2) “Faculty and Administrative Employees with Full Time Employment and their Dependents”: Full time faculty and administrative employees of South Carolina state supported colleges and universities, their spouse and their dependents are eligible to pay in state tuition and fees.

(3) “Residents with Full Time Employment and their Dependents:” Persons who reside, are domiciled, and are full time employed with an employer that is physically located in the State and who continue to work full time until they meet the twelve month requirement and their dependents are eligible to pay in state tuition and fees, provided that they have taken steps to establish a permanent home in the State. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled (“Establishing the Requisite Intent to Become a South Carolina Domiciliary”). Individuals with remote work with a company that has a physical presence in South Carolina may qualify for this provision, provided they can provide the following:

- (a) verification of full-time employment from the home company;
- (b) documentation of the number of hours worked per week or entitlement to full-time benefits;
- (c) documentation of the beginning date of employment;
- (d) documentation of the physical address of South Carolina office or facility; and
- (e) a copy of the employee’s most recent paystub.

(4) “Retired Persons and their Dependents:” Retired persons with taxable retirement income received as monthly/quarterly/annual disbursements from a retirement account, or who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in state rates if they maintain residence and domicile in this State. All retirement income must show South Carolina income tax withholdings prior to the first day of classes for the term in which residency is being sought. Social Security is not considered as a type of eligible retirement income. Persons on terminal leave who have established residency in South Carolina may be eligible for in state rates even if domiciled in the State for less than one year if they present documentary evidence from their employer showing they are on terminal leave. The evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity when he/she retires. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled (“Establishing the Requisite Intent to Become a South Carolina Domiciliary”).

(5) “Covered Individuals Receiving Specific Education Benefits:” Covered individuals living in South Carolina, who are enrolled in a public institution of higher education and receiving educational assistance under Chapter 30, Chapter 31 and Chapter 33, Title 38 of the United States Code, are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. For purposes of this subsection, a covered individual is defined as:

- (a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;
- (b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person’s relationship to the veteran described in subitem (a);
- (c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;
- (d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code; or
- (e) a person who is entitled to and is receiving assistance under Section 3102(a), Title 38 of the United States Code.

A covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the

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in-state institution receiving the covered individual shall verify the covered individual's eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution.

B. South Carolina residents who wish to participate in the Regional Contract Program sponsored by the Southern Regional Education Board (SREB) must have continuously resided in the State for other than educational purposes for at least two years immediately preceding their submission of the residency status application and must meet all other residency requirements during this two year period. Individuals who qualify for in-state tuition and fees are not automatically classified as South Carolina residents. A determination of one's resident status made at the time of one's initial application to be certified as a South Carolina resident for purposes of participation in the Regional Contract Program does not prevail for each subsequent academic year. A South Carolina resident student who has been certified as a State resident for the purpose of participating in the Southern Regional Education Board Contract Program must be recertified prior to the beginning of each fall semester for each academic year for which benefits are requested.

C. South Carolina residents who wish to participate in the Academic Common Market program sponsored by the Southern Regional Education Board must be a resident for at least one year, or satisfy the conditions of an exception as provided in R.62-609A(1), R.62-609A(3) or R.62-609A(4), immediately preceding application for consideration and must meet all other residency requirements during this one year period.

### 62-610. Application for Change of Resident Status.

A. Persons applying for a change of resident classification must complete a residency application/petition and provide supporting documentation prior to a reclassification deadline as established by the institution.

B. The burden of proof rests with those persons applying for a change of resident classification who must show required evidence to document the change in resident status.

### 62-611. Incorrect classification.

A. Persons incorrectly classified as residents are subject to reclassification and to payment of all non-resident tuition and fees not paid. If incorrect classification results from false or concealed facts, such persons may be charged tuition and fees past due and unpaid at the out of state rate. The violator may also be subject to administrative, civil, and financial penalties. Until these charges are paid, such persons will not be allowed to graduate from a South Carolina institution.

B. Residents whose resident status changes are responsible for notifying the Residency Official of the institution attended of such changes.

### 62-612. Inquiries and Appeals.

A. Inquiries regarding residency requirements and determinations should be directed to the institutional residency official.

B. Each institution will develop an appeals process to accommodate persons wishing to appeal residency determinations made by the institution's residency official. Each institutions appeal process should be directed by that institutions primary residency officer, in conjunction with those individuals who practice the application of State residency regulations on a daily basis. The professional judgment of the residency officer and administrators will constitute the institutional appeal process. Neither the primary residency official nor appellate official(s) may waive the provisions of the Statute governing residency for tuition and fee purposes.

### **Fiscal Impact Statement:**

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

### **Statement of Rationale:**

These regulations are updated to clarify the policies and procedures for administering the program. The proposed regulatory changes will promote consistency amongst state institutions.

Document No. 5458  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**  
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6  
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry):

Revisions to Sections 1910.6, Incorporation by Reference and 1910.1200 Hazard Communication Standard as amended in FEDERAL REGISTER, Volume 91, Number 5, pages 562–598, dated January 8, 2026.

Revisions to Section 1910.1200 Hazard Communication Standard as amended in FEDERAL REGISTER, Volume 91, Number 10, pages 1695-1696, dated January 15, 2026.

Revisions to Section 1910.1200 as amended in FEDERAL REGISTER, Volume 91, Number 30, page 6760, dated February 13, 2026.

Revisions to Section 1917.71 as amended in FEDERAL REGISTER, Volume 73, No. 238, pp. 75289-75290, dated December 10, 2008.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at [www.OSHA.gov](http://www.OSHA.gov).

Document No. 5430  
**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION**  
CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

67-206. Filing a Claim.

**Synopsis:**

The purpose of this proposed regulation is to update and clarify procedures governing the filing of a claim with the South Carolina Workers' Compensation Commission. The amendments define acceptable forms for filing, set forth the requirements for letters of claim, and specify the responsibilities of employers and their representatives upon notice of filing.

Section-by-Section Discussion:

67-206.A. Strike "To file a claim" and replace with "Claimant shall."

The Notice of Drafting was published in the State Register on September 26, 2025.

**Instructions:**

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

### **Text:**

67-206. Filing a Claim.

A. Claimant shall file with the Commission's Claims Department a Form 50, Form 52, or a letter as provided below.

B. To file a claim on a Form 50 or Form 52, mark the box at the signature line which states "I am filing a claim. I am not requesting a hearing at this time."

(1) Address and deliver the form to the Claims Department.

(2) Filing a claim requires the WCC file number or the Coverage Coding Form 39 must be included. This requirement may be waived for unrepresented claimants.

(3) Filing a claim does not request a hearing nor is the employer's representative required to file a Form 51 or 53.

C. A letter filed with the Commission also files a claim. The letter should include the information listed in items (1) through (13) below:

(1) Claimant's name (and worker's name, if different);

(2) Claimant's address (and worker's address, if different);

(3) Claimant's home and work telephone numbers (and worker's home and work telephone numbers, if different);

(4) Claimant's social security number (and worker's social security number, if different);

(5) Employer's name;

(6) Employer's address;

(7) Employer's telephone number;

(8) Employer's insurance carrier, if known;

(9) Date of injury;

(10) The county in which the injury occurred;

(11) Type of injury (to which area of body);

(12) Description of the accident;

(13) The WCC file number or Coverage Coding Form must be included.

D. Failure to include any of the information above does not bar the claim if the information necessary to an issue in the claim is given to the Commission upon request.

E. The Commission will notify the employer's representative a claim has been filed. The employer's representative shall immediately contact the claimant.

**Fiscal Impact Statement:**

No significant fiscal impact is anticipated as a result of this amendment.

**Statement of Rationale:**

The HLOC Committee recommended that the language of this regulation be revised for clarity and administrative accuracy. These amendments ensure consistent standards for filing and notification under the Workers' Compensation Act.

Document No. 5431

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 67**

Statutory Authority: 1976 Code Sections 1-23-110(A)(1)(c), 42-3-30, and 42-5-20

67-1507. Proof of Compliance, Irrevocable Letter of Credit.

**Synopsis:**

The purpose of this proposed regulation is to clarify procedures for the acceptance, administration, and revocation of irrevocable letters of credit as proof of compliance for self-insured employers. It provides updated guidance to ensure the Commission's ability to safeguard the payment of claims and maintain consistent standards of financial responsibility.

Section-by-Section Discussion:

67-1507.D.(4) – Delete.

67-1507.D.(5) – Delete.

67-1507.E. – Add all new text for E.

The Notice of Drafting was published in the State Register on March 28, 2025.

**Instructions:**

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

**Text:**

67-1507. Proof of Compliance, Irrevocable Letter of Credit.

A. The Commission in its discretion may accept a Form 8B, Proof of Compliance, Memorandum of Understanding and Irrevocable Letter of Credit, as proof of compliance instead of a surety bond or securities. The Commission will determine the amount as provided by R.67-1505A.

B. The applicant for self-insurance shall file the Form 8B with the Commission's Self-Insurance Division within the time provided in R.67-1502B.

C. The following provisions shall apply to a letter of credit.

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(1) The letter of credit must be issued by a bank chartered in this State or a federally chartered bank with a branch office in this State.

(2) The bank shall offer the irrevocable letter of credit by completing a Form 8B.

(3) The South Carolina Workers' Compensation Commission shall be the named beneficiary.

(4) A proposed letter of credit must be approved by the Commission before the Commission issues a Form 9, Certificate for Self-Insurance.

D. Once an irrevocable letter of credit is established, it may be revoked only with the consent of the Commission.

(1) The Self-Insurance Division may grant consent only when the self-insurer offers proof of the purchase of a surety bond, pledges securities or obtains another irrevocable letter of credit.

(2) Expiration or cancellation of a letter of credit is effective only after sixty days written notice filed with the Self-Insurance Division.

(3) The self-insurer shall file notice of the replacement to the Self-Insurance Division in writing by certified mail.

E. When a self-insurer loses or withdraws its privilege of self-insurance or the Self-Insurance Division determines the self-insurer is unable or unwilling to secure the payment of its liability under the Act, the commission may demand payment of the letter of credit to guarantee payment of any claim occurring during the self-insured period.

(1) The Commission may release the funds received from the letter of credit, or any part thereof, when the Commission determines that all contingent liability arising during the period of self-insurance has expired.

(2) The Commission may release the securities, or any part thereof, by notifying the bank holding the securities in trust to release the pledged securities.

(3) The self-insured employer, fund, or the issuing bank may request the release of securities or any part thereof by writing to the Self-Insurance Division.

(a) The Self-Insurance Division will notify the employer or fund of its administrative determination.

(b) If the employer or fund disagrees with the Self Insurance Division's determination, the employer or fund may request a hearing by filing a motion for hearing, according to R.67-215. The parties proceed according to Article 6.

### **Fiscal Impact Statement:**

No significant fiscal impact is anticipated. This amendment codifies existing practice.

### **Statement of Rationale:**

The HLOC Committee recommended revisions to ensure clarity, remove obsolete references, and align procedural requirements with current Commission practice for irrevocable letters of credit.