

Statement of Rationale:

None.

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. 5484

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

61-107.3. Solid Waste Management: Waste Tires.

Preamble:

In May 2025, the Governor signed Act 33. The Department of Environmental Services (Department) is proposing to amend R.61-107.3, Solid Waste Management: Waste Tires, to incorporate Act 33's revisions and additions to the Department's requirements for waste tires. Act 33 expanded the manifesting and auditing system for waste tire haulers, added and clarified some definitions, implemented a new decal system for waste tire haulers, established a Statewide Waste Tire Facility List, and strengthened recordkeeping and reporting requirements for waste tire haulers and facilities.

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

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

The Department had a Notice of Drafting published in the June 26, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-107.3, Part I, B. Definitions	Addition	The following definitions from Act 33 are being added: 3. "Manifest" 8. "Regroovable tire" 9. "Regrooved tire" 15.(a) and (b) "Unsafe used tire" 16. "Used tire" 18. "Waste tire facility" 19. "Waste Tire Facility List"
	Revision	Renumbering definitions throughout section to accommodate the additions listed above.

16 PROPOSED REGULATIONS

	Revision	Revising definition 16, to become 23(a) and (b), “Waste tire hauler”
R.61-107.3, Part I, C. Manifesting	Addition	Adding waste tire hauler information to the manifest requirements as stated in Act 33
	Revision	Renumbering manifest requirements to accommodate addition
	Addition	Adding manifest submission requirements
	Addition	Adding audit program requirements
R.61-107.3, Part I, G. Statewide Waste Tire Facility List	Addition	Add the Statewide Waste Tire Facility List and its requirements to be included and removed
R.61-107.3, Part II, B. Registration, decals, and delinquency penalties	Revision	Renumber section to accommodate additions
	Addition	Adding decal requirements as required by Act 33
	Addition	Adding delinquency penalties as required by the Act
R.61-107.3, Part II, E. Electronic Manifest Submission	Addition	Adding specification to submit manifests electronically to the Department
R.61-107.3, Part III, D. Operating Criteria	Addition	Adding statement about the Statewide Waste Tire Facility List as mentioned in the Act
R.61-107.3, Part III, F. Recordkeeping and Annual Reports	Addition	Adding requirements to maintain manifest records and cooperate with Department audits
R.61-107.3, Part IV, F. Recordkeeping and Annual Reports	Addition	Adding requirements to maintain manifest records and cooperate with Department audits
R.61-107.3, Part VI. Severability.	Addition	Adding severability clause

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Sallie Williams 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. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, November 23, 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 Thursday, December 17, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, November 23, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The costs associated with the new decal program and its delinquency penalties will cover the costs of implementing and administering the manifest, decal, and auditing systems.

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.61-107.3. Solid Waste Management: Waste Tires.

Purpose: In May 2025, Act 33 was signed by the Governor. The Department of Environmental Services (Department) is proposing to amend R.61-107.3, Solid Waste Management: Waste Tires, to incorporate Act 33's revisions and additions to the Department's requirements for waste tires. The proposed amendment will allow the Department's regulations to maintain consistency with the Act and its new additions.

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

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

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

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of waste tires. The Department promulgated the resulting regulation in 1993, with an amendment in 2015. The proposed amendments to R.61-107.3 include only the changes required by 2025 Act 33. As the Act is now promulgated, these changes are necessary and reasonable to maintain consistency between 2025 Act 33 and Department regulations.

A stakeholder workgroup met several times to discuss the proposed amendments. The workgroup included private sector representatives, including tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. The group solicited input from representatives of environmental organizations and the South Carolina Asphalt Pavers Association. Public sector representation was provided by state, county and municipal government representatives; state and local solid waste management representatives; the South Carolina Association of Counties; the South Carolina Department of Commerce; and Department staff.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the new decal program and its delinquency penalties will be sufficient to cover the costs of implementing and administering the manifest, decal, and auditing systems.

UNCERTAINTIES OF ESTIMATES:

No foreseeable uncertainties of estimates relate to the cost to the State or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

While these revisions are expected to have many positive impacts, the primary intention is to reduce the likelihood of illegal dumping, collection, and storage of waste tires. Illegally stored tires attract vermin and increase mosquito populations, creating public health nuisances, and promoting disease in humans and animals.

18 PROPOSED REGULATIONS

Illegally dumped tires pose a fire hazard, and tire fires produce toxic fumes and harmful runoff. These revisions are expected to ensure that tires are managed properly, protecting both public health and the environment.

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

As waste tires remain an important topic in South Carolina, the proposed amendments strengthen waste tire management in the state, which protects the environment and public health from improperly collected, transported, and stored waste tires and illegally dumped tires that may cause mosquitoes or other vectors to proliferate.

Statement of Rationale:

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

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of waste tires. The Department promulgated the resulting regulation in 1993, with an amendment in 2015. The changes introduced by 2025 Act 33 are necessary to maintain consistency between the Act and Department regulations.

A stakeholder workgroup met several times to discuss the proposed amendments. The work group included private sector representatives, including tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. The group solicited input from representatives of environmental organizations and the South Carolina Asphalt Pavers Association. Public sector representation was provided by state, county and municipal government representatives; state and local solid waste management representatives; the South Carolina Association of Counties; the South Carolina Department of Commerce; and Department staff.

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Document No. 5493
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

10-37. Real Estate Commission.

Preamble:

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.

Section-by-Section Discussion:

- 10-37(A)(1). Strike biennial and strike fee.
- 10-37(A)(1)(a). Add Application Fee of \$25
- 10-37(A)(1)(b). Restore \$250 initial license fee former (A)(1).
- 10-37(A)(2). Strike biennial and strike fee.