

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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 or 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:

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 proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

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.

Executive Orders are actions issued and taken by the Governor.

2016 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 will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/8	2/12	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/22	2/26	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that 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 twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth 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 law 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 legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4624			Professional Employer Organizations	5/10/17	Department of Consumer Affairs
4625			Licensing Standards for Continuing Care Retirement Communities	5/10/17	Department of Consumer Affairs

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4624	Professional Employer Organizations		
4625	Licensing Standards for Continuing Care Retirement Communities		

Executive Order No. 2016-15

WHEREAS, state agencies should constantly monitor spending and review of operations to determine more efficient and less costly ways of doing business; and

WHEREAS, as technologies evolve, job duties change, and agencies find ways to work smarter, the tools that are necessary for state employees to do their job and for agencies to accomplish their mission change; and

WHEREAS, executive agencies should lead the effort in the efficient operation of state government.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby direct all executive agencies to do the following:

1. Conduct an internal audit, including but not limited to the review of invoices, operations, and agency practices, to determine if all cell phones, e-mail accounts, land telephone lines, desktop printers, laptops, state vehicles, and any other equipment currently in use by the agency and its employees are necessary for state employees to perform assigned duties and to the mission of the agency.

2. Coordinate with the South Carolina Department of Administration to conduct the internal audit.

3. Executive agencies must complete the internal audit and report its corresponding cost savings to the Department of Administration no later than December 31, 2016.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6TH DAY OF JULY, 2016.**

NIKKI R. HALEY
Governor

Executive Order No. 2016-16

WHEREAS, each year, public dollars are allocated to private entities through earmarked appropriations to various state agencies. Further, such earmarked appropriations have generally not been requested by the agency, nor has the receiving agency been consulted; and

WHEREAS, such appropriations are often expressed as line items with vague names and are not accompanied by specific provisions or instructions as to the intended public use of such funds; and

WHEREAS, of the State Constitution provides that money shall be drawn from the treasury of the state “only in pursuance of appropriations made by law” and that “[b]ills appropriating money out of the State treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections” pursuant to Article X, Section 8 and Article IV, Section 21 respectively; and

4 EXECUTIVE ORDERS

WHEREAS, state law provides that “[i]t shall be unlawful for any moneys to be expended for any purpose or activity except for which it is specifically appropriated” and, as the governing authority of the agency, the secretary or director is “vested with the duty of overseeing, managing, and controlling the operation, administration, and organization of the department” pursuant to Sections 11-9-10 and 1-30-10(D) of the South Carolina Code of Laws, respectively; and

WHEREAS, despite this clear statutory language vesting directors with the sole authority to manage their respective agencies, to include determining the appropriate use of its appropriated funds, agency directors are instructed through informal means by members or agents of the General Assembly to pass these earmarked funds through to other entities or individuals to fund private entities, businesses, and projects; and

WHEREAS, it has long been held that public funds must be used for public and not private purposes and that, as creatures of statute, state agencies only possess those powers which are specifically delineated and may only deploy public resources in the manner prescribed by statutes or appropriations.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby order that any funds appropriated to any agency in my cabinet must be expended in strict compliance with the purposes specified in the Appropriations Act; for a public, and not private purpose; and only for a purpose allowed by the agency’s enabling legislation to further the functions of that agency, as determined by its director.

BE IT FURTHER ORDERED, that where an agency has been appropriated monies in a manner that is vague or lacks specific instruction through statute or appropriation provisions, the agency director must, prior to expending these funds: (1) certify, in writing, that all expenditures made from this appropriated line further the goals and purposes of the agency and the appropriation; and (2) require a written grant or contract with the fund recipient which specifies the anticipated deliverables or outcomes within a specified timeframe. Nothing in this order should be construed to alter provisions of the General Appropriations Act or any supplemental provision, nor should the provisions of this order be construed to conflict with those of the South Carolina Consolidated Procurement Code or Administrative Procedures Act.

BE IT FURTHER ORDERED, the Executive Budget Office, in coordination with all state agencies shall prepare by November 1st of each year a report, which shall be made public, of all grants and contracts awarded with funds appropriated through a hidden earmark in the previous fiscal year.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6TH DAY OF JULY, 2016.**

NIKKI R. HALEY
Governor

Executive Order No. 2016-17

WHEREAS, a vacancy exists in the office of Laurens County Auditor as a result of the resignation of Sally Lancaster, which became effective November 30, 2015; and

WHEREAS, the Governor is authorized to appoint a County Auditor in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws; and

WHEREAS, James A. Coleman, residing at 367 Burnt Mill Creek Road, Laurens, South Carolina 29630, is a fit and proper person to serve as Laurens County Auditor.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint James A. Coleman as Auditor of Laurens County until his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 18th DAY OF JULY, 2016.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2016-18

WHEREAS, a declaration of emergency exists in the State of North Carolina due to the approach of Tropical Storm Hermine, threatening the public welfare and causing a need for the uninterrupted supply of equipment, goods, services, and any other item needing to be moved on the highways of North Carolina; and

WHEREAS, the Governor of the State of North Carolina has suspended federal regulations limiting the hours operators of commercial motor vehicles may drive pursuant to the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq.; and

WHEREAS, whenever a declaration of emergency is declared in North Carolina that triggers relief under 49 CFR § 390.23, an emergency must be declared in this State pursuant to Section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency exists in the State South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina and accordingly direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to suspend the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of equipment, goods, services, and any other item needing to be moved on the highways of North Carolina.

This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 7 days or until the emergency condition ceases to exist, whichever is less.

6 EXECUTIVE ORDERS

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF SEPTEMBER, 2016.**

NIKKI R. HALEY
Governor

Executive Order No. 2016-19

WHEREAS, on September 2, 2016, the National Weather Service began issuing Tornado Watches, Flood Warnings, Flash Flood Watches, Tropical Storm Warnings, High Wind Warnings, and Wind Advisories for all or parts of South Carolina, leading to the possibility of hazardous driving conditions, power outages, and closed or flooded roads or bridges, which pose a threat to the health, safety, and welfare of citizens; and

WHEREAS, as a result of the threat of hazardous weather conditions, state government offices were closed or delayed on Friday, September 2, 2016, in accordance with county government offices as follows: Allendale, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Dillon, Dorchester, Fairfield, Jasper, Lee, Marion, Richland, Sumter, and Williamsburg Counties; and

WHEREAS, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the governor of this State may authorize leave with pay for affected state employees who were absent from work due to the closing of state offices for hazardous weather conditions.

NOW, THEREFORE, pursuant to the authority vested in me by the laws and Constitution of the State of South Carolina, I hereby grant leave with pay to state employees absent from work as directed on September 2, 2016, due to the closing of state offices caused by hazardous weather conditions.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF SEPTEMBER, 2016.**

NIKKI R. HALEY
Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 23, 2016 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 Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

Affecting Aiken County**Amedisys SC, LLC d/b/a Amedisys Home Health of Lexington**

Establishment of a Home Health Agency in Aiken County at a total project cost of \$18,138.

Affecting Charleston County**The Surgery Center at Mount Pleasant, LLC d/b/a Surgery Center at Mount Pleasant**

Construction of an Ambulatory Surgery Center to include three operating rooms and one procedure room at a total project cost of \$12,564,287.

Affecting Florence County**Georgetown Hospital Home Health, LLC d/b/a Amedisys Home Health Care**

Establishment of a Home Health Agency in Florence County at a total project cost of \$18,138.

Affecting Jasper County**Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital**

Construction of a freestanding Emergency Department with a total project cost of \$16,176,428.

Affecting Lexington County**South Carolina Episcopal Home at Still Hopes, Inc.**

Expansion of preexisting facility and the addition of eight long term care beds for a total of seventy long term care beds at a total project cost of \$33,034,775.

Affecting Spartanburg County**Carolina Orthopaedic & Neurosurgical Associates ASC**

Construction of a new Ambulatory Surgical Facility (ASF) with two operating rooms and two procedure rooms at a total project cost of \$7,217,026.

Affecting York County**Piedmont Medical Center d/b/a Fort Mill Freestanding Emergency Department**

Development of a freestanding Emergency Department at a total project cost of \$15,273,688.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, 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 as early as 30 days, but no later than 120 days, from September 23, 2016. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a

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public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Charleston County

The Surgery Center at Mount Pleasant, LLC d/b/a Surgery Center at Mount Pleasant

Construction of an Ambulatory Surgery Center to include three operating rooms and one procedure room at a total project cost of \$12,564,287.

Affecting Greenville County

UHS of Greenville, LLC d/b/a The Carolina Center for Behavioral Health

Addition of ten (10) psychiatric beds, addition of eight (8) inpatient substance abuse beds and the addition of 14,641 square feet to Carolina Center at a total project cost of \$4,468,025.

Affecting Jasper County

Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital

Construction of a freestanding Emergency Department with a total project cost of \$16,176,428.

Affecting Lexington County

South Carolina Episcopal Home at Still Hopes, Inc.

Expansion of preexisting facility and the addition of eight long term care beds for a total of seventy long term care beds at a total project cost of \$33,034,775.

Affecting Spartanburg County

Carolina Orthopaedic & Neurosurgical Associates ASC

Construction of a new Ambulatory Surgical Facility (ASF) with two operating rooms and two procedure rooms at a total project cost of \$7,217,026.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Termination of State Register Document 4651

September 23, 2016

The Department of Health and Environmental Control published a Notice of Proposed Regulation identified as Document No. 4651 in the State Register on June 24, 2016 to amend R.61-79, *Hazardous Waste Management Regulations*.

This notice of September 23, 2016, hereby terminates the promulgation process for Document 4651.

A new Notice of Proposed Regulation for amendment of R.61-79 will be published under a separate document number in the *State Register* on September 23, 2016. Public comments that were received from the proposed regulations of Document 4651 have been considered by the Department in formulating the revised Notice of Proposed Regulation.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 Department of Health and Environmental Control 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 October 24, 2016 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
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

Solutions-IES, Inc.
Attn: Ann Borden
1101 Nowell Road
Raleigh, NC 27607

HUMAN AFFAIRS COMMISSION

ERRATA

65-2. Complaint

At 65-2(E), replace the old address with the current address of the Commission. The change should read:

E. Place of Filing.

A complaint shall be filed with the Commission at its office at 1026 Sumter Street, Suite 101, Columbia, South Carolina 29201, or by mail at Post Office Box 4490, Columbia, South Carolina 29240.

10 NOTICES

65-8. Procedure for Hearing as Provided by Section 1-13-90(c) of the Act.

At 65-8(D), 65-8(F)(3)(a), and 65-8(I)(3)(b), replace the old address with the current address of the Commission. The changes should read:

D. Place of Hearing.

The place of hearing shall be at the Commission office at 1026 Sumter Street, Suite 101, Columbia South Carolina 29201, or such other place as the hearing commissioners may designate.

F. Answer.

(3) Service of the Answer.

(a) No later than twenty (20) days after service of the complaint, the respondent shall serve two (2) copies of the answer on the Commissioner at the Commission office at 1026 Sumter Street, Suite 101 Columbia, South Carolina, 29201, and one (1) copy of the answer on the complainant. Extensions of time for filing the answer may be granted by the Commissioner upon good cause shown, provided that no request for an extension of time shall be granted unless such request is received by the Commission at least three (3) days prior to the date upon which the answer is otherwise due.

I. Hearing of Commissioner's Order.

(3) Filing of Order.

(b) All orders shall be filed in the Commission office at 1026 Sumter Street, Suite 101, Columbia South Carolina 29201 and copy of all orders shall be provided to the Attorney General.

**STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15**

Statutory Authority: 1976 Code Sections 34-41-10 et seq., particularly Section 34-41-130

Notice of Drafting:

The South Carolina State Board of Financial Institutions/Consumer Finance Division proposes to draft Regulation 15-65 addressing the supervision of Check Cashing service providers. Interested parties are invited to present their views in writing to Ronald R. Bodvake, Commissioner, South Carolina State Board of Financial Institutions/Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, SC 29201. To be considered, comments must be received no later than 5 p.m. October 30, 2016, the close of the drafting comment period.

Synopsis:

This regulation will address issues in SC § 34-41-10 et seq. regarding application for licensure, maintenance of minimum liquid assets and maintenance of books, accounts and records. This regulation is being promulgated to clarify items concerning the licensure process, the method by which minimum assets will be verified and the books, records and accounts the Board deems necessary to complete an examination. It will also provide a cost structure for the examination which shall be paid by the licensee according to SC § 34-41-70.

This regulation will require legislative review.

**STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION
CHAPTER 15**

Statutory Authority: 1976 Code Sections 37-22-110 et seq., particularly Section 37-22-260

Notice of Drafting:

The South Carolina State Board of Financial Institutions/Consumer Finance Division proposes to amend Regulation 15-64 addressing licensing of non-depository Mortgage Lenders / Servicers, Branch Offices and Loan Originators. Interested parties are invited to present their views in writing to Ronald R. Bodvake, Commissioner, South Carolina State Board of Financial Institutions/Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, SC 29201. To be considered, comments must be received no later than 5 p.m. October 30, 2016, the close of the drafting comment period.

Synopsis:

The “South Carolina Mortgage Lending Act” (Act) was passed into law June 3, 2009 and became effective January 1, 2010 to be in compliance with the federal “Secure and Fair Enforcement for Mortgage Licensing Act of 2008” (SAFE Act). The Act requires the use of the Nationwide Mortgage Licensing System & Registry (NMLS&R) by both the Consumer Finance Division and its licensees. This regulation is being amended to comply with changes in the NMLS&R system. Further, state-specific items will be clarified, deleted or modified to meet the statutory language and authority in the SAFE Act and related rules and regulations, including license and record-keeping requirements.

This regulation will require legislative review.

12 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes amending Regulation 61-15, Certification of Need for Health Facilities and Services. Interested persons may submit written comments to Louis Eubank, Director, Certificate of Need Program, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at eubanklw@dhec.sc.gov. Interested persons may also submit comments electronically at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>, under the Notice of Drafting for Reg. 61-15. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016, the close of the drafting comment period.

Synopsis:

The Department proposes amending Regulation 61-15 to enable an electronic application process, revise the application format, update exemption and non-applicability determination processes, and revise language regarding penalties and enforcement actions. The Department also intends to add, remove, or modify multiple definitions contained within the Regulation. The Department may also update language and processes related to public hearings on Certificate of Need applications, the application and review process and related notifications, voidance and extension procedures, and periodic and final reporting requirements regarding issued Certificates of Need. The amendment may also revise the project review criteria. The Department may also revise the monetary thresholds which trigger a Certificate of Need review.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining and codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d)

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>, under the Notice of Drafting for R.61-16. To be considered, all comments must be received no later than 5:00 pm, October 24, 2016, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-16. The amendment will incorporate qualified prescribers, including dietitians, for diets; incorporate requirements of S.C. Code Section 44-41-410 relating to the provision of abortion services; incorporate existing inspection and construction fees; incorporate safe haven requirements; and may revise licensing requirements. The amendment may also revise construction requirements to align with current codes and standards.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 126

Statutory Authority: 1976 Code Section 44-6-90

Notice of Drafting:

The Department of Health and Human Services proposes to revise each Article in Chapter 126 of the SC Code of Regulations. Interested persons may submit their comments in writing to Colleen Mullis, Deputy Communications Director, South Carolina Department of Health and Human Services, 1801 Main Street, Suite 1100, Columbia, SC 29201. For questions, call 803-898-2452 or email Colleen.Mullis@scdhhs.gov. To be considered, all comments must be received in writing no later than 5:00 p.m. EST on October 24, 2016, the close of the drafting period.

Synopsis:

The Department of Health and Human Services conducted a review of all Articles of Chapter 126 and proposes to update outdated references, amend certain sections to ensure proper and efficient administration of its duties, and repeal certain sections that are not necessary for the proper and efficient administration of its duties.

Legislative review of these amendments is required.

HUMAN AFFAIRS COMMISSION

CHAPTER 65

Statutory Authority: 1976 Code Section 1-13-70

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-2, Complaint. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-2, Complaint, should be changed to eliminate the need for notarization on the Complaint Form in order to reflect the less stringent statutory requirement of a sworn statement.

Legislative review is required.

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HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-22, Employment Records to be Retained for Six Months. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-22, Employment Records to be Retained for Six Months, should defer to applicable federal requirements for record retention, to include those under 29 CFR Part 160.

Legislative review is required.

HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-3, Investigation and Production of Evidence. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-3 should be changed to shorten the timeframe for subpoena enforcement in the event a response to the agency's request for information is ignored. Additionally, the regulation should provide Complainants and Respondents with equal access to the Agency's investigative files. Currently, Complainants may not access information provided to the Agency by the Respondent; however, Respondents may access information provided by Complainant if a lawsuit has been filed. In order to be substantially equivalent to federal agency processes, and to provide parties with equal access, the Regulation should be amended to allow the respective parties to collect data provided by either party. Finally, the citation for the Freedom of Information Act is wrong and should be corrected.

Legislative review is required.

HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-223, Investigation Procedures. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026

Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-223, Investigation Procedures, should be updated to protect housing investigation files from being subject to the Freedom of Information Act, as well as to protect deliberative data and other work product by agency staff from being disclosed to either party.

Legislative review is required.

HUMAN AFFAIRS COMMISSION

CHAPTER 65

Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-227, Issuance of Complaint. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-227, Issuance of Complaint, should be clarified so as to differentiate a reasonable cause determination from a complaint filed by an Aggrieved Party for investigation by the Agency under Regulation 65-220. Regulation 65-227, Issuance of Complaint, would be renamed Issuance of Determination, and further reference to Complaints within that regulation should be replaced with the term “reasonable cause determination”.

Legislative review is required.

HUMAN AFFAIRS COMMISSION

CHAPTER 65

Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-233, Pleadings, Motions and Discoveries. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-233, Pleadings, Motions and Discoveries, should be renumbered to avoid citation errors.

Legislative review is required.

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HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-23, Preservation of Records in Event of Charge of Discrimination. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-23, Preservation of Records in Event of Charge of Discrimination, should be changed to reflect that all employers must preserve records if a charge is pending with the Agency or its federal equivalent entity, pursuant to 29 CFR Part 1602.

Legislative review is required.

HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

Notice of Drafting:

The South Carolina Human Affairs Commission proposes to amend Regulation 65-9, Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act. Interested persons may submit their comments in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on October 7, 2016.

Synopsis:

Regulation 65-9 should be changed to reflect the One Hundred Twenty (120) day deadline to bring a lawsuit, which is expressed in South Carolina Code Section 1-13-90(d)(6).

Legislative review 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 increase licensure fees for the Board of Registration for Geologists in Regulation 10-18, in accordance with Section 40-1-50(D). Interested persons may submit comments to Holly Beeson, Counsel to the Office of Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes increase licensure fees for the Board of Registration for Geologists in Regulation 10-18, in accordance with Section 40-1-50(D).

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes correct a scrivener's error in Regulation 10-37(E)(6). Specifically, the word "approval" should be changed to "renewal." Interested persons may submit comments to Board Administrator Roderick Atkinson, Real Estate Commission, 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 correct a scrivener's error in Regulation 10-37(E)(6). Specifically, the word "approval" should be changed to "renewal."

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF AMUSEMENT RIDES
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-18-120

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of Amusement Rides proposes to modify the fee schedules contained in Regulations 71-4700 and 71-4800. Interested persons may submit comments to: Duane Scott, Sr., Office of Amusement Rides, S.C. Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Office of Amusement Rides proposes to modify the fee schedules contained in Regulations 71-4700 and 71-4800.

Legislative review of this amendment is required.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, and 40-7-60

Notice of Drafting:

The Board of Barber Examiners proposes to remove the fee for barbershop inspection and registration from Regulation 17-20. Interested persons may submit comments to Theresa Richardson, Administrator, Board of Barber Examiners, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Barber Examiners proposes to remove the fee for barbershop inspection and registration from Regulation 17-20.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-604(3). Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-604(3).

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-255(D). Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-255(D).

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1214. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1214.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1215. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1215.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1222. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to correct a scrivener's error in Regulation 8-1222.

Legislative review is required.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend its Regulations 8-100 to 8-185 regarding provisional classification certification. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend its Regulations 8-100 to 8-185 regarding provisional classification certification.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTICIANRY

CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-38-60 and 40-38-250

Notice of Drafting:

The South Carolina Board of Examiners in Opticianry proposes to amend its regulations to clarify the waiting period after unsuccessful examination attempts; to clarify that apprenticeship is a training period and not a subclass of practice; and to adjust continuing education requirements to comport with biennial licensure. Interested persons may submit comments to April D. Koon, Administrator, State Board of Examiners in Opticianry, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Opticianry proposes to amend its regulations regarding examination attempts, apprenticeship, and continuing education requirements.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS AND PSYCHO-EDUCATIONAL SPECIALISTS

CHAPTER 36

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-75-60 and 40-75-300

Notice of Drafting:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists proposes to add regulations for licensing alcohol and drug counselors. Interested parties may submit comments to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of

Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists, S.C. Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists proposes to add regulations for licensing alcohol and drug counselors.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
AND FAMILY THERAPISTS AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-75-60

Notice of Drafting:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists proposes to amend regulations regarding: licensure qualifications for licensed professional counselors and licensed professional counselor interns in Regulations 36.04 and 36.05; treatment of serious problems as described in standard diagnostic nomenclature in Regulations 36.04-1 and 36.05-1; and licensure by endorsement in Regulation 36.11. Interested parties may submit comments to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists, S.C. Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists proposes to amend regulations regarding: licensure qualifications for licensed professional counselors and licensed professional counselor interns in Regulations 36.04 and 36.05; treatment of serious problems as described in standard diagnostic nomenclature in Regulations 36.04-1 and 36.05-1; and licensure by endorsement in Regulation 36.11.

Legislative review is required.

**DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320**

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-305.5 to comply with Code Section 12-36-2120(10). Code Section 12-36-2120(10)(a) provides a sales tax exemption for sales of meals to school children and sales of foodstuffs to schools which are used in furnishing meals to school children, if the sales or use are within school buildings and are not for profit. SC Regulation 117-305.5 discusses sales of meals under Code Section 12-36-2120(10)(a), but it does not address sales of foodstuffs.

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The department has always recognized both exemptions provided by Code Section 12-36-2120(10)(a) and is proposing to amend SC Regulation 117-305.5 to clarify that there is a sales tax exemption for sales of foodstuffs to schools which are used in furnishing meals to school children, if the sales or use are within school buildings and are not for profit. The amendment would be effective upon the date of publication in the State Register.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016.

Synopsis:

The South Carolina Department of Revenue is considering amending SC Regulation 117-305.5 to comply with Code Section 12-36-2120(10)(a) to clarify that there is a sales tax exemption for sales of foodstuffs to schools which are used in furnishing meals to school children, if the sales or use are within school buildings and are not for profit. The department has always recognized both exemptions provided by Code Section 12-36-2120(10)(a). However, as written, SC Regulation 117-305.5 does not address foodstuffs. The amendment would be effective upon the date of publication in the State Register.

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-13-180

Notice of Drafting:

The Department of Social Services proposes to amend regulations that address the regulation of Public and Private Child Care Centers. Interested persons may submit comments to Ms. Cynthia Lara, Department of Social Services, Division of Early Care & Education, Director of Child Care Licensing, 1535 Confederate Avenue, Ste. 311-1, Columbia, SC 29202. To be considered, comments must be received no later than 5pm on October 13, 2016, the close of the drafting comment period.

Synopsis:

On behalf of and with the advice and consent of the State Advisory Committee on the Regulation of Childcare Facilities, the Department of Social Services is charged with submitting amended regulations governing the operation of public and private child care centers every three years (Section 63-13-180). Enforcement of the regulations is currently effected by the Department of Social Services' Child Care Licensing program. The proposed regulations establish updated standards that further protect the health, safety and well-being of children receiving care in child care centers.

Legislative review of this proposal will be required.

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Section 57-3-110(8)

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulations 63-30 regarding Commission Approval of Actions. Interested persons should submit their comments in writing to: Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on October 7, 2016, the end of the drafting comment period.

Synopsis:

The SCDOT is proposing to amend Regulation 63-30 to conform to the changes made by Act 275 of 2016.

The proposed revisions will require legislative review.

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

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulations 63-100 regarding Secretary of Transportation Approval of Actions. Interested persons should submit their comments in writing to: Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on October 7, 2016, the end of the drafting comment period.

Synopsis:

The SCDOT is proposing to amend Regulation 63-100 to conform to the changes made by Act 275 of 2016.

The proposed revisions will require legislative review.

DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Sections 57-1-370(H) and 57-3-110(8)

Notice of Drafting:

The South Carolina Department of Transportation (SCDOT) proposes to amend Regulations 63-10 regarding Transportation Project Prioritization. Interested persons should submit their comments in writing to: Linda C. McDonald, SCDOT Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on October 7, 2016, the end of the drafting comment period.

Synopsis:

The SCDOT is proposing to amend Regulation 63-10 to conform to the changes made by Act 275 of 2016.

The proposed revisions will require legislative review.

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Document No. 4666

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-79. Hazardous Waste Management Regulations

Preamble:

The Department of Health and Environmental Control (Department) is proposing to amend R.61-79, Hazardous Waste Management Regulations, to adopt two final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The proposed amendments will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will: revise the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions; and revise several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. See the Section-by-Section Discussion of Proposed Amendments below and the Statements of Need and Reasonableness and Rationale herein.

The Department Board granted staff initial approval on June 9, 2016 to public notice the proposed amendments, and a Notice of Proposed Regulations containing the text and notice of opportunity for public comment was published in the *State Register* on June 24, 2016 as Document No. 4651. The Department has elected to terminate *State Register* Document No. 4651; therefore, the public hearing scheduled before the Department Board on September 8, 2016 was cancelled and this new Notice of Proposed Regulation herein has been issued.

A Notice of Drafting for these proposed amendments was published in the *State Register* on November 27, 2015.

Section-by-Section Discussion of Proposed Amendments:

1. The Department is proposing to amend R.61-79 to adopt the "Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities," published on January 3, 2014 at 79 FR 350-364:

260.10 Definitions. Add, in alphabetical order, the following new definition: "Carbon dioxide stream."

261.4(h). Add new subsection (h) by adding language that describes how carbon dioxide (CO₂) streams that are to be injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration are excluded from the definition of hazardous waste provided that they comply with applicable Department of Transportation requirements for transportation of the CO₂ streams, applicable UIC Class VI wells requirements, no other hazardous wastes are mixed with or otherwise co-injected with the CO₂ stream, and generators and UIC Class VI well owners or operators claiming the exclusions must sign a certification statement that the conditions of the exclusion were met. This subsection also adds language that describes the length of time the certification must be kept on site and to whom and how it must be made available.

2. The Department is proposing to amend R.61-79 to adopt "Revisions to the Definition of Solid Waste," published on January 13, 2015 at 80 FR 1694-1814.

Checklist D2 – Definition of Solid Waste exclusions and non-waste determinations.

260.10 Definitions. Add, in alphabetical order, the following new definitions: "Hazardous secondary material generator;" "Intermediate facility;" "Land-based unit."

260.10 Definitions. Modify the definition of “Facility” by adding language that includes the management of hazardous secondary materials prior to reclamation. Modify the definition of “Transfer facility” by adding language that includes hazardous secondary materials.

260.30 Heading. Revise by adding “Non-waste determinations and.”

260.30. Revise the introductory text to add a reference to procedures in Section 260.34.

260.30(b). Revise subsection (b) by removing the word “and.”

260.30(d). Add a new subsection (d) by adding language that the Department may determine that hazardous secondary materials that are reclaimed in a continuous industrial process are not solid wastes.

260.30(e). Add a new subsection (e) by adding language that the Department may determine that hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate are not solid wastes.

260.30(f). Add a new subsection (f) by adding language that the Department may determine that hazardous secondary materials that are transferred for reclamation under 261.4(a)(24) and are managed at a verified reclamation facility or intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards are not solid wastes.

260.31(d). Add a new subsection (d) by adding language that the Department may grant requests for a variance for classification as a solid waste those hazardous secondary materials that are transferred under 261.4(a)(24) and are managed at a verified reclamation facility or intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards. The Department’s decision will be based on a demonstration: that the facility is legitimate pursuant to 260.43; financial assurance conditions in 261.4(a)(24)(vi)(F) are met; the facility is not subject to a formal enforcement action; proper equipment, personnel training and emergency response requirements are met; reclamation residuals are properly handled; and potential risks to proximate populations from unhandled releases are addressed.

260.33. Revise the introductory text to include applications for non-waste determinations.

260.33(a). Revise this subsection to add non-waste determination and an additional regulatory citation.

260.34. Add a new section “Standards and criteria for non-waste determinations.” This section adds language that requires facilities applying for a non-waste determination to explain or demonstrate why they cannot meet, or should not have to meet, the existing Definition of Solid Waste exclusions in 261.2 or 261.4.

261.1(c)(4). Revise this paragraph to add a reference to 261.4(a)(23) and (24) and language regarding smelting, melting and refining furnaces.

261.2(c)(3). Revise this paragraph to add a reference to 261.4(a)(23), (24) and (27). NOTE: This is the same revision found in Checklist E.

261.2(c)(4) Table 1. Revise column 3 to amend the regulatory citations. NOTE: This is the same revision found in Checklist E.

261.4(a)(23). Revise this section by adding language that describes the conditional exclusion from the definition of solid waste those hazardous secondary materials that are legitimately reclaimed within the United States or its territories and under the control of the generator. This includes: a codified definition of “contained;” adding recordkeeping requirements for same company and toll manufacturing reclamation; making notification a

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condition of the exclusion; adding a requirement to document that recycling under the exclusion is legitimate; and adding emergency preparedness and response conditions. In addition, the speculative accumulation provisions have a recordkeeping requirement.

261.4(a)(24). Revise this section by adding language that describes how hazardous secondary material that is generated and then transferred to a verified reclamation facility for the purpose of reclamation is not a solid waste. This includes: showing that the material is not speculatively accumulated, not handled by any person or facility other than the generator, transporter, intermediate facility or reclaimer and is stored and packaged properly; the material is not subject to material-specific management conditions when reclaimed and is not a spent lead-acid battery; reclamation of the material is legitimate; and the generator satisfies conditions regarding containment, transport to a verified reclamation facility and specific record keeping requirements.

Subpart H. Add new Subpart H to R.61-79.261, Subpart H – Financial Requirements for Management of Excluded Hazardous Secondary Materials. This Subpart adds new language regarding financial requirements for owners or operators of reclamation and intermediate facilities managing hazardous secondary materials excluded under 261.4(a)(24).

Subparts K-L. Add new Subparts K-L and reserve them.

Subpart M. Add new Subpart M to R.61-79.261, Subpart M – Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials. This Subpart adds new language regarding applicability; preparedness and prevention; emergency procedures for facilities generating or accumulating 6000 kg or less of hazardous secondary material and contingency planning and emergency procedures for facilities generating or accumulating more than 6000 kg of hazardous secondary material.

270.42, Appendix I – Classification of Permit Modification. Add entries 9 and 10 in the table under section A. General Permit Provisions.

Checklist E – Remanufacturing exclusion

260.10 Definitions. Add, in alphabetical order, the following new definition: “Remanufacturing.”

261.2(c)(3). Revise this paragraph to add a reference to 261.4(a)(23), (24) and (27). NOTE: This is the same revision found in Checklist D2.

261.2(c)(4) Table 1. Revise column 3 to amend the regulatory citations. NOTE: This is the same revision found in Checklist D2.

261.4(a)(27). Add a new item (27) by adding language that eighteen (18) spent solvents are eligible for the remanufacturing exclusion. This includes: requirements for notification, a remanufacturing plan, a record of shipments and confirmation of receipts, management in tanks and containers and a prohibition on speculative accumulation.

Subpart I. Add new Subpart I to R.61-79.261, Subpart I – Use and Management of Containers. This Subpart adds new language regarding applicability, condition of containers, compatibility of hazardous secondary materials with containers, management of containers, containment, special requirements for ignitable, reactive hazardous secondary material or incompatible materials and air emission standards.

Subpart J. Add new Subpart J to R.61-79.261, Subpart J – Tank Systems. This Subpart adds new language regarding applicability, assessment of existing tank system’s integrity, containment and detection of releases, general operating requirements, response to leaks or spills and disposition of leaking or unfit-for-use tank systems, termination of remanufacturing exclusion, special requirements for ignitable, reactive and incompatible materials and air emission standards.

Subpart AA. Add new Subpart AA to R.61-79.261, Subpart AA – Air Emission Standards for Process Vents. This Subpart adds new language regarding applicability, definitions, standards for process vents and closed-vent systems and control devices, test methods and procedures and recordkeeping requirements.

Subpart BB. Add new Subpart BB to R.61-79.261, Subpart BB – Air Emission Standards for Equipment Leaks. This Subpart adds new language regarding applicability, definitions, standards, alternative standards, test methods and procedures and recordkeeping requirements.

Subpart CC. Add new Subpart CC to R.61-79.261 Subpart CC – Air Emission Standards for Tanks and Containers. This Subpart adds new language regarding applicability, definitions, standards for tanks, containers and closed-vent systems and control devices, material determination procedures, inspection and monitoring requirements and recordkeeping requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments to R.61-79 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on November 10, 2016. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments to R.61-79 by writing to David Scaturro by mail at Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0590; or by e-mail at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on June 24, 2016 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Land and Waste Management item and scroll down to the proposed amendments to R. 61-79. A copy can also be obtained by contacting David Scaturro at the above address or by calling (803)898-0290, or by email at scaturdm@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

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Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments of R.61-79 will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will: revise the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions; and revise several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act.

Legal Authority: The legal authority for R.61-79 is S.C. Code Section 44-56-30.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. An electronic copy of R.61-79, that includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. At this site, click on the Land and Waste Management category and scroll down to R.61-79. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office.

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

1. The Department proposes adopting the "Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities," published on January 3, 2014 at 79 FR 350-364. The rule revises the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions.

2. The Department proposes adopting the "Revisions to the Definition of Solid Waste," published on January 13, 2015 at 80 FR 1694-1814. The rule revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material. Sections of the Rule cover Definition of Solid Waste exclusions and non-waste determinations, including provisions from the 2008 Definition of Solid Waste Rule and revisions from the 2015 Definition of Solid Waste Final Rule and a remanufacturing exclusion.

The proposed changes are optional for states to adopt and are not necessary to maintain federally delegated program authority due to recent changes in the applicable federal regulations. The EPA has authorized South Carolina to operate the State Hazardous Waste Program in lieu of the federal program under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901 to 6992k. Because the State Hazardous Waste Program is federally delegated, the EPA continues to exercise oversight including the ability to revoke program authorization to ensure consistency with RCRA. Specifically, the State Hazardous Waste Program must remain equivalent to, consistent with, and no less stringent than the federal program. The EPA periodically promulgates

regulations that are either mandatory or optional for the states to adopt. Because the changes proposed herein are optional for states to adopt, legislative approval is required.

DETERMINATION OF COSTS AND BENEFITS:

There should be no increased cost to the State or its political subdivisions resulting from the proposed revisions. Amendments to R.61-79 will revise the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions, and ensure that the hazardous secondary materials recycling regulations encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary materials.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions to R.61-79 will provide continued protection of the environment and public health.

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

While there would be no detrimental effect on the environment and/or public health if the regulation is not implemented, the State's federally delegated authority to implement the hazardous waste management program in South Carolina could be compromised if the State's regulations are not consistent with or equivalent to the federal program. There could be a detrimental effect if the changes are not adopted because the State Hazardous Waste Management Program is federally delegated, and EPA continues to exercise program oversight. This includes the ability to revoke State program authorization if it determines that a State program is not equivalent to, consistent with, and no less stringent than the federal program.

Statement of Rationale:

R.61-79 contains requirements for hazardous waste management, including identification of waste, standards for generators, transporters, and owners/operators of treatment, storage, and disposal (TSD) facilities, procedures for permits for TSD facilities, investigation and cleanup of hazardous waste, and closure/post-closure requirements. The regulation is promulgated pursuant to the S.C. Hazardous Waste Management Act, Section 44-56-30. As an authorized State program, the regulations must be equivalent to and consistent with the EPA's regulations under RCRA. R. 61-79 has been amended numerous times since it was first promulgated in 1984 to adopt federal regulations that are either mandatory or optional changes for an authorized State to adopt.

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.

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Document No. 4667

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-93-10 et seq.

61-105. Infectious Waste Management Regulations

Preamble:

The Department of Health and Environmental Control (Department) proposes to amend R.61-105. These proposed amendments seek to provide greater protections for the public, remove any perceived uncertainty with respect to existing provisions, and ensure consistency with U.S. Department of Transportation regulations. Stylistic changes are included that will improve the overall quality of the Regulation.

These proposed regulations require facilities having a permit by rule to notify the Department of the type of treatment they will utilize and clarify requirements for any waste facilities that are pre-treating. The proposed regulations include body art facilities (tattoo and body piercing) in the types of facilities that generate infectious waste in order to make the Infectious Waste Management Regulation consistent with Health Licensing requirements. Recordkeeping requirements include a timeframe for records to be provided to the Department after an inspection. Timeframes are addressed for variances and alternative treatment technology approvals, including expiration and opportunities for renewal. The requirements also allow better communication with facilities and tracking of facilities. Annual reporting requirements for treatment facilities are revised and clarified to require amounts of waste treated to correspond to the state of origin. Facilities that treat waste through steam sterilization will be required to record the pressure during the treatment process as well as having the pressure gauge calibrated annually. These records are already required for temperature and are already being provided by the permitted treatment facility in the State. Demonstration of need requirements are more consistent with those of other similar programs. The definition(s) and requirements for storage of waste are clarified. Requirements for financial assurance documentation requirements are revised to better protect the Department and South Carolina residents. The requirements for the handling of products of conception are revised to include documentation of donation and notification of necessary incineration. The standards for waste treatment technologies are updated. The amendments allow transporters to only disinfect their vehicles once a day, while still requiring immediate disinfection of visible debris and a now requiring a log to be kept of disinfection. The requirement that transporters submit training documentation annually is removed, as inspectors check for these records during regular inspections. Finally, the proposed regulations include nonsubstantive stylistic revisions and a table of contents will be added.

A Notice of Drafting for these proposed amendments was published in the *State Register* on April 22, 2016.

Section-by-Section Discussion of Proposed Amendments:

SECTION CITATION/EXPLANATION OF CHANGE:

Statutory Authority is revised to replace the section symbol with written text to “Section;” Section 44-93-100 is deleted because the entire statute applies and this is not needed. Also, identification of the Act is removed; each change is made pursuant to Legislative Council standards for drafting regulations. These changes are not substantive.

TITLE

The title is changed to Regulation 61-105, Infectious Waste Management Regulation to reflect that the Regulation should be taken as a single body of work.

TABLE OF CONTENTS

A Table of Contents will be added.

All Section titles are bolded for ease of reference.

A. Purpose and Scope.

A(1) is revised for grammatical consistency.

A(2) is revised for grammatical consistency.

A(3) has been revised for clarity of language and the language from A(4) and A(5) are added as subsections, as all the language relates to requirements of the regulated community.

A(3) through A(5) have been recodified.

A(4) is renumbered as A(3)(b) as it is also a requirement of the facilities listed in A(3).

A(5) is renumbered as A(3)(c) as it is also a requirement of the facilities listed in A(3).

A(4) and A(5) are deleted.

B. Severability.

This paragraph was revised for grammatical consistency and moved for stylistic consistency.

C. Use of Number and Gender.

C is revised for grammatical consistency and moved for stylistic consistency.

C(1) is revised to delete the word “and” at the end and for grammatical consistency.

C(2) is revised to delete the word “and” at the end and for grammatical consistency.

C(3) is revised to add the word “and” at the end and for grammatical consistency.

C(4) is revised for grammatical consistency.

D. Definitions.

D(1) is revised for grammatical consistency.

At D(1) eight definitions are added in alphabetical order. Twenty-six existing definitions are revised. Eleven existing definitions are deleted.

New definitions include: “Alternate treatment technology”, “Demonstration of need”, “Director”, “Donate”, “Planning radius”, “Trust agreement”, “U.S. DOT”, and “USPS”.

The following definitions are revised: “Certification”, “Closure”, “Contingency Plan”, “Dispose”, “EPA”, “Expand”, “Generator facility”, “Generator Registration Status”, “Hazardous waste”, “Infectious waste”, “Intermediate handling facility”, “Manifest”, “Offsite”, “Products of conception”, “Pump event”, “Radioactive

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material”, “Release”, “Site”, “Solid waste”, “State”, “Supersaturated”, “Transfer Facility”, “Transporter”, “Transport vehicle”, “Treatment facility”, and “Universal biohazard symbol”.

The following definitions are deleted: “CFR”, “Commissioner”, “Containment”, “Destination facility”, “EPA identification number”, “Existing facility”, “Final closure”, “Free liquids”, “Onsite”, “Secured area”, and “Transport”.

E. Definition of Infectious Waste.

E(1) introduction is expanded by adding regulated body piercing and tattooing to the types of activities that generate regulated infectious waste and revised for grammatical consistency.

E(1)(a) is revised for brevity and clarity of language. “Including but not limited to” is replaced with “e.g.,”.

E(1)(b) is revised for brevity and clarity of language. “Including but not limited to” is replaced with “e.g.,”.

E(1)(c) is revised for brevity and clarity of language. “Including but not limited to” is replaced with “e.g.,”.

E(1)(d) is revised for brevity and clarity of language. “Including but not limited to” is replaced with “e.g.,”. Language is added to explicitly include any material that results from the termination of a pregnancy as pathological waste (written policy per letter from Phil Morris) and other visibly bloody bodily fluids. Exemption for preserved tissues is moved to create E(2)(h).

E(1)(e) is revised for consistency with other categories, brevity and clarity of language.

E(1)(f) is revised to update and clarify the possible sources of isolation waste. “Guidelines” no longer has a complete list of highly communicable diseases although it does include some criteria.

E(1)(g) is revised to clarify requirement to manage solid waste that comes in contact with infectious waste. Generators must include solid waste in written policy if they choose to dispose of it as infectious waste. Otherwise, solid waste should only be included with infectious waste accidentally.

E(1)(h) is revised for clarity of language and formatting consistency.

E(2)(a) is revised for grammatical and formatting consistency.

E(2)(b) is revised for grammatical and formatting consistency.

E(2)(c) is revised to remove unnecessary language.

E(2)(d) is revised to replace “Commissioner” with “Director” and for grammatical consistency.

E(2)(e) is revised for grammatical and formatting consistency and for clarity of language.

E(2)(f) is revised for clarity of language and grammatical consistency.

E(2)(g) is revised for grammatical consistency.

E(2)(h) is created from language moved from E(1)(d) so that all exemptions are in the same paragraph.

F. Generator Requirements.

F(1) is reorganized and revised for clarity of language.

F(1)(b) is revised for clarity of language.

F(1)(c) is revised for clarity of language.

F(1)(d) is revised for clarity of language.

F(1)(e) is revised for clarity of language.

F(1)(f) is revised to allow the possibility of multiple coordinators and to clarify what the coordinator(s) have responsibility for.

F(1)(g) is revised for formatting and data-gathering consistency.

F(1)(h) is revised to delete the word “and” at the end.

F(1)(i) is revised by adding: “an email address for the facility or the infectious waste coordinator;” and moving the original text to create F(1)(j).

F(1)(j) is created from the text that was originally in F(1)(i).

F(1)(k) is added to require generators to include the name of the transporter they are using. This data was already being collected and helps the Program determine if the generator is using a properly registered transporter.

F(1)(l) is added to help generators determine if the transporter they are using is properly registered with the Program.

F(2) is revised to clarify requirements.

F(3) is reorganized for clarity and to clarify the requirements for generators who store waste in holding tanks.

F(4) is revised to clarify requirements.

F(5) Language is revised to clarify and separate requirements for protocol and to allow for the possibility that some small doctor’s offices may have a single person in charge of the handling of infectious waste, instead of a committee.

F(5)(a) is created from language that was previously in F(5).

F(5)(b) is created from requirements previously in F(5) and further details are added detailing what inspectors will expect to see in the protocol.

F(5)(c) is created from requirements previously in F(5).

F(6)(a) is revised to clarify requirements.

F(6)(b) is revised to clarify requirements and for grammatical consistency.

F(6)(c) is reorganized for clarity and grammatical consistency.

F(6)(d) is revised to clarify requirements.

F(6)(e) is revised for grammatical consistency.

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F(6)(f) is revised for grammatical consistency.

F(6)(g) is revised for grammatical consistency and to remove the word “and” from the end.

F(6)(i) is reorganized for clarity and to recognize parcel delivery services other than the USPS.

F(6)(j) is revised for grammatical consistency, to clarify the timeframes for weight records, and to add “and” at the end.

F(6)(k) is added to put the primary (but not complete) responsibility on generators to properly manage product of conception waste, including examples of how they can convey the need to incinerate to the transporter and treatment facility.

F(7) is revised for clarity and grammatical consistency.

F(9) is created so that generators have the same requirement as other members of the regulated community to prevent discharges and have the same process in the case of a discharge.

F(10) is created to lay out requirements for the donation of products of conception.

F(10)(a) is created to require that a record be created when products of conception are donated on a Department-approved form.

F(10)(a)(i) is created to require that the form used to record a donation of products of conception include the weight of the material donated.

F(10)(a)(ii) is created to require that the form used to record a donation of products of conception include the date of donation.

F(10)(a)(iii) is created to require that the form used to record a donation of products of conception include assurances that: the materials were donated and no payment exceeds reasonable compensation for costs.

G. Small Quantity Generators.

G(1) is revised for clarity of language and to include new requirements created in Section F.

G(1)(a) is reorganized for clarity and revised for grammatical consistency and to add more detail to the requirements for small quantity generators.

G(1)(b) is revised to reduce redundancy.

G(2) is revised to be consistent with U.S. Department of Transportation (U.S. DOT) requirements.

G(2)(a)-(e) are deleted to be consistent with U.S. DOT requirements..

G(3) is revised to explicitly list the options generators have for untreated waste that is picked up at their facility and for grammatical and technical consistency.

G(4) is revised and reorganized for grammatical consistency and clarity of language.

H. Segregation Requirements.

H is revised for clarity of language and reorganized.

H(1), (2) and (3) are created from requirements previously included in the body of H, also adding specificity.

I. Packaging Requirements.

I(1) is revised for clarity, technical consistency, to update the source of requirements for parcels going through the mail (as the requirements are no longer in the Domestic Mail Manual but are in a separate document, Publication 52), and to recognize parcel delivery services other than the USPS.

I(2) is revised to reduce redundancy and for grammatical consistency.

I(3) is revised so that it will stand alone as a citation and for grammatical consistency.

I(4) is revised for grammatical consistency.

I(5) is revised for clarity of language and grammatical consistency.

I(6) is revised to separate requirements and for grammatical consistency.

I(6)(a) is created from requirements that were originally in I(6).

I(6)(b) is created from requirements that were originally in I(6).

I(7) is revised for clarity of language.

I(8) is revised for grammatical consistency.

I(9) is revised for grammatical consistency.

I(11) is deleted, as it is redundant to requirements already included in Section H.

I(12) is deleted and the requirement moved to Section J, becoming J(7). The requirement is related to labeling of waste once it has been treated, so it fits better in Section J.

J. Labeling of Containers.

J(1) is revised for grammatical consistency and to specify where further information is provided.

J(2) is revised for grammatical consistency.

J(a)-(d) are reorganized and revised to be consistent with U.S. DOT and Occupational Safety and Health Administration (OSHA) requirements.

J(2)(a) is revised to combine, in one citation, the required physical properties of labeling on containers of infectious waste that were previously found in separate citations.

J(2)(b) language is moved to J(2)(d).

J(2)(b) is added to require consistency with OSHA standards.

J(2)(c) language is moved to J(2)(a).

J(2)(c) is added to be consistent with U.S. DOT standards.

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J(2)(d) language is moved to J(2)(e).

J(2)(d) is revised to include language moved from J(2)(b) and delete language moved to J(2)(e).

J(2)(e) is created from what was originally J(2)(d).

J(2)(f) is created to require labeling of containers with any special handling instructions, such as incineration.

J(3) is revised to specify where further information is located and to allow regulation of bags that are not inside a container.

J(4) is revised to specify where further information is located and for grammatical consistency.

J(5) is revised for grammatical consistency.

J(7) is created from language that was originally I(12). This language was also revised to allow exemptions from labeling of treatment residue if the person treating the waste has a written agreement with the landfill accepting the treatment residue. Extra-large quantity generators (generators generating 1000 pounds or more in any one month as defined in the Environmental Protection Fees Regulation) and treatment facilities have such volumes of treatment residue that labeling would be prohibitively expensive and labor-intensive, but they have agreements in place with landfills, including requirements that the waste be treated before disposal that will ensure public health and the environment are protected.

J(7)(a) is created from language that was originally in I(12).

J(7)(b) is created from language that was originally in I(12).

J(7)(c) is created from language that was originally in I(12).

K. Storage of Infectious Waste.

K(1) is revised for grammatical consistency and for clarity of language.

K(1)(a) is revised for grammatical consistency.

K(1)(b) is revised to strengthen the requirement to protect infectious waste packaging (proactive vs. reactive) and for grammatical consistency.

K(1)(c) is revised for grammatical consistency.

K(1)(d) is created to clarify requirements for packaging, so that waste meets U.S. DOT requirements for transport.

K(2) is revised for brevity and clarity of language. "For example" is replaced with "e.g.,".

K(3) is revised to make the requirement to allow access proactive instead of reactive.

K(4) is revised for grammatical consistency.

K(4)(a) is added to include a requirement for sign size. This will make it easier for inspectors to require the replacement of signs that are ineffective.

K(4)(b) is added to include a requirement for sign replacement as needed. This will make it easier for inspectors to require the replacement of signs that are ineffective.

K(5) is revised for grammatical consistency and to explicitly require that putrescent waste must be handled immediately.

K(5)(a) is revised for grammatical and formatting consistency.

K(5)(b) language is moved to K(5)(c).

K(5)(b) is added to clarify storage requirements and timeframes when a generator chooses to properly treat waste and then send it for further treatment.

K(5)(c) language is moved to K(5)(d).

K(5)(c) is revised to include language originally in K(5)(b) and for formatting consistency.

K(5)(d) is created from language that was originally in K(5)(c) and this language is revised for grammatical and formatting consistency.

K(6) is revised for clarity of language.

K(7) is reorganized for clarity of language.

L. Disinfection Standards.

L(1) is revised for grammatical consistency.

L(1)(a) is revised for grammatical consistency.

L(1)(b) is revised to include changes from internal review for the Governor's Regulatory Review Task Force to ease the burden of disinfecting the cargo-carrying body of the vehicle if more than one transport route is driven per day. Facilities are still required to disinfect spilled waste immediately. The language is reorganized to take these new requirements into account.

L(1)(b)(i) is created to change the time requirement for disinfection.

L(1)(b)(ii) is created to require rented vehicles that are used to transport infectious waste be disinfecting before being returned to their owner.

L(1)(c) is revised for clarity and for grammatical consistency.

L(1)(d) is created to require transporters to keep a record of disinfecting vehicles.

L(2) is deleted, as it is a suggestion, not a requirement. It will therefore be moved to a guidance document rather than staying in the Regulation.

L(3) is renumbered as L(2) and revised for clarity and grammatical consistency.

M. Manifest Form Requirements for Generators.

M(1) is reorganized for clarity of language, grammatical consistency, and to separate requirements.

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M(1)(a) through M(1)(k) are moved to M(2) and renumbered.

M(1)(a) is revised to include language that was originally in M(1).

M(1)(b) is revised to include language that was originally in M(1).

M(1)(c) is revised to include language that was originally in M(1).

M(1)(d) is revised to include language that was originally in M(1).

M(2) is renumbered as M(3).

M(2) is created from language that was originally in M(1).

M(1)(a) is renumbered as M(2)(a).

M(1)(b) is renumbered as M(2)(b).

M(1)(c) is renumbered as M(2)(c).

M(1)(d) is renumbered as M(2)(d).

M(1)(e) is renumbered as M(2)(e).

M(1)(f) is revised for clarity and consistency with U.S. DOT requirements and renumbered as M(2)(f).

M(1)(g) is revised for formatting consistency and renumbered as M(2)(g).

M(1)(h) is revised for formatting consistency and renumbered as M(2)(h).

M(1)(i) is revised for clarity of language and renumbered as M(2)(i).

M(1)(j) is revised for clarity of language, to add “and” at the end, and renumbered as M(2)(j).

M(1)(k) is revised for formatting consistency, renumbered as M(2)(k), and ‘and’ is added at the end.

M(1)(l) is revised to delete the requirement that the treatment facility must sign the manifest because the generator has no direct contact with the treatment facility and may be unable to get this piece of information. Language is added to require that any special handling instructions be noted on the manifest, such as incineration requirements.

M(2) is revised for grammatical and formatting consistency and renumbered as M(3).

M(3) is revised for grammatical and formatting consistency as well as clarity of language and renumbered as M(4).

M(4) is revised for formatting consistency and renumbered as M(5).

M(6) is created to match the U.S. DOT exemption for waste that is transported by USPS.

N. Infectious Waste Transporter Requirements.

N(1) is revised for formatting and grammatical consistency.

N(2) is revised for grammatical consistency and clarity of language.

N(3) is revised for grammatical consistency.

N(3)(a) is revised for formatting consistency and clarity of language.

N(3)(b) is revised for grammatical consistency.

N(4) is revised for clarity of language and grammatical consistency.

N(5) is revised for clarity of language and grammatical consistency.

N(5)(a) is revised for grammatical consistency.

N(5)(b) is revised for internal grammatical consistency.

N(5)(c) is revised for internal grammatical consistency.

N(6) is revised for clarity and grammatical consistency.

N(6)(b) is revised to refer to the newly revised definition of ‘contingency plan’.

N(6)(d) is revised for internal grammatical consistency.

N(7) is revised to clarify that the plan submitted is a draft and it must be revised as needed to meet the Department’s approval, in language originally from N(7)(a).

N(7)(a) is deleted because this language is now included in N(7).

N(7)(b) is renumbered N(7)(a) and revised for grammatical consistency.

N(7)(c) is renumbered as N(7)(b) and revised for clarity of language and grammatical consistency.

N(8) is revised for clarity of language.

N(9) is reorganized so that requirements are listed in the order that they should be completed and clarified as to who should complete actions.

N(10) is deleted as the language about cleaning up discharges was strengthened in N(9) during the most recent regulatory revision and N(10) is now redundant.

N(11) is renumbered as N(10) and revised for grammatical consistency.

N(12) is renumbered as N(11), clarified, and language moved from Q(1)(b) as it pertains better to Section N.

N(12) is revised to delete language added for N(11) and language is added to match the U.S. DOT exemption for waste that is transported by government employees in government vehicles.

O. Transporter Registration Requirements.

O(1) is revised for grammatical consistency.

O(1)(a) is revised for clarity and to reduce redundancy.

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O(1)(b) language is moved to O(1)(d).

O(1)(b) is revised to require the transporter provide more information about company structure.

O(1)(c) language is moved to O(1)(e).

O(1)(c) is revised to require the transporter provide more information about contacts at the company.

O(1)(d) language is moved to O(1)(f).

O(1)(d) is revised with language originally in O(1)(b).

O(1)(e) language is moved to O(1)(g).

O(1)(e) is revised with language originally in O(1)(c) and for grammatical consistency.

O(1)(f) language is moved to O(1)(j).

O(1)(f)(i) language is moved to O(1)(j)(i).

O(1)(f)(ii) language is moved to O(1)(j)(ii).

O(1)(f)(iii) language is moved to O(1)(j)(iii).

O(1)(f) is revised with language originally in O(1)(d) and revised for grammatical consistency.

O(1)(g) language is moved to O(1)(h).

O(1)(g) is revised with language originally in O(1)(e) and revised for grammatical consistency.

O(1)(h) is created with language originally in O(1)(g) and revised for clarity of language.

O(1)(i) is created to require that transporters provide their Employer Identification Number upon registration, if they have one, to allow better identification and tracking of business identities and for consistency with Department standards.

O(1)(j) is created from language originally in O(1)(f) and revised to be more explicit about the U.S. DOT insurance requirements that transporters have to meet, allowing for the possibility that these requirements may get more stringent in the future.

O(1)(j)(i) is created from language originally in O(1)(f)(i) and revised to clarify insurance requirements and to require that the Department be notified if there are changes in a transporter's insurance.

O(1)(j)(ii) is created from language originally in O(1)(f)(ii) and revised for grammatical consistency.

O(1)(j)(iii) is created from language originally in O(i)(f)(iii).

O(1)(k) is added to require the transporter to provide an email address so that the Department can have better, easier communication with them.

O(2) is revised for formatting consistency and to clarify at whom the requirement is directed.

O(2)(a) is revised for clarity of language and grammatical consistency.

O(2)(b) is revised for grammatical consistency.

O(2)(c) is revised for clarity and grammatical consistency.

O(3) is revised for grammatical and formatting consistency and updated codification.

O(6) is revised for clarity and to update the source of requirements for parcels going through the mail.

P. Transporter Acceptance of Infectious Waste.

P is revised to recognize that a transporter becomes responsible for infectious waste when they load it on their vehicle or take it off the generator or previous transporter's property. P is moved for stylistic consistency.

P(1) is revised for grammatical consistency.

P(1)(a) is revised for clarity and to add an exception for trailers loaded and sealed prior to a transporter's acceptance (language originally in P(3)).

P(1)(b) is revised for clarity and to add an exception for trailers loaded and sealed prior to a transporter's acceptance (language originally in P(3)).

P(1)(c) is revised for formatting consistency.

P(2) is revised for grammatical consistency and to separate requirements.

P(2)(a) is revised with language originally in P(2) and for clarity of language and grammatical consistency. The original language from P(2)(a) is moved to P(2)(c).

P(2)(b) is revised with language originally in P(2).

P(2)(c) is created from language originally in P(2)(a).

P(3) is deleted because the language was added to P(1)(a) and P(1)(b).

P(3)(a) is deleted because the language is redundant to that in P(1)(c).

P(3)(b) is deleted because the requirement is redundant to that in Q(1)(c).

Q. Transport Vehicle Requirements.

Q(1) is revised to pull a common factor out of the following requirements, so that it does not have to be repeated in each phrase.

Q(1)(a) is revised for grammatical consistency and to make the transporter proactive instead of reactive.

Q(1)(b) is moved to Section N as the information pertains to that Section.

Q(1)(b) is revised to add language originally in Q(1)(c).

Q(1)(c) is renumbered as Q(1)(b).

Q(1)(c) is revised to add language originally in Q(1)(d).

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Q(1)(d) is renumbered as Q(1)(c).

Q(1)(d) is revised to add language originally Q(1)(e).

Q(1)(e) is revised renumbered as Q(1)(d).

Q(1)(e) is revised to add language originally in Q(1)(f).

Q(1)(f) is renumbered as Q(1)(e).

Q(1)(f) is revised to add language originally in Q(1)(g).

Q(1)(f)(i) through (iii) are deleted and the language is moved to Q(1)(g)(i) through (iii).

Q(1)(g) is renumbered as Q(1)(f).

Q(1)(g) is revised to add language originally in Q(1)(h).

Q(1)(g)(i) is created from language originally in Q(1)(f)(i).

Q(1)(g)(ii) is created from language originally in Q(1)(f)(ii).

Q(1)(g)(iii) is created from language originally in Q(1)(f)(iii) and revised to add “and” at the end.

Q(1)(h) is renumbered as Q(1)(g).

Q(1)(h) is deleted, as the language was moved to Q(1)(g).

Q(2) is revised for clarity and for formatting consistency.

Q(3)(a) is revised for clarity and grammatical consistency.

Q(3)(b) is revised for clarity and grammatical consistency and to include “and” at the end.

Q(3)(c) is revised for grammatical consistency.

Q(4) is revised for technical consistency.

R. Manifest Requirements for Transporters.

R(1) is revised as not all transporters use the Department provided form, therefore its instructions would not be applicable in all cases and for grammatical consistency.

R(2) is revised for grammatical consistency.

R(2)(a) is revised for grammatical consistency and to include “and” at the end.

R(2)(b) is revised for grammatical consistency.

R(3) is revised for grammatical consistency and clarity of language.

R(4) language is moved to R(5).

R(4) is revised to add language to clarify who is responsible for filling in the date that waste is transferred on the manifest and for grammatical consistency.

R(5) language is moved to R(6).

R(5) is revised to add language originally in R(4).

R(5)(a) language is moved to create R(6)(a) and deleted.

R(5)(b) language is moved to create R(6)(b) and deleted.

R(6) language is moved to R(7).

R(6) is revised to add language originally in R(5) and for clarity of language and grammatical consistency.

R(7) language is moved to create R(8).

R(7) is revised to add language originally in R(6), for clarity of language, and grammatical consistency.

R(7)(a) language is moved to create R(8)(a) and deleted.

R(7)(b) language is moved to create R(8)(b) and deleted.

R(8) is created from language originally in R(7).

R(8)(a) is created from language that was originally in R(7)(a) and is revised for technical consistency.

R(8)(b) is created from language that was originally in R(7)(b) and is revised for clarity of language.

S. Storage Tank Requirements.

The title of the section is revised to reflect that we are concerned with the storage of treatment residue, and the tank only as a storage method.

S(1) is revised to clarify the timeline for installing tanks that meet the new requirements, which were added when the Regulation was revised in 2010, for clarity, and for grammatical consistency.

S(2) is revised for grammatical consistency and to reflect the primary concern is the storage of treatment residue.

S(2)(a) is revised for clarity and formatting consistency.

S(2)(b) is revised for formatting and grammatical consistency.

S(2)(c) is revised for formatting and grammatical consistency.

S(2)(d) is revised for clarity and formatting and grammatical consistency.

S(2)(e) is revised for clarity and formatting and grammatical consistency.

S(2)(f) is revised for clarity of language.

S(2)(g) is revised for formatting and grammatical consistency.

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S(2)(h) is revised for formatting and grammatical consistency and to delete an outdated reference.

S(3) is revised for clarity of language.

T. Infectious Waste Treatment.

T(1) is revised to add the requirement that treatment must be in accordance with this Regulation (originally in T(2)), for clarity of language, and for grammatical consistency.

T(2) is revised for clarity and to delete the requirement that was added in T(1).

T(3) is revised for grammatical consistency and to clarify the requirements for alternate treatment technology approvals and renewals.

T(4)(a) and (b) are created from language moved from T(5)(a) and (b).

T(5)(a) and (b) are moved to T(4)(a) and (b) as the requirements in (a) and (b) are related to waste disposal before treatment as opposed to storage.

T(5)(a) and (b) are deleted.

T(6) is deleted, as this requirement is a duplicate of that already included for each type of facility regulated.

T(7) is renumbered as T(6), revised for clarity, and reorganized to separate requirements.

T(6)(a) is created from a requirement that was originally in T(7).

T(6)(b) is created from a requirement that was originally in T(7).

T(8) is renumbered as T(7) and revised to refer to treatment standards already incorporated in Section U .

T(9) is renumbered as T(8).

T(9) is deleted, as the language was moved to T(8).

U. Infectious Waste Treatment Facility Standards.

The title of the section is revised to better reflect the contents and reduce redundancy.

U(1) is revised to include Section X as a possible exemption because facilities in Section X are regulated under permit by rule requirements and revised for clarity.

U(2) is revised for clarity of language and for grammatical consistency.

U(3) is deleted because it is redundant to T(1).

U(4) is renumbered as U(3), revised for clarity and grammatical consistency, and to pull a common factor out of the following requirements, so that it does not have to be repeated in each phrase.

U(4)(a) is renumbered as U(3)(a) and revised for internal grammatical consistency.

U(4)(b) is renumbered as U(3)(b) and revised for internal grammatical consistency.

U(4)(c) is renumbered as U(3)(c) and revised for internal grammatical consistency.

U(4)(d) is renumbered as U(3)(d) and revised for internal grammatical consistency.

U(4)(e) is renumbered as U(3)(e) and revised for a more complete description of the plan required.

U(4)(f) is renumbered as U(3)(f) and revised for internal technical consistency.

U(4)(g) is renumbered as U(3)(g) and revised for clarity and technical consistency.

U(4)(h) is renumbered as U(3)(h) and revised for clarity and internal grammatical consistency.

U(4)(i) is deleted because it is a duplicate requirement based on W(7)(i).

U(4)(j) is renumbered as U(3)(i) and revised for internal grammatical consistency.

U(4) is revised to delete language moved to U(3) and to include language moved from U(5).

U(4)(a) is deleted because the language was moved to U(3)(a).

U(4)(b) is deleted because the language was moved to U(3)(b).

U(4)(c) is deleted because the language was moved to U(3)(c).

U(4)(d) is deleted because the language was moved to U(3)(d).

U(4)(e) is deleted because the language was moved to U(3)(e).

U(4)(f) is deleted because the language was moved to U(3)(f).

U(4)(g) is deleted because the language was moved to U(3)(g).

U(4)(h) is deleted because the language was moved to U(3)(h).

U(4)(j) is deleted because the language was moved to U(3)(i).

U(5) is revised to delete language moved to U(4) and to include language moved from U(6).

U(5) is renumbered as U(4) and revised to remove the reference to disposal facilities, as this Regulation is not designed to regulate facilities that dispose of infectious or other waste.

U(6) is revised to delete language moved to U(5) and separate requirements.

U(6) is revised to describe how untreated waste must be handled.

U(7) is revised for grammatical consistency.

U(7)(a) is revised to reduce redundancy.

U(7)(b) is revised for clarity of language.

U(7)(c) is revised to include the word “and” at the end.

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U(7)(d) is revised to delete the word “and” at the end.

U(7)(e) is renumbered U(8) because it is a separate statement from the rest of U(7) and is revised to put actions in order of priority.

U(7)(e) is deleted because the language was moved to U(8).

U(8) is revised to include text originally in U(7)(e) and to delete text moved to U(9).

U(8) is renumbered as U(9) and revised for clarity and the requirement to submit a training protocol is moved to Section W. The requirement to submit training documentation is deleted as an unnecessary burden, as that documentation can be checked during a regular inspection.

U(9) is revised to include text originally in U(8) and to delete text moved to U(10).

U(9) is renumbered as U(10) and revised for clarity of language and to separate requirements.

U(10) is revised to include text originally in U(9) and to delete language moved to U(10)(a), (b), and (c).

U(10)(a) is revised to include text originally in U(10) and to delete language moved to U(11)(a).

U(10)(b) is revised to include text originally in U(10) and to delete language moved to U(11)(a).

U(10)(c) is revised to include text originally in U(10) and to delete language moved to U(11)(a).

U(10)(d) is deleted and the text moved to create U(11)(d).

U(10)(e) is deleted and the text moved to create U(11)(e).

U(11) is revised to include text originally in U(10), to delete language moved to U(12), and revised for clarity of language.

U(11)(a) is created to include text originally in U(10)(a) and revised for grammatical consistency.

U(11)(b) is created to include text originally in U(10)(b) and revised for clarity of language and grammatical consistency.

U(11)(c) is created to include text originally in U(10)(c) and revised for clarity of language and grammatical consistency.

U(11)(d) is created to include text originally in U(10)(d).

U(11)(e) is created to include text originally in U(10)(e) and revised to simplify and clarify language.

U(11) is renumbered as U(12) and revised for clarity of language.

U(12) revised to include text originally in U(11) and to delete text moved to U(13).

U(12) is renumbered as U(13) and revised for clarity of language and grammatical consistency.

U(13) is revised to include text originally in U(12) and to delete text moved to U(13)(a), U(13)(b), U(13)(c), and U(14).

U(13)(a) is created from language originally in U(12), revised to delete the requirement of a bound log book, and revised to include changes from internal review for the Governor's Regulatory Review Task Force, and to delete language moved to U(14)(a).

U(13)(b) is revised to include text from U(12)(a) and to delete text moved to U(14)(b).

U(13)(c) is revised to include text from U(12)(c) and to delete language moved to U(14)(c).

U(13) is renumbered U(14) and revised for clarity of language.

U(14)(a) is created from language moved from U(13)(a).

U(13)(b) is created from language moved from U(13)(b).

U(13)(b) is renumbered as U(14)(b) and revised to use the correct term.

U(14)(c) is created from language moved from U(13)(c) revised to recognize that the Infectious Waste Program would not be issuing authorizations to landfills and should not be setting requirements.

U(13)(c) is renumbered as U(14)(c) and revised to recognize that the Infectious Waste Program would not be issuing authorizations to landfills and should not be setting requirements.

U(14) is renumbered as U(15) and revised for clarity of language.

U(14)(a) is renumbered as U(15)(a) and revised for clarity of language and grammatical consistency.

U(14)(b) is renumbered as U(15)(b) and revised to separate requirements and include the requirement that pressure be recorded during treatment.

U(14)(c) is renumbered as U(15)(c) and revised to require calibration for pressure gauges and thermometers annually. The requirement to calibrate thermometers annually was originally in U(14)(b).

U(15)(d) is created to require that steam sterilizers meet manufacturer's specifications for treatment or prove that treatment is effective, if specifications are not available or need to be updated. Requirements for treatment are moved from U(14)(b) and revised to allow flexibility for updates of technology.

U(14)(d) is renumbered to U(15)(e).

U(14)(e) is renumbered as U(15)(f) and revised to match current biological naming standards and for clarity.

U(14)(f) is renumbered as U(15)(g) and revised to update and specify citations.

U(14)(g) is renumbered as U(15)(h) and revised for grammatical and formatting consistency.

V. Intermediate Handling Facilities Standards.

The section title is revised for grammatical consistency.

V(1) is revised to specify the citation and for grammatical consistency.

V(2) is revised for clarity and to pull a common factor out of the following requirements, so that it does not have to be repeated in each phrase.

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V(2)(a) is revised for internal grammatical consistency.

V(2)(b) is revised for internal grammatical consistency.

V(2)(c) is revised for internal grammatical consistency.

V(2)(d) is revised for internal grammatical consistency.

V(2)(e) is revised for a more complete description of the plan required.

V(2)(f) is deleted as redundant with V(2)(e).

V(2)(g) is renumbered as V(2)(f), revised for technical consistency, and revised to add the word “and” at the end.

V(2)(h) is renumbered as V(2)(g) and revised for grammatical consistency.

V(2)(i) and (j) are deleted. A contingency plan is required in the permit application and an intermediate handling facility should not be generating waste for disposal.

V(3) is revised for clarity of language.

V(4) is revised for clarity and grammatical consistency, to add Department approval to the closure process, and to separate requirements.

V(5) is revised from language originally in V(4) and revised to reflect that the Program does not regulate facilities that dispose of infectious waste.

V(5) is renumbered as V(6).

V(6) is revised for clarity of language.

V(5)(a) is renumbered as V(6)(a) and revised to reduce redundancy.

V(5)(b) is renumbered as V(6)(b) and revised to use clearer language.

V(5)(c) is renumbered as V(6)(c) and revised to include “and”.

V(5)(d) is renumbered as V(6)(d) and revised to delete “and”.

V(5)(e) is renumbered as V(7) because it should be a separate requirement and revised to put actions in order of priority and for clarity of language.

V(6) is renumbered as V(8), revised for clarity, and the requirement to submit a training protocol is moved to Section W. The requirement to submit training documentation is deleted as an unnecessary burden, as that documentation can be checked during a regular inspection.

V(7) is renumbered as V(9).

V(9) is revised to clarify responsibilities, for grammatical consistency, and to separate requirements.

V(9)(a) is created from language originally in V(9).

V(9)(b) is created from language originally in V(9).

V(9)(c) is created from language originally in V(7).

V(8) is renumbered as V(10) and revised for grammatical consistency.

V(9) is renumbered as V(11) and revised for clarity of language and to separate requirements.

V(9)(a) is deleted and the language is moved to V(11)(b).

V(9)(b) is deleted and the language is moved to V(11)(c).

V(10) is created from text originally in V(8).

V(11)(a) is created from language in V(11) and revised for clarity.

V(11)(b) is created from language in V(9)(a) and revised to ease the burden of disinfecting the cargo-carrying body of the vehicle if more than one transport route is driven per day. Facilities are still required to disinfect spilled waste immediately.

V(11)(c) is created from language in V(9)(b) and revised to use more precise language.

W. Permit Applications and Issuance.

W(1) is revised to include intermediate handling facilities in the requirement for a permit to be consistent with the rest of the regulation.

W(1)(a) through (d) are added to describe requirements for demonstration of need. These are derived from the requirements for solid waste facilities.

W(1)(a) is created to provide a geographical boundary for demonstration of need.

W(1)(b) is created to provided a maximum yearly treatment capacity.

W(1)(b)(i) is created to include the host county in a permitted treatment facility's yearly treatment capacity.

W(1)(b)(ii) is created to include some of the waste treatment of surrounding counties in a permitted treatment facility's yearly treatment capacity.

W(1)(c) is created to provide conditions under which a permitted treatment facility can request an expansion of their yearly treatment capacity.

W(1)(d) is created to provide conditions under which a short-term variance can be provided to a treatment facility's permitted capacity.

W(2) is revised for grammatical consistency and formatting.

W(3) is revised for clarity of language.

W(3)(a) is revised for grammatical consistency.

W(3)(b) is revised for clarity of language.

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W(3)(c) is revised to remove the word “or” at the end.

W(3)(d) is revised for clarity and to add the word “or” at the end.

W(3)(e) is created from language in W(4), as it is also an exemption from demonstration of need.

W(4) is deleted and the language moved to W(3)(e).

W(5) is renumbered W(4) and revised to allow forms other than Department-generated forms.

W(6) is renumbered W(5) and revised to clarify that the operations manual must be reviewed by the Department and that Section U and Section V each have instructions for the manual for the respective facilities.

W(7) is renumbered as W(6).

W(7)(a) is renumbered as W(6)(a) and revised for grammatical consistency.

W(7)(b) is renumbered as W(6)(b) and revised for grammatical consistency.

W(7)(c) is renumbered as W(6)(c).

W(7)(d) is renumbered as W(6)(d) and revised for formatting consistency and to remove the reference to disposal, as no infectious waste treatment facility would also be a final disposal facility for treated infectious waste.

W(7)(e) is renumbered as W(6)(e) and revised to elucidate which governmental body should have priority.

W(7)(f) is renumbered as W(6)(f) and revised to remove disposal from the processes that the facility can use with infectious waste.

W(7)(g) is renumbered as W(6)(g) and revised to remove disposal from the ways to handle infectious waste.

W(7)(h) is renumbered as W(6)(h) and revised to delete the requirement for a quality assurance and quality control report, as this was included in the requirements in Sections U and V. The requirement for training program requirements was added, moved from Sections U and V.

W(7)(i) is renumbered as W(6)(i) and revised to point to the new definition of ‘contingency plan’, to remove the specific requirement for a flood plan, as that may not be the most likely hazard for all facilities, and for grammatical consistency.

W(7)(j) is renumbered as W(6)(j).

W(7)(k) is renumbered as W(6)(k).

W(7)(l) is renumbered as W(6)(l).

W(7)(m) is renumbered as W(6)(m) and revised to better lead to the requirements for a treatment facility’s closure plan in (i) and (ii).

W(7)(m)(i) is renumbered as W(6)(m)(i) and revised to include closure procedures in the closure plan, which were not previously required.

W(7)(m)(ii) is renumbered as W(6)(m)(ii) and revised to give more detail to the requirements foreclosure cost estimates, including that they be based on permit conditions and industry pricing.

W(6)(n) is added to require treatment facilities to provide their Employer Identification Number upon registration, if they have one, to allow better identification and tracking of business identities and for consistency with Department specifications.

W(6)(o) is added to require treatment facilities to provide an email address, if they have one, to allow easier and better communication between the Department and the facility.

W(7)(n) is renumbered to W(6)(p) and revised to allow the Department to request information.

W(8) is renumbered as W(7) and revised to specify the citation and for grammatical consistency and to add expansion as a condition that would require notifying the Department..

W(7)(a) through W(7)(n) are deleted because the text is moved to W(6)(a) through W(6)(o).

W(9) is renumbered as W(8) and revised for formatting consistency.

W(10) is renumbered as W(9) and revised, based on the hazardous waste regulation, for clarity of language.

W(11) is renumbered as W(10) and revised to allow more flexibility for renewal permit applications.

W(12) is renumbered as W(11) and revised to separate requirements for clarity. A requirement is added that financial responsibility coverage must be in place before a final permit will be issued. The Department is given the ability to use financial responsibility coverage to provide better protection for the health and safety of the public and the environment if the owner or operator is in violation of permit requirements.

W(12), (13), and (14) are added from requirements originally in W(11).

W(13) is renumbered as W(15) and revised so that it is explicitly required that at no time should a permittee operate without financial responsibility coverage.

W(14) is renumbered as W(16) and revised for clarity and to explicitly allow the Department the ability to approve or deny requests for new waste streams.

X. Permit by Rule.

X(1) is revised to clarify that facilities that properly treat infectious waste but then send it for further treatment do not need a permit by rule and for grammatical consistency.

X(2) is revised for grammatical consistency.

X(2)(a) is revised for technical consistency and to clarify the citation.

X(2)(b) is revised so that the waste stored or disposed of by a permit by rule facility does not count toward the seventy-five percent that must have been generated onsite.

X(2)(c) is revised for grammatical consistency and for internal technical consistency.

X(2)(d) is revised for clarity of language and for internal technical consistency.

X(2)(d)(i) is revised for clarity of language and for internal technical consistency.

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X(2)(d)(ii) is revised to allow for the possibility that a generator may accept waste from more than one type of facility.

X(2)(d)(iii) is revised to delete “and”.

X(2)(d)(v) is added to require facilities that treat waste under permit by rule to inform the Department of the method of treatment at the time of their notification.

X(3) is revised to clarify the citations and for grammatical consistency.

X(4) is revised for grammatical and technical consistency and to clarify the citations.

Y. Manifest Form Requirements For Permitted Treatment Facilities.

Y(1) is revised for grammatical consistency.

Y(2) is revised for clarity of language.

Y(2)(a) is revised for internal grammatical consistency.

Y(2)(b) is revised for internal grammatical consistency.

Y(2)(c) is revised for internal grammatical consistency.

Y(3) is revised for clarity and grammatical consistency.

Y(4) is revised for grammatical consistency.

Y(4)(f) is revised to explain what the representative is certifying.

Y(4)(g) is revised to allow for the possibility that the manifest is present but incorrect or that the treatment facility representative does not know the reason behind the manifesting issues.

Z. Reporting For Permitted Treatment Facilities.

Z(1) is revised to specify where in the Act the fees for permitted treatment facilities can be found.

Z(2) is revised for grammatical consistency.

Z(2)(a) is revised to clarify the requirement that permitted treatment facilities report the amount of waste accepted from each state rather than a total accepted and a list of those states.

AA. Inspections and Record Keeping.

AA(1) is revised for grammatical consistency.

AA(2) is revised to require facilities provide required documentation within 5 business days of a request and for grammatical consistency.

AA(3) is revised to reduce redundancy and for grammatical consistency.

AA(4) is revised to reduce redundancy and for grammatical consistency.

BB. Enforcement.

BB(1) is revised for grammatical and formatting consistency.

BB(2) is revised to reduce redundancy .

BB(2)(c) is revised for clarity of language.

CC. Variances.

CC(1) is revised to specify that variance requests must be written and that they may include more information than that required.

CC(1)(a) is revised for internal grammatical consistency.

CC(1)(b) is revised for internal grammatical consistency.

CC(1)(c) is revised for internal formatting and grammatical consistency.

CC(2) is revised to clarify the requirements for variance renewal requirements.

DD. Fees Section.

“Section” is deleted from the title for formatting consistency. Language is revised for formatting consistency and moved for stylistic consistency.

EE. Appeals.

This section is deleted to be consistent with Department policy.

Notice of Public Hearing and Opportunity for Public Comment:

DHEC Staff-Conducted Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on October 21, 2016, from 9:00 a.m. to 11:00 am in Peeples Auditorium, third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-105, Infectious Waste Management Regulation.

Public Comment Period:

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to David Scaturro by mail at Division of Waste Management, Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0391; or by email at infectiouswaste@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016, the close of the public comment period.

Comments received at the forum and/or submitted in writing by the close of the comment period on October 24, 2016, no later than 5:00 p.m. as noticed above shall be considered by staff in formulating the final proposed regulations for public hearing on December 8, 2016, as noticed below. Comments received shall be submitted

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in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing noticed below.

Copies of the proposed amendments for public comment as published in the *State Register* on September 23, 2016 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Land and Waste Management topic and scan down to the proposed amendments of R.61-105. A copy can also be obtained by contacting Susan Jenkins at the above address or by email at infectiouswaste@dhec.sc.gov.

Notice of Public Hearing Pursuant to S.C. Code Section 1-23-111:

Interested members of the public and regulated community are also invited to make oral and/or written comments on the proposed amendments of 61-105 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 8, 2016. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

The proposed Regulation has no anticipated substantial fiscal or economic impact on the State or its political subdivisions. Implementation of these regulation amendments will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of these proposed amendments.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with S. C. Code Ann. Sections 1-23-115(C)(1)-(3) and (9)-(11) and 1-23-110(3)(h).

DESCRIPTION OF REGULATION: Proposed amendment of Regulation 61-105, Infectious Waste Management Regulations (R.61-105).

Purpose: These amendments seek to provide greater protections for the public, remove any perceived uncertainty with respect to existing provisions, and ensure consistency with U.S. Department of Transportation regulations.

Legal Authority: The legal authority for R.61-105 is 1976 Code Sections 44-93-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. An electronic copy of R.61-105, which includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. At this site, click on the Land and Waste category and scroll down to R.61-105. Subsequently, this Regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office.

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

The proposed amendments are needed to realize the following anticipated benefits:

1. The Department proposes to amend R.61-105 to require facilities that qualify for permit by rule to notify the Department of the type of treatment they will utilize and the requirements will be clarified for any waste facilities that are treating waste and then sending it offsite for further treatment. This will reduce the burden on these facilities while providing more information to the program about how waste is being treated in the State.
2. The Department proposes to amend R.61-105 to include body art facilities (tattoo and body piercing) in the types of facilities that generate infectious waste. According to Health Licensing Regulations S.C. Regulation 61-109, Standards for Permitting Body Piercing Facilities and S.C. Regulation 61-111, Standards for Licensing Tattoo Facilities, these facilities must meet the requirements of this Regulation. They are added to the definition of regulated infectious waste in this Regulation for consistency.
3. The Department proposes to amend R.61-105 to include a timeframe for records to be provided to the Department after an inspection. The program allows some flexibility for generators to provide paperwork if the primary contact is unavailable or records are stored offsite but wants to maintain consistency between inspectors for the timeframe for those records to be provided.
4. The Department proposes to amend R.61-105 to add timeframes to the requirements for variances and alternative treatment technology approvals, including expiration and opportunities for renewal. The program intends for these approvals to be reviewed periodically to provide opportunities to review changes to technology and best industry practices. This will allow the program to set these timeframes while still allowing facilities the opportunity to renew approvals if they so desire.
5. The Department proposes to amend R.61-105 to allow better communication with facilities and tracking of facilities. A requirement that facilities provide an email address will allow cheaper and more consistent communication with the regulated community. The requirement that facilities provide their Employer Identification Number is to provide consistency with Department standards.
6. The Department proposes to amend R.61-105 to revise and clarify annual reporting requirements for treatment facilities to require amounts of waste treated to correspond to the state of origin. This will provide information to the Department about how much waste from out of state is being sent to South Carolina for treatment. Facilities that treat waste through steam sterilization will be required to record the pressure during the treatment process as well as having the pressure gauge calibrated annually. These records are already required for temperature and are already being provided by the permitted treatment facility in the State.
7. The Department proposes to amend R.61-105 to ensure consistency with Department of Transportation regulations. These include marking and packaging requirements, exemptions for materials of trade, certain non-commercial transport, and transporter insurance requirements.
8. The Department proposes to amend R.61-105 to give protocol requirements for generators more specificity. The Regulation requires that regular generators have a protocol. The program intends to provide guidance about what should be included in that protocol.
9. The Department proposes to amend R.61-105 to clarify demonstration of need requirements and make them more consistent with those of other similar programs.
10. The Department proposes to amend R.61-105 to clarify the definition(s) and requirements for storage of waste. There are certain types of containers that are appropriate for waste collection but not storage. The amendments clarify this distinction.

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11. The Department proposes to amend R.61-105 to revise financial assurance documentation requirements to better protect the Department and South Carolina residents. The amendments clarify this language adds the requirement that a facility will not receive a final permit until financial assurance coverage is in place.

12. The Department proposes to amend R.61-105 to update the standards for waste treatment technologies. These technologies are always being studied and upgraded. The amendments give treatment facilities the flexibility to utilize the most up-to-date technologies and practices while still requiring thorough treatment.

13. The amendments allow transporters to only disinfect their vehicles once a day, while still requiring immediate disinfection of visible debris and now requiring a log to be kept of disinfection. The requirement that transporters submit training documentation annually is removed, as inspectors check for these records during regular inspections.

14. The Department proposes to amend R.61-105 to revise requirements for handling product of conception waste and add specific requirements for treatment and documentation relating to this waste.

15. The Department proposes to amend R.61-105 to make stylistic changes to include corrections for internal consistency, clarification, references, codification, and spelling to improve the overall text of the Regulation, as well as to add or clarify definitions of terminology used in the Regulation.

16. The Department proposes to amend R.61-105 to add a table of contents.

The above amendments are reasonable to realize the above benefits because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community, and support Department goals.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated increased costs to the state and its political subdivisions associated with the implementation of these amendments. The proposed changes in the Regulation affect operational procedures by regulated facilities and would protect public health and the environment. There may be some increased costs for generators who were not packaging waste to meet U.S. Department of Transportation requirements. There are no other anticipated increased costs to generators.

There would be anticipated savings to transporters who would no longer have to disinfect their cargo-carrying body if more than one load of waste is carried per day. There also may be savings to governmental bodies transporting waste, due to exemptions by U. S. Department of Transportation. There may be an increased cost to transporters to purchase a log to record disinfection of the cargo-carrying body.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State, its political subdivisions, or the regulated community.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to R.61-105 seek to support the Department's goals relating to protection of the environment and public health through the anticipated benefits highlighted above.

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

If these amendments are not implemented, possible detrimental effects on the environment and public health include failure to realize the anticipated benefits highlighted above.

Statement of Rationale:

The Department proposes amending R.61-105, Infectious Waste Management to provide greater protections for the public, remove any perceived uncertainty with respect to existing provisions, and ensure consistency with U.S. Department of Transportation regulations.

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. 4668

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

61-47. Shellfish

Preamble:

Regulation R.61-47 was last substantively amended on June 26, 2015. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. For South Carolina shellfish to be acceptable for interstate and international commerce, the regulation must be consistent with the requirements of the National Shellfish Sanitation Program (NSSP), as determined by the US Food and Drug Administration (FDA).

The Department proposes to amend R.61-47 to provide further clarification and specific technical requirements regarding the harvesting and handling of molluscan shellfish during the warmer months of the year (*i.e.*, months that require additional temperature controls). The amendments will allow for the harvest of molluscan shellfish during months that require additional temperature controls in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of molluscan shellfish. The amendment will include a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment will update the reference date for the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish from 2013 to 2015 (the latest version of the document). The amendment will include stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

A Notice of Drafting for this proposed regulation was published in the *State Register* on May 27, 2016.

Section-by-Section Discussion of Proposed Regulations

61-47.A.2(II).

The amendment is to change the reference date of the document to the latest version of the document.

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61-47.C.1(f)

This amendment is added to require harvesters to have Department approved annual training and certified shippers to only receive shellfish from harvesters that have completed Department approved annual training. The annual training for harvesters will include a discussion of state regulations and overview of best practices for the safe and sanitary harvesting and handling of shellfish. The training is needed given the more stringent harvesting and handling requirements on the harvester during the warmer months of the year. The training will be provided at no cost to the harvesters.

61-47.C.2.(b)

Two subsections (61-71.C.2.(b) and (c)) are combined to create this new subsection. This amendment is to improve readability and to more clearly explain the meaning of shellstock temperature control and how and when shellstock temperature control is to be applied by certified shippers.

61-47.C.2.(c)

This subsection includes the same text found in the first sentence in the current subsection 61-47.C.2.(c)(1).

61-47.C.2.(d)

This subsection is added to clarify that the months that require additional temperature controls will be determined annually and presented in the South Carolina Vibro Control Plan. This plan uses existing data, such as air and water temperatures, to develop the procedures that South Carolina will follow to reduce the health risk posed by Vibro bacteria to the consumers of shellfish harvested in the state. The plan is a requirement for South Carolina to remain in compliance with the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

61-47.C.2.(e)

This text is new and clarifies that only maricultured shellfish and clams of the species *Mercenaria mercenaria*, unless other clam species are approved by Department, can be harvested in the state during months that require additional temperature controls.

61-47.C.2.(e)(1)

This subsection includes similar text to the text found in the second and third sentences of the current item 61-47.C.2.(c)(1) and describes the temperature control requirements for clams during months that require additional temperature controls. Text is added to clarify that clams in this subsection means clams of the species *Mercenaria mercenaria*. This is the only clam species commercially harvested in the state and is specifically required to have controls for Vibro bacteria by the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. The text does allow the Department to consider other clam species under this subsection.

61-47.C.2.(e)(2)

This subsection is new text and includes technical requirements for the harvesting and handling of maricultured oysters during months that require additional temperature controls. These harvesting and handling requirements are based on the following: the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish that is administered by the U.S. Food and Drug Administration (FDA), the Vibro bacteria risk calculator provided by FDA, requirements used by other states for months that require additional temperature controls, and consultation with FDA Shellfish Specialists.

61-47.C.2.(e)(3)

This subsection is new text and allows other maricultured shellfish to be harvested during months that require additional temperature controls in the same manner as maricultured oysters as described in item 61-47.C.2.(e)(2). The subsection does allow other requirements to be used if approved by the Department.

61-47.C.2.(f)

This is a new subsection with a new heading to clarify the contents of this subsection.

61-47.C.2.(f)(1) and (2)

These subsections include text found in the current regulation under items 61-47.C.2.(c)(2) and (3). These items are moved to this subsection to provide clarity about the purpose of the items and to accommodate new subsection that have been added.

61-47.C.2.(g)

Subsection renumbered and subsection cross reference renumbered to match amended text.

61-47.C.2.(h)

Subsection renumbered.

61-47.C.2.(i)

Subsection renumbered.

61-47.C.2.3(c)(b)(4)

Subsection cross reference added to include newly added text.

61-47.I.4

Wording change to be consistent with wording of amended text in C.2.(b).

61-47.I.5

Subsection cross reference added to include newly added text and renumbered subsection.

61-47.I.6

Subsection cross reference renumbered to match amended text.

61-47.I.7

Subsection cross reference renumbered to match amended text.

61-47.O.6.(a)

Text is added to clarify that the required operation plan should include the operational requirements found in 61-47.C.2.(e)(2).

61-47.O.6.(e)

Change punctuation.

61-47.O.6.(f)

This subsection is added to require the operational plan to include the record keeping procedures that will be used to document compliance with the requirements found in item C.2.(e)(2).

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are provided an opportunity to submit written comments on the proposed regulation by writing to Charles Gorman, P.G., Bureau of Water, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by e-mail at gormancm@dhec.s.gov. To be considered, written comments must be received no later than 5:00 p.m. on October 24, 2016 the close of the public comment period. Written comments received by the October 24, 2016 deadline shall be considered by the Department in formulating the final proposed regulations for public hearing on December 8, 2016 as noticed below. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the State Register on September 23, 2016, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. In the Update, click

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on the Water category and scan down to the proposed amendments of R.61-47. A copy can also be obtained by contacting Charles Gorman at the above address, by calling (803) 898-3993, or by email at gormancm@dhec.sc.gov.

Interested members of the public and regulated community are also invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on December 8, 2016. The Board will conduct the public hearing, Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

Implementation of these amendments may require additional resources to support the increased number of field and facility compliance inspections needed to monitor the increased shellfish harvesting and sales during the warmer months of the year. For example, inspections will be needed to ensure maricultured shellfish are brought under temperature control in accordance with the regulation to protect public health. The resource demands on the Department and State government will depend on how much the shellfish industry grows and harvesting activities increase during the warmer months of the year in response to the additional business opportunities created by these amendments.

Statement of Need and Reasonableness:

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9) through (11):

DESCRIPTION OF REGULATION:

Purpose: The Department proposes to amend R.61-47 to provide further clarification and specific technical requirements regarding the harvesting and handling of molluscan shellfish during the warmer months of the year (*i.e.*, months that require additional temperature controls). The amendments will allow for the harvest of molluscan shellfish during months that require additional temperature controls in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of molluscan shellfish. The amendment will include a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment will update the reference date for the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish from 2013 to 2015 (the latest version of the document). The amendment will include stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

Legal Authority: 1976 Code Section 44-1-140.

Plan for Implementation:

Upon approval by the General Assembly and publication in the State Register as final regulations, a copy of R.61-47, to include these amendments, will be available electronically on the Department's internet site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water/> under the Water

category and subsequently in the Code of Regulations of the S.C. Code of Regulations. Printed copies will be available 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 proposed amendments are needed and reasonable because they will allow the South Carolina shellfish industry to expand their markets through the sale of maricultured oysters harvested during the warmer months of the year in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of molluscan shellfish. Historically, South Carolina oysters have not been available for sale during the warmer (summer) months of the year. Oysters currently are available for purchase during the summer in South Carolina and other states. These oysters are obtained from other states that allow the summer harvest of oysters. Most other states that produce oysters allow the summer harvest of oysters for sale and consumption. Oysters harvested during summer months in other states are harvested and handled under more restrictive conditions than oysters harvested during non-summer months to protect the consumers of summer oysters. The proposed amendments will include more restrictive harvesting and handling requirements for the summer months to protect public health.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments may require additional resources to support the increased number of field and facility compliance inspections needed to monitor the increased shellfish harvesting and sales during the warmer months of the year. For example, inspections will be needed to ensure maricultured shellfish are brought under temperature control in accordance with the regulation to protect public health. The resource demands on the Department and State government will depend on how much the shellfish industry grows and harvesting activities increase during the warmer months of the year in response to the additional business opportunities created by these amendments.

External Costs: There will be external costs for implementing the amendments to this regulation. The external costs will be incurred by shellfish harvesters and certified shippers that decide to expand their operations to participate in the harvesting, handling or sale of shellfish, especially maricultured oysters, during the warmer months of the year. However, these costs will be offset by the below External Benefits.

External Benefits: The amendments will provide the South Carolina shellfish industry the opportunity to sell South Carolina maricultured oysters during months of year when, historically, South Carolina oysters have not been available for sale.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated detrimental effect on the environment.

The amendments can effect public health by allowing the public to consume South Carolina maricultured oysters that have been harvested during the warmer months of the years. Naturally occurring harmful bacteria, such as Vibro bacteria, occur at higher levels in shellfish during the warmer months due to the higher water and air temperatures. Vibro bacteria can cause severe illness or death if consumed by individuals with compromised immune systems. The amendments include more restrictive harvesting and handling requirements for Shellfish during the warmer months of the year to mitigate the increased risk posed by harmful bacteria, especially Vibro bacteria, during those months.

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

There is no anticipated detrimental effect on the environment.

If the amendments are not implemented, there will be no detrimental effect on public health because molluscan shellfish harvesting and sales during the warmer months would remain limited to only clams as is currently the case in South Carolina.

Statement of Rationale:

The Department is amending this regulation to provide further clarification and specific technical requirements regarding the harvesting and handling of molluscan shellfish during the warmer months of the year (i.e., months that need additional temperature controls). These amendments will allow the South Carolina shellfish industry to expand their markets through the sale of maricultured oysters harvested during these warmer months of the year in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of molluscan shellfish.

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. 4669

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq. and 44-41-10 et seq.

61-12. Standards for Licensing Abortion Clinics.

Preamble:

Regulation 61-12 has not been substantively updated since 1996. This amendment is necessary to update definitions, references, and codification. The amendment may also revise requirements for obtaining licensure, compliance for licensure, accident and incident reporting requirements, abortion reporting, inspections and violations, complaint reporting, patient rights, infection control, inservice training, record maintenance and retention, personnel requirements, fire and life safety requirements, and construction design requirements. The Department also intends to add language to incorporating current provider-wide exceptions and memoranda applicable to abortion clinics. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

A Notice of Drafting was published in the *State Register* on April 22, 2016.

Section-by-Section Discussion of Proposed Amendments

The title was amended for regulatory consistency and clarity.

Statutory authority for this regulation was added under the title of the regulation and before the table of contents.

TABLE OF CONTENTS

The table of contents was updated to reflect amended sections.

61-12.100. DEFINITIONS AND LICENSE REQUIREMENTS (formerly 61-12.PART I)

Section title was amended for clarity.

61-12.101. Definitions

The definitions of 101.C Administrator, 101.D Administering Medication, 101.H Controlled Substance, 101.I Consultation, 101.M Health Assessment, 101.O Inspection, 101.P Investigation, 101.Q Legally Authorized Healthcare Provider, 101.R License, 101.T Licensed Nurse, 101.W Nonlegend Medication, 101.X Physical Examination, 101.BB Procedure Room, 101.DD Quality Improvement Program, 101.EE Recovery Area, 101.FF Repeat Violation, 101.GG Responsible Party, 101.HH Revocation of License, 101.II Staff Member, and 101.JJ Suspension of License were added. The definitions of 101.B Abortion Clinic, 101.E (formerly 101.C) Allied Health Professional, 101.N (formerly 101.K) In Loco Parentis, 101.S (formerly 101.L) Licensee, 101.V (formerly 101.N) Minor, 101.Y (formerly 101.O) Physician, 101.Z (formerly 101.P) Pregnancy, 101.AA (formerly 101.Q) Probable Gestational Age of the Embryo or Fetus, 101.KK (formerly 101.S) Trimester, and 101.LL (formerly 101.T) Viability have been amended. The definitions of 101.I Fire Safety Authority and 101.J Hospital have been deleted. The remaining definitions were renumbered to adjust the codification.

61-12.102.A. License

Section 102.A was amended to delineate the scope of licensure and to prohibit facilities from providing care or services prior to the effective date of licensure.

61-12.102.B. Compliance

New Section 102.B was added to require that all facilities comply with licensing standards as well as applicable local, state, and federal laws, codes, and regulations.

61-12.102.C. Compliance with Structural Standards

New Section 102.C was added to allow facilities licensed at the time of promulgation of these regulations to continue utilizing the previously-licensed structure without modification.

61-12.102.D. Licensed Capacity

New Section 102.D was added to require facilities to obtain authorization from the Department when the number of procedure rooms exceeds the licensed capacity.

61-12.102.E. Issuance and Terms of License (formerly 61-12.102.B)

Section 102.E (formerly 102.B) was relocated and amended to clarify the licensure terms and provisions relating to multiple facilities and license placement within the facility.

61-12.102.F. Facility Name (formerly 61-12.102.J)

Section 102.F was relocated from former Section 102.J and delineates the requirements for facility names.

61-12.102.G. Application (formerly 61-12.Chapter 9)

Section 102.G was relocated from former Chapter 9 and clarifies the requirements of the license application.

61-12.102.H. Licensing Fees (formerly 61-12.102.E)

Section 102.H (formerly 102.E) was relocated and amended to delineate licensure fees, require that the fees be made payable by check or money order, and to allow the Department to charge a fee for plan reviews, construction inspections, and licensing inspections. Section 102.H (formerly 102.E) also requires that the renewal license fee include the renewal license fee plus any outstanding inspection fees.

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61-12.102.I. Late Fee

Section 102.I was added to require a late fee of seventy-five dollars (\$75.00) or twenty-five percent (25%) of the licensing fee amount, whichever is greater, for failure to submit a renewal application after the licensure expiration date. Section 102.I further adds that continual failure to submit complete and accurate renewal applications and/or fees by the time period specified by the Department may result in an enforcement action.

61-12.102.J. License Renewal (formerly 61-12.102.H)

Section 102.J (formerly 102.H) was amended to require that where a license renewal is delayed due to enforcement actions, the renewal license shall be issued only when the matter has been resolved. Sections 102.J.1 and 102.J.2 were relocated from former Section 102.K and requires that a facility shall request issuance of an amended license by application to the Department prior to change of facility ownership or change of facility location and further requires that changes to the facility name or address shall be accomplished by application or by letter from the licensee.

61-12.102.K. Exceptions to Licensing Standards (formerly 61-102.L)

Section 102.K was relocated from former Section 102.L and clarifies the exceptions to these standards.

61-12.102.C. Effective Date and Terms of License

This section has been deleted as its requirements have been incorporated elsewhere.

61-12.102.D. Separate Licenses

This section has been deleted as unnecessary.

61-12.102.F. Inspections

This section has been deleted as its requirements have been incorporated elsewhere.

61-12.102.G. Initial License

This section has been deleted as unnecessary.

61-12.102.I. Noncompliance

This section has been deleted as unnecessary.

61-12.200. ENFORCEMENT OF REGULATIONS

New Section 200 was added outline procedures for enforcement of the regulation.

61-12.201. General

Section 201 was added to allow the Department to utilize inspections, investigations, consultations, and other documentation to enforce the regulation.

61-12.202. Inspections and Investigations

Section 202.A requires that facilities be inspected prior to initial licensing. Section 202.B states that facilities are subject to inspection or investigation at any time without prior notice by authorized individuals. Section 202.C delineates the requirements of facility accessibility for inspectors. Section 202.D describes the written plan of correction for facilities that are found noncompliant. Section 202.E outlines the confidentiality requirements of reports of inspections or investigations. Section 202.F was added to delineate existing inspection fees.

61-12.300. ENFORCEMENT ACTIONS (formerly 61-12.103)

New section title was added to clarity and consistency.

61-12.301. General (formerly 61-12.103)

Section 301 was relocated from the introductory paragraph of former Section 103.

61-12.302. Violation Classifications

Sections 302.A (formerly 103.A), 302.B (formerly 103.B), 302.C (formerly 103.C), 302.D (formerly 103.D), and 302.E (formerly 103.E) were amended to adjust the codification and delineate the different classes of violations. Section 302.F (formerly 103.F) was amended to update the monetary penalty ranges and conform to codification. Former Section 103.G was deleted as unnecessary.

61-12.400. POLICIES AND PROCEDURES (formerly 61-12.PART II)

Section title amended for clarity and consistency and to update codification. Section 400.A (formerly 201.A) was amended to requiring facilities to develop policies and procedures and delineates the requirements thereof. Section 400.B (formerly 201.B) delineates the required policies for the abortion procedure.

61-12.500. STAFF

New Section 500 title was added for clarity and consistency.

61-12.501. General

Section 501.A requires that the facility have appropriate staff in numbers and training to meet the needs and conditions of the patients at all times. Section 501.B requires that the facility assign duties and responsibilities to all staff members and volunteers in writing. Section 501.C requires that the facility maintain a written employment application for all employees.

61-12.502. Administrator (formerly 61-12.202)

Former Section 202 was rewritten and separated out for easier readability. Section 502.A requires that the facility have an administrator to ensure regulatory compliance. Section 502.B requires that there be a staff member designated in writing to act in the absence of the administrator. Section 502.C delineates the requirements for changing administrators.

61-12.503. Facility Staff

Section 503.A was relocated from former Section 205.A. Section 503.B was relocated from former Section 205.E. Section 503.C was relocated from former Section 205.B.

61-12.504. Physicians

Section 504.A was relocated from former Section 205.C.1. Section 504.B (formerly 205.C.3) requires that a physician sign the discharge order and be readily accessible and available until the past patient has been discharged. Section 504.C was relocated from former Section 205.C.2. Section 504.D was relocated from former Section 205.F.

61-12.505. Nursing Staff

Section 505.A was relocated from former Section 205.D.2. Section 505.B was added to require that the nursing staff be assigned duties consistent with their scope of practice as determined through their licensure and education. Section 505.C was relocated from former Section 205.D.3.

61-12.506. Inservice Training

Section 506.A was added to require that training for the tasks each staff member performs shall be conducted. Section 506.B was added to delineate the specific required training and to require documentation thereof. Section 506.C requires that all licensed nurses possess a valid CPR certificate within three (3) months from the first day on the job in the facility. Section 506.D requires that there be a registered nurse or allied health professional with a valid advanced cardiac life support credential on duty in the facility whenever patients are present. Section 506.E requires that all new staff members have documented orientation to the facility within twenty-four (24) hours of their first day on the job in the facility.

61-12.507. Health Status

Section 507.A requires that all staff members having patient contact have a health assessment within twelve (12) months prior to initial patient contact. Section 507.B requires that the health assessment include a tuberculin

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skin test. Section 507.C allows for copies of health assessment records when a staff member works at multiple facilities owned by the same licensee.

61-12.600. REPORTING

New Section 600 was added to delineate the facility's reporting requirements.

61-12.601. Accidents and/or Incidents

Section 601.A requires the facility to report and maintain a record of each accident and/or incident for six (6) years. Section 601.B requires the facility to submit an online report of the accident and/or incident to the Department within five (5) days of the occurrence and includes a non-exhaustive list of the accidents and/or incidents requiring reporting. Section 601.C delineates the information required to be reported. Section 601.D requires the facility to report each accident and/or incident resulting in unexpected death or serious injury to the next of kin or responsible party, as well as to the Department, within twenty-four (24) hours.

61-12.602. Abortions and Fetal Deaths

Section 602.A was relocated from former Section 403.A.1 and amended to require that abortions be reported to the Bureau of Vital Statistics within seven (7) days after the abortion. Section 602.A.1 delineates the information required to be reported. Section 602.A.2 delineates the penalties for failing to report abortions. Section 602.B (formerly 403.A.2) was amended to require that fetal deaths be reported pursuant to the standards in Regulation 61-19, Vital Statistics.

61-12.603. Communicable Diseases

New Section 603 was added to require that all cases of reportable diseases be reported to the appropriate county health department in accordance with Regulation 61-20, Communicable Diseases.

61-12.604. Facility Closure

Section 604.A was added to requires facilities to notify the Department in writing prior to the permanent closure of a facility and to require the facility to notify the Department within ten (10) days of closure of the provisions for the maintenance of the facility records. Section 604.B was added to delineate the requirements of facilities temporarily closing.

61-12.605. Zero Census

New Section 605 requires that when there have been no patients in the facility for a period of ninety (90) days or more, the facility shall notify the Department in writing that there have been no patients no later than the one hundredth (100th) day following the date of the last procedure.

61-12.700. PATIENT RECORDS (formerly 61-12.CHAPTER 4)

Section 700 was relocated from former CHAPTER 4 and retitled for clarity and consistency.

61-12.701. Consent of the Patient (formerly 61-12.206)

Section 701.A was relocated from former Section 206. Section 701.B was added to allow for consent to be waived if a physician determines that a medical emergency exists involving the life of or a grave or physical injury to the woman or the pregnancy is a result of incest.

61-12.702. Abortion Performed Upon Minors (formerly 61-12.207)

Section 702 was relocated from former Section 207.

61-12.703. Content (formerly 61-12.401)

Section 703.A was relocated from former Section 401 and amended to delineate the general requirements of records in the facility. Section 703.B (formerly 401.A) was amended to delineate the specific entries required for records of patients in the facility. Section 703.B.1.d (formerly 401.A.1) was amended to require a unique medical record identifying number instead of a social security number. Section 703.C was relocated from former Section 401.C.

61-12.704. Dissemination of Information (formerly 61-12.208)

Section 704 was relocated from former Section 208.

61-12.705. Authentication of Patient Records

Section 705.A requires that each document generated be separately authenticated. Section 705.B delineates the accepted methods of authentication. Section 705.C delineates the requirements for using electronic or computer-generated signature codes for authentication purposes. Section 705.D outlines the requirements for utilizing rubber stamp signatures.

61-12.706. Record Maintenance (formerly 61-12.402)

Section 706 was relocated from former Section 402 and was rewritten and separated out for easier readability. Section 706.A delineates the storage requirements for records. Section 706.B requires that a transfer summary accompany patients when being transferred to an emergency facility. Section 706.C delineates confidentiality requirements for records. Section 706.D refers to requirements for records from third party contractors. Section 706.E allows facilities to determine the storage medium for records. Section 706.F delineates records requirements upon patient discharge. Section 706.G delineates record retention requirements. Section 706.H states that patient records are property of the facility and shall not be removed without a court order.

61-12.800. CARE, TREATMENT, PROCEDURES, AND SERVICES (formerly 61-12.PART III)

Section 800 was relocated from former PART III and retitled for clarity and consistency.

61-12.801. General

Section 801.A requires that care, treatment, procedures, and/or services be performed safely in accordance with orders from physicians or other legally authorized healthcare providers. Section 801.B requires that the facility comply with all current federal, state, and local laws and regulations. Section 801.C requires a written agreement when the facility engages outside sources for facility services.

61-12.802. Limitations of Services Offered by Abortion Facilities (formerly 61-12.302)

Section 802.A (formerly 302.A) was amended to require that Abortion Facilities only perform abortions on patients who are within eighteen (18) weeks from the first day of their last menstrual period unless the Abortion Facility is also licensed by the Department as an Ambulatory Surgical Facility. Section 802.B requires that an Abortion Facility also licensed by the Department as an Ambulatory Surgical Facility perform abortions in accordance with Chapter 41, Title 44 of the South Carolina Code of Laws.

61-12.803. Anesthesia Services

Section 803.A requires that anesthesia be administered pursuant to state law by a qualified anesthesiologist or an individual legally authorized to administer anesthesia. Section 803.B requires that a patient be attended by a physician after being administered anesthesia until the patient may be safely placed under post-procedure supervision by the nursing staff.

61-12.804. Laboratory Services (formerly 61-12.304)

Section 804.A (formerly 304.A) was amended to require that each facility provide or make arrangements for obtaining laboratory services required in connection with the procedure to be performed. Section 804.B (formerly 304.A.2) was amended to require that facilities conducting laboratory tests involving human specimens obtain a CLIA certificate. Section 804.C (formerly 304.B) was amended to require that prior to the procedure, laboratory tests for hematocrit or hemoglobin, and determination of Rh factor shall be administered. Section 804.D (formerly 304.C) was amended to require that testing for chlamydia and gonorrhea, syphilis serology, and papanicolaou be administered. Section 804.E was relocated from former Section 304.D. Section 804.F was relocated from former Section 304.F. Section 804.G was relocated from former Section 304.H.

61-12.900. MEDICATION MANAGEMENT (formerly 61-12.303)

Section 900 was relocated from former Section 303 and retitled for clarity and consistency.

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61-12.901. General

Section 901.A requires that medications be properly managed in accordance with local, state, and federal laws and regulations. Section 901.B delineates the requirements for nonlegend medications. Sections 901.C and 901.C.1 were relocated from former Section 303.E.1 and delineate the requirements of the facility physician with regard to controlled substances. Section 901.C.2 was relocated from former Section 303.E.2. Section 901.C.3 requires reporting theft or loss of controlled substances. Section 901.D was relocated from former Section 303.A and delineates the requirements of the emergency kit or cart. Section 901.E was relocated from former Section 303.A.2 and requires that applicable reference materials published within the previous year be available at the facility.

61-12.902. Medication Orders

Section 901.A requires that medications be administered only upon orders of a physician or other legally authorized healthcare provider. Section 902.B delineates the requirements for medication orders. Section 902.C prohibits medications and medical supplies ordered for a specific patient being provided to or administered to any other patient.

61-12.903. Administering Medication (formerly 61-12.303.B)

Section 903.A delineates the requirements of the medication administration record. Section 903.B delineates the requirements of records and record retention for stock controlled substances.

61-12.904. Pharmacy Services

Section 904 requires that facilities maintaining stocks of legend medications for use within the facility obtain and maintain a valid, current, nondispensing drug outlet permit.

61-12.905. Medication Storage (formerly 61-12.303.C)

Section 905.A delineates the general requirements for medication storage. Section 905.B delineates the refrigeration requirements for medications requiring refrigeration. Section 905.C requires that medications be properly stored and safeguarded to prevent access by unauthorized persons. Section 905.D requires that refrigerated medications adhere to temperatures as established by the U.S. Pharmacopeia. Section 905.E prohibits medications from being stored with poisonous substances. Section 905.F requires a review of medication storage areas by the consultant pharmacist at least monthly.

61-12.906. Disposition of Medications

Section 906.A prohibits retention of expired, damaged, or deteriorated medications and delineates the disposal requirements thereof. Section 906.B requires destruction records to be retained for at least two (2) years.

61-12.1000. RIGHTS AND ASSURANCES (formerly 61-12.209)

Section 1000.A requires the facility to comply with all relevant federal, state, and local laws and regulations concerning discrimination. Section 1000.B requires the facility to develop and post conspicuously a grievance or complaint procedure for patients. Section 1000.C requires that care, treatment, procedures, and/or services provided shall be delineated in writing and patients made aware of such as verified by the signature of the patient or responsible party. Section 1000.D delineates the required patient rights. Section 1000.E requires that the Statement of Rights of Patients be posted in a conspicuous place in the facility.

61-12.1100. EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS

New section title added for clarity and consistency.

61-12.1101. Emergency Services (formerly 61-12.305)

Section 1101.A (formerly 305.B) requires appropriate equipment to render emergency resuscitative and life support procedures pending transfer to a hospital. Section 1101.B (formerly 305.C) requires that the facility inform the local ambulance service of the nature of problems which may result from abortions.

61-12.1102. Disaster Preparedness (formerly 61-12.502)

Section 1102 was relocated from former Section 502 and amended to require that a facility that participates in a community disaster plan shall establish plans, based on its capabilities, to meet its responsibilities for providing emergency care.

61-12.1103. Emergency Call Numbers

Section 1103.A requires the facility to post emergency call data for the fire and police departments, ambulance service, and the Poison Control Center in a conspicuous place. Section 1103.B requires that other emergency call information be available, including the contact information of staff members to be notified in case of emergency.

61-12.1200. INFECTION CONTROL AND ENVIRONMENT (formerly 61-12.CHAPTER 6)

Section was retitled for clarity and consistency and renumbered to adjust the codification.

61-12.1201. Staff Practices

Section 1201.A requires the facility to ensure that staff uses preventive measures and practices in compliance with applicable guidelines of entities listed therein. Section 1201.B requires that when a patient has a communicable disease, a physician or other legally authorized healthcare provider shall ensure that the facility has the capability to provide adequate care. Section 1201.C requires the facility to designate a person to coordinate tuberculosis screening of personnel and any other tuberculosis control activities.

61-12.1202. Vaccinations

Section 1202.A requires that all direct care staff be vaccinated with the hepatitis B vaccination series unless the vaccine is contraindicated or an individual is offered the series and declines. Section 1202.B requires the influenza vaccination annually for all direct care staff unless the vaccine is contraindicated or the individual is offered the vaccine and declines. Section 1202.C requires vaccination or evidence of immunity for measles, rubella, and varicella, unless the vaccine is contraindicated or the individual is offered the vaccine and declines.

61-12.1203. Live Animals

Section 1203 prohibits live animals in the facility, but offers an exception for patrol dogs, guide dogs, or other service animals accompanying individuals with disabilities.

61-12.1204. Sterilization Procedures (formerly 61-12.602)

Section 1204.A (formerly 602.C) was amended to require that the accuracy of instrumentation and equipment be tested at least quarterly and periodic calibration and/or preventive maintenance shall be provided as necessary and a history of testing and service maintained. Section 1204.B (formerly 602.D) requires that the dates of sterilization and expiration be marked on all supplies sterilized in the facility. Section 1204.C (formerly 602.A) requires that the facility provide for appropriate storage and distribution of sterile supplies and equipment pursuant to facility policies and procedures. Section 1204.D requires cleaning and disinfection of equipment shall be accomplished.

61-12.1205. Tuberculosis Risk Assessment

Section 1205.A was added to require facilities to conduct an annual tuberculosis risk assessment in accordance with CDC guidelines. Section 1205.B was added to require that a risk classification be part of the risk assessment in determining the need for an ongoing TB screening program for staff and the frequency of screening.

61-12.1206. Staff Tuberculosis Screening (formerly 61-12.204.B)

Section 1206 was relocated from former Section 204.B and amended to delineate the current tuberculosis screening requirements for staff pursuant to CDC guidelines.

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61-12.1207. Housekeeping (formerly 61-12.604)

Section 1207.A (formerly 604.A) was amended to require that the facility and its grounds be uncluttered, clean, and free of vermin and offensive odors. Section 1207.B delineates the requirements for interior housekeeping. Section 1207.C delineates the requirements for exterior housekeeping.

61-12.1208. Infectious Waste

Section 1208.A was added to require that facilities register as an infectious waste generator as outlined in Regulation 61-105, Infectious Waste Management. Section 1208.B (formerly 605.D) was amended to require that accumulated waste, including all contaminated dressings, be managed and disposed of in a manner compliant with OSHA standards and in accordance with R.61-105.

61-12.1209. Clean and Soiled Linen and Surgical Clothing (formerly 61-12.603)

Section 1209.A (formerly 603.A) was amended to delineate the requirements for clean, sanitary linen and surgical clothing. Section 1209.B (formerly 603.B) delineates the requirements for storage and collection of soiled linen and surgical clothing.

61-12.1300. QUALITY IMPROVEMENT PROGRAM

Section 1300.A was added to require the facility to establish and implement a written plan for a quality improvement program for patient care. Section 1300.B requires an ongoing process for monitoring and evaluating patient care services, staffing, infection prevention and control, housekeeping, sanitation, safety, maintenance of physical plant and equipment, patient care statistics, and discharge planning services. Section 1300.C requires that evaluation of patient care be criteria-based. Section 1300.D requires a quarterly review of five percent (5%) of medical records of patients. Section 1300.E requires an evaluation by patients of care and services provided by the facility. Section 1300.F requires the administrator to review findings of the program to ensure that effective corrective actions have been taken. Section 1300.G requires the program to identify and establish indicators of quality care. Section 1300.H requires that the results of the program be submitted to the licensee for review at least annually.

61-12.1400. MAINTENANCE (formerly 61-12.503)

Section 1400 was relocated from former Section 503 and renumbered to adjust the codification.

61-12.1401. General (formerly 61-12.503.A)

Section 1401 was relocated from former Section 503.A and amended to require the facility to document preventative maintenance and comply with the provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

61-12.1402. Equipment Maintenance (formerly 61-12.503.B)

Section 1402 was relocated from former Section 503.B.

61-12.1500. FIRE PROTECTION AND PREVENTION (formerly 61-12.PART VII)

Section was relocated from former PART VII and renumbered to adjust the codification. Former Section 702 was deleted as it is no longer necessary.

61-12.1501. Firefighting Equipment and Systems (formerly 61-12.701)

Section 1501.D (formerly 701.D) was amended to require that fire extinguishers be installed in accordance with the codes and standards referenced in Section 1602. Sections 1501.D.2 (formerly 701.D.2), 1501.F.1 (formerly 701.F.1), and 1501.H (formerly 701.H) were amended to conform to drafting standards.

61-12.1502. Gas Storage (formerly 61-12.703)

Section 1502 was relocated from former Section 703 and amended to require that gases be handled and stored in accordance with the provisions of the codes and standards referenced in Section 1602.

61-12.1503. Fire and Disasters

Section 1503.A requires that the Department be notified immediately regarding any fire in the facility, followed by a complete written report, but not to exceed seventy-two (72) hours from the occurrence of the fire. Section 1503.B requires that an evacuation plan be posted in prominent places and staff members be trained as part of their responsibilities to guide patients to the designated exits. Section 1503.C requires the facility to notify the fire department and the fire code official immediately when a required fire protection system is out of service.

61-12.1600. DESIGN AND CONSTRUCTION (formerly 61-12.PART VIII)

Section 1600 was relocated from former PART VIII and renumbered to adjust the codification.

61-12.1601. General (formerly 61-12.801)

Section 1601 (formerly 801) was amended for clarity and consistency.

61-12.1602. Codes and Standards (formerly 61-12.802)

Section 1601.A (formerly 802.A) was amended to require that facility design and construction comply with applicable provisions of these regulations and the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal. Former Section 802.B was deleted as it is no longer necessary.

61-12.1603. Submission of Plans and Specifications (formerly 61-12.803)

Section 1603.A.1 (formerly 803.A.1) was amended to require that plans and specifications for new buildings, additions, or major alterations be prepared by an architect registered in South Carolina and shall bear his or her seal. Section 1603.B.1 (formerly 803.B.1) was amended to accepted drafting standards. Section 1603.B.2 (formerly 803.B.2) was amended to require that preliminary submissions include a code analysis and life safety plan. Section 1603.D (formerly 803.D) was amended for grammar. Section 1603.E (formerly 803.E) was amended to delineate the existing inspection fees required during the construction phase of a project and includes a chart of all existing construction-related inspection fees. The remaining items were renumbered to adjust the codification.

61-12.1604. Licensure of Existing Structures (formerly 61-12.804)

Section 1604 (formerly 804) was amended to one paragraph for clarity and consistency. Section 1604 (formerly 804) was amended to update a section reference and to require that, if required, plans submitted shall be in accordance with Section 1603.

61-12.1700. PHYSICAL PLANT

New section title was added for clarity and consistency.

61-12.1701. Physical Facilities (formerly 61-12.807)

Section 1701.A was added to require an adequate number of examination and procedure rooms in the facility. Section 1701.B requires that each procedure room be provided a suitable gynecological procedure table with adjustable examination lighting. Section 1701.C requires an area to be provided for use by nurses in preparing medications for patients and keeping medical records. Section 1701.D requires the facility to have an adequate number of recovery rooms. Section 1701.E requires a room for temporary storage of soiled linen and waste in covered containers. Section 1701.F requires an area to accommodate sterilization procedures. Section 1701.G requires a suitable dressing room space for physicians and nursing staff. Section 1701.H requires procedure and recovery rooms to be located on an exit access corridor. Section 1701.I requires an elevator in facilities occupying multi-storied buildings. Section 1701.J requires fixed or portable work surface areas in each procedure room. Section 1701.K requires that doors accessing the facility and procedure rooms be at least thirty-six (36) inches wide and corridors at least forty-eight (48) inches wide. Section 1701.N (formerly 807.O) was amended for drafting standards and to require that cleaning materials and supplies be stored in a safe manner and all harmful agents be locked away. Section 1701.P (formerly 807.Q) was amended for drafting standards. Former Sections 807.S and 807.T have been deleted as unnecessary. Section 1701.V (formerly 807.Y) was

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amended to require that interior finish materials comply with the codes and standards referenced in Section 1602. The remaining items have been renumbered to adjust the codification.

61-12.1702. Heating and Ventilation (formerly 61-12.807.L)

Section 1702.A (formerly 807.L.1) was amended to require that lighting, heating, and ventilation systems comply with the codes and standards referenced in Section 1602. Section 1702.B was relocated from former Section 807.L.3.

61-12.1703. Water Supply and Plumbing (formerly 61-12.808)

Section 1703.A (formerly 808.A) was amended for drafting standards. Section 1703.B.1 (formerly 808.B.1) was amended to refer to the codes and standards referenced in Section 1602.

61-12.1704. Emergency Power and Lighting Requirements (formerly 61-12.809)

Section 1704.C was added to allow a battery backup with a duration of ninety (90) minutes to satisfy the remaining requirements of Section 1704.

61-12.1705. Location (formerly 61-12.806)

Section 1705 was relocated from former Section 806.

Former 61-12.PART IX. PREREQUISITES FOR INITIAL LICENSURE

Former PART IX has been deleted as these requirements have been incorporated elsewhere in the regulation.

61-12.1800. SEVERABILITY

Section 1800 was added to allow the regulation to remain valid should it be determined that a portion of the regulation be invalid or unenforceable.

61-12.1900. GENERAL (formerly 61-12.PART X)

Section 1900 was relocated from former PART X and amended for grammar.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed regulation by writing to Gwen C. Thompson by mail at Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; by facsimile at (803) 545-4212; or by email at HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically on the Public Comments for Health Regulations page at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Interested persons may also make oral and/or written comments on the proposed amendments of R.61-12 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 8, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Copies of the proposed amendments for public comment as published in the State Register on September 23, 2016, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Health Facilities Regulations topic and scan down to the proposed amendments of R.61-12. A copy can also be obtained by contacting Gwen Thompson at the above address or by email at thompsgw@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness is based on an analysis of the factors listed in S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-12, *Standards for Licensing Abortion Clinics*.

Purpose: The purpose of these amendments to R.61-12 is to revise and clarify standards pertaining to abortion clinics. These proposed amendments provide updates to the definitions, requirements for obtaining and maintaining licensure, accident and/or incident reporting requirements, record maintenance and retention, patients’ rights, emergency procedures and disaster preparedness, infection control and sanitation, personnel requirements, design and construction, and fire and life safety. In addition, provisions have been amended for general clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Sections 44-41-10, et seq, and 44-7-110, et seq.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-12, which includes these latest amendments, will be available electronically on the Department’s Laws and Regulations website under the Health Regulations category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, this regulation will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department’s Freedom of Information Office. The Department will also send an email to stakeholders, affected services and facilities, and other interested parties.

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

Regulation 61-12 has not been substantively updated since 1996. Therefore, many of the procedures, practices, and terms are outdated and/or no longer applicable. The amendments further clarify and improve reporting requirements, patients’ rights, personnel requirements, record maintenance and retention, infection control and sanitation, inservice training, and emergency procedures and disaster preparedness. Additionally, amendments to design and construction, and fire and life safety are needed to comply with current codes and procedures.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. There are no anticipated additional costs to the regulated community. Amendments to R.61-12 improve patient rights and assurances, personnel requirements, inservice training, accident and/or incident reporting requirements, update

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emergency procedures and disaster preparedness planning, and update design, construction, and fire and life safety measures to comply with current procedures and codes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-12 seek to support the Department's goals relating to the protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

Statement of Rationale:

The Department proposes amending R.61-12, *Standards for Licensing Abortion Clinics*. The amendments update R.61-12 to incorporate best practices while ensuring protection of public health. The amendments address issues regarding licensure requirements, personnel requirements, inservice training, emergency procedures and disaster preparedness planning, accident and/or incident reporting ambiguities, lessen the burden regarding design and construction requirements, and update the design, construction, and fire and life safety to current codes and standards.

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.D

Document No. 4670

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards

Preamble:

The Department proposes to amend R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the Federal Clean Water Act ("CWA"). In accordance with Section 303(c)(2)(B) of the CWA, the Department reviews, and amend at its discretion, this regulation once every three years in order to incorporate desirable most recently published Federal criterion recommendations and guidance. Hence, this review process is often referred to as the "triennial review." The Department proposes to adopt a revised standard for ambient water quality criteria for the protection of human health for ninety-four chemical pollutants, and a revised standard for aquatic life water quality criteria for cadmium to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

A Notice of Drafting was published in the *State Register* on February 26, 2016. The notice was placed on the Department's water quality standards webpage and circulated to stakeholders and other interested parties. The Notice of Drafting was also published on the Department's Regulatory Page in its DHEC Regulation Development Update. Comments were received and used in the drafting of the proposed regulation.

Discussion of Proposed Revisions

Section Citation and Explanation of Change

(1) Revision of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

R.61-68 APPENDIX, Water Quality Numeric Criteria for the Protection of Aquatic Life and Human Health "Priority Toxic Pollutants", "Non Priority Pollutants" and "Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness-Dependent" - The proposed revised language is added to reflect the EPA's most recent recommendations and guidance concerning ambient water quality criteria for the protection of human health for ninety-four chemical pollutants and concerning aquatic life water quality criteria for cadmium.

Notice of Public Hearing and Opportunity for Public Comment:

DHEC Staff-Conducted Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on October 24, 2016, at 1:00 p.m. in the Linton Room (4011), fourth floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-68, Water Classifications and Standards.

Public Comment Period:

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Andrew Edwards at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by email at edwardaj@dhec.sc.gov or fax at (803) 898-4215.

Comments received at the forum and/or submitted in writing by the close of the comment period on October 24, 2016, no later than 5:00 p.m. shall be considered by staff in formulating the final proposed regulations for public hearing on December 8, 2016, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing noticed below.

Copies of the proposed amendments for public comment as published in the State Register on September 23, 2016, may be obtained in the Department's Regulation Development Update on the Department's Regulatory Internet site under the Water category at: <http://www.dhec.sc.gov/Agency/RegulationsAnd/RegulationDevelopmentUpdate/>. A copy can also be obtained by contacting Andrew Edwards, Water Quality Standards Coordinator at the above address or by calling (803) 898-1271, or by email at edwardaj@dhec.sc.gov.

Notice of Public Hearing Pursuant to S.C. Code Section 1-23-111:

Interested members of the public and regulated community are also invited to make oral and/or written comments on the proposed amendments of 61-68 at a public hearing to be conducted by the Board of Health and

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Environmental Control at its regularly scheduled meeting on December 8, 2016. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005):

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-68, *Water Classifications and Standards*.

Purpose: Proposed amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the Federal Clean Water Act ("CWA").

Legal Authority: 1976 Code Sections 48-1-10 et seq.

Plan for Implementation: The proposed amendments would be incorporated within R.61-68 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the present regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

The Department proposes these amendments in accordance with 33 U.S.C. Section 303(c)(2)(B) of the CWA. The proposed amendments to R.61-68 include the following:

- Modification and adoption of federal ambient water quality criteria for the protection of human health for ninety-four chemical pollutants to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA. This modification amends R.61-68 APPENDIX, Water Quality Numeric Criteria for the Protection of Aquatic Life and Human Health Priority Toxic Pollutants and Non Priority Pollutants.
- Modification and adoption of federal aquatic life water quality criteria for cadmium to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA. This modification amends R.61-68 APPENDIX, Water Quality Numeric Criteria for the Protection of Aquatic Life and Human Health Priority Toxic Pollutants.

The proposed changes to R.61-68 relating to human health criteria and cadmium criteria are reasonable because the stated criteria in the amendments are based on sound scientific principles and comply with the goals of 33 U.S.C. Sections 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes reflect the EPA's most recent criteria.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment to R.61-68, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing standards would have incurred similar cost or the fact that the standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System ("NPDES") permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna in the State as well as the citizens of South Carolina.

Statement of Rationale:

The Department proposes to amend R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the Federal Clean Water Act ("CWA"). In accordance with Section 303(c)(2)(B) of the CWA, the Department reviews, and amends at its discretion, this regulation once every three years in order to incorporate desirable most recently published Federal criterion recommendations and guidance. Hence, this review process is often referred to as the "triennial review." The Department proposes to adopt a revised standard for ambient water quality criteria for the protection of human health for ninety-four chemical pollutants, and a revised standard for aquatic life water quality criteria for cadmium to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

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.

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Document No. 4671

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 43-9-510

61-94. WIC Vendors

Preamble:

The Department of Health and Environmental Control (“Department” or “DHEC”) proposes amending Regulation 61-94, WIC Vendors. These amendments will incorporate provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265) and the final rule published by the U.S. Department of Agriculture (USDA) in 2014 that revised the WIC food packages. The final rule also contained WIC vendor provisions and amendments to ensure adequate and appropriate monitoring of the Program’s food delivery system. Stylistic changes to the regulation are also proposed.

A Notice of Drafting for these proposed amendments was published in the *State Register* on July 22, 2016.

See Statements of Need and Reasonableness and Rationale herein.

Section-by-Section Discussion of Proposed Amendments:

The statutory authority for this regulation is added under the title of the regulation.

TABLE OF CONTENTS:

The table was revised to reflect the proposed amendments.

61-94.101 Definitions

Section 61-94.101(C) - Amended to update the Federal name of the program.

Section 61-94.101(D) - Amended to update the State name of the program.

Section 61-94.101(F) - Amended to remove food as part of a store’s title.

61-94.201 Approval of Vendors

Section 61-94.201(B)(1) - Amended to add that a vendor can request an application by phone.

Section 61-94.201(B)(2) - Amended to include the documents that are included in the vendor application packet.

Section 61-94.201(B)(3) - Amended to state that all WIC vendors must be authorized to accept SNAP, with the exception of pharmacies.

Section 61-94.201(B)(4) - Deleted

Section 61-94.201(B)(4) - New 61-94.201(B)(4) and re-numbered 61-94.201(B)(4) – 61-94.201(B)(17). Amended to ensure that an employee of a store shall not handle a WIC transaction if that employee is also employed by the WIC Program.

Section 61-94.201(B)(6) - New #61-94.201(B)(5) - Amended to state that a WIC vendor applicant must pass a pre-approval visit before authorization.

Section 61-94.201(B)(5) – Re-numbered 61-94.201(B)(9) to 61-94.201(B)(5)

Section 61-94.201(B)(7) - Deleted

Section 61-94.201(B)(8) - Deleted

Section 61-94.201(B)(10) - New # 61-94.201(B)(7) – Amended to update terminology.

Section 61-94.201(B)(11) - New # 61-94.201(B)(8)

Section 61-94.201(B)(12) - New # 61-94.201(B)(9) – Amended to add store type by Region.

Section 61-94.201(B)(13) – New # 61-94.201(B)(10) – Amended to update terminology.

Section 61-94.201(B)(14) – New # 61-94.201(B)(11) – Amended to update terminology.

Section 61-94.201(B)(15) - New # 61-94.201(B)(12) – Added to require South Carolina location.

Section 61-94.201 (B)(16) - New # 61-94.201(B)(13) – Added to require business hours of operations (as stated in the Vendor agreement).

Section 61-94.201(B)(17) - New # 61-94.201(B)(14) – Amended to add language that a vendor or its management cannot have any convictions or civil judgments that indicate a lack of business integrity.

Section 61-94.201(B) - Added # 61-94.201(B)15(i)-(xv) - Amended to update/revise the list of allowable foods that are authorized for the WIC Program. This section was re-numbered to adjust the codification.

Section 61-94.201(C)(1) – Amended to update the name of the Program.

Section 61-94.201(C) – Added # 61-94.201(C)(4) to include the requirement that a store complete and submit a price survey twice a year.

61-94.301 Redemption of Food Instruments

Section 61-94.301(A) – Amended to state that a vendor can only provide foods as specified in the WIC Food Guide.

Section 61-94.301(E) – Amended to clarify that a manual food instrument should not be accepted without a program stamp.

Section 61-94.301(G) – Deleted

Section 61-94.301(J)(1) – Amended to delete trading stamps as a promotional item.

61-94.401 Submitting Food Instruments for Payment

Section 61-94.401(A) – Revised the method in which the vendor receives payment for food instruments redeemed.

Section 61-94.401(B) – Amended to clarify when the vendor must stamp the food instrument.

Section 61-94.401(C) – Deleted

61-94.501 Payment of Food Instruments

Section 61-94.501(A) - Revised the language on the rejection of food instruments when improperly redeemed by the vendor.

Section 61-94.501(A)(1) – Revised to add clarifying language.

Section 61-94.501(A)(2) – Revised to add clarifying language.

Section 61-94.501(A)(3) – Revised for clarity.

Section 61-94.501(A)(4) - Revised to add clarifying language.

Section 61-94.501(A)(7) – Revised to update the language.

Section 61-94.501(A)(8) – Deleted

Section 61-94.501(A)(10) – Deleted

Section 61-94.501(A) - New # 61-94.501(A)(10) - Amended to add that food instruments deposited more than thirty days after the “Void After” date will be rejected.

Section 61-94.501– Amended to add items 61-94.501(B) through 61-94.501(E) to provide guidance on when a claim against a vendor can be established.

61-94.601 Correction of Rejected Food Instruments

Section 61-94.601(A) – Revised to delete unnecessary language.

Section 61-94.601(B) – Revised to add clarifying language.

61-94.701 Monitoring of Vendors

Section 61-94.701(A) – Revised to delete unnecessary language.

Section 61-94.701(B) – Revised for clarity.

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61-94.801 Disqualifications

61-94.801 Amended section title to read “Disqualifications and Sanctions”

Section 61-94.801 – This section was amended to include the mandatory vendor sanctions as stipulated by federal regulations.

Section 61-94.801(B) – 61-94.801(F) – statements deleted

Section 61-94.801 – Added new areas numbered 61-94.801(B) – 61-94.801(E) to include additional reasons for vendor sanctions and disqualifications.

61-94.901 Program Violations

Section 61-94.901 – Revised to delete repetitive language.

Section 61-94.901(1) – Deleted re-numbered 61-94.901(1) - 61-94.901(3)

Section 61-94.901(2) – Changed to # 61-94.901(1)(i) – 61-94.901(1)(vii) – Revised to update the point value for violations.

Section 61-94.901(3) – Changed to # 61-94.901(2)(i) – 61-94.901(2)(ix) – Revised to update the violations and add clarifying language.

Section 61-94.901(4) – This section has been revised and moved to section 61-94.801.

61-94.1001 Administrative Appeals

Section 61-94.1001 – Revised to update the appeals process.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are provided an opportunity to submit written comments on the proposed amendments of R.61-94 by writing to Berry Kelly, Director, Division of WIC Services, South Carolina Department of Health and Environmental Control, 2100 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0383; or by e-mail at kellybb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 24, 2016, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing noticed below.

Interested persons are also invited to make oral and/or written comments on the proposed amendments of R.61-94 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on November 10, 2016. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

Copies of the proposed amendments for public comment as published in the *State Register* on July 22, 2016 may be obtained on the Department’s Regulatory Information Internet Site in the DHEC Regulation Development Update at [http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopment Update](http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate). Click on Maternal and Child Health topic and scan down for a copy of the proposed amendments of R.61-94. A copy can also be obtained by contacting Berry Kelly at the above address or by email at kellybb@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

The proposed amendments will have no substantial fiscal or economic impact on the State. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness and Rationale was determined by staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to R.61-94, *WIC Vendors* includes provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265) and the interim rule published by the USDA, Food and Nutrition Services in the Federal Register that revised the WIC food packages. The interim rule also contained WIC vendor provisions and amendments to ensure adequate and appropriate monitoring of the Program’s food delivery system. Stylistic changes will be made, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legal Authority: The legal authority for R.61-94 is S.C. Code Section 43-5-910.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the *State Register*. This revised regulation, to include these latest amendments, will be published on the Department’s Laws and Regulations website under the Maternal and Child Health category and on the S.C. Legislature Online website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office.

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

The proposed amendments are needed to realize the following anticipated benefits:

1. The amendments update R.61-94 to include provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) that require the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group and other vendor related provisions to ensure program integrity.
2. The amendments include revisions to the WIC food packages as published in the interim rule by the USDA, Food and Nutrition Services in the Federal Register. The revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics.
3. The Department proposes vendor related amendments. The vendor provisions and amendments will be implemented to ensure adequate and appropriate monitoring of the Program’s food delivery system to prevent fraud, waste and abuse from occurring and to safeguard program benefits.

The above amendments are reasonable to realize the above benefits because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community.

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DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these proposed amendments. Amendments to R.61-94 will benefit the regulated community and the general public by implementing provisions to ensure program integrity. Participants served by the Program will benefit from these amendments by the provision of more nutritious foods.

The amendments also include corrections or clarity and readability and make technical corrections to ensure consistency with existing federal regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The changes are not anticipated to have any negative effect on the environment or public health.

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

There is no anticipated detrimental effect on the environment or public health associated with these amendments.

Statement of Rationale:

The Department proposes amending R.61-94, *WIC Vendors*, as a result of vendor related provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) and an interim rule, published by the United States Department of Agriculture, Food and Nutrition Services in the Federal Register on December 6, 2007, revising the WIC food packages. The vendor related amendments of this interim rule were implemented to prevent fraud, waste and abuse of program benefits. The amendments will also include stylistic changes.

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. 4665

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities.

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-307.1, which provides examples of the application of the sales tax imposed on various charges by hotels, motels, and similar facilities to transient customers. Code Section 12-36-920(A) imposes a 7% sales tax on accommodations on the gross proceeds of rentals of rooms or lodgings provided by hotels, motels, and similar facilities; and Code Section 12-36-920(B) imposes a sales tax on certain additional guest charges.

Effective July 1, 2014, Act 172 of 2014 amended Code Section 12-36-920(B) to limit additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms; and amended Code Section 12-36-920(A) to provide that separately stated optional charges on a bill to a customer for amenities, entertainment, special items in promotional tourist packages, and other guest services are exempt from the 7% sales tax on accommodations.

The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department's position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of the new legislation.

Section-by-Section Discussion:

From 117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities – 1.Q. No Changes

1.A. Delete third sentence as unnecessary. No other changes.

2.Q.-5.Q. No changes.

5.A. Change second sentence for clarity. No other changes.

6.Q. No changes.

6.A. Change second sentence for clarity. No other changes.

7.Q. No changes

7.A. Change third sentence for clarity. No other changes.

8.Q. No changes.

8.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

9.Q. No changes.

9.A. Change third sentence to improve punctuation. Change fourth and fifth sentences in response to amendments made in 2014 to Code Section 12-36-920.

From In-room Movies - 10.Q. No changes.

10.A. Delete third sentence as unnecessary. No other changes.

11.Q.-14.Q. No changes.

14.A. Change first sentence to insert missing word. No other changes.

From Linens – 16.Q. No changes.

16.A. First paragraph. Change first sentence for clarity. No other changes.

Second paragraph. Change for clarity.

Third paragraph. No changes.

Fourth paragraph. Change second and third sentences to improve punctuation. No other changes.

Fifth paragraph. Change second sentence to insert missing word. No other changes.

Sixth paragraph. No changes to first and second sentences. Change third through seventh sentences in response to amendments made in 2014 to Code Section 12-36-920.

From Seventh paragraph – 17.Q. No changes.

17.A. Amend third sentence and separate into two sentences for clarity. No other changes.

18.Q. No changes.

18.A. Amend second sentence for clarity. No other changes.

From Newspapers - 19.Q. No changes.

19.A. Delete second sentence as unnecessary.

20.Q. No changes.

20.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

From Valet Parking - 22.Q. No changes.

22.A. Change in response to amendments made in 2014 to Code Section 12-36-920.

23.Q. No changes.

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23.A. Delete second and third sentences as unnecessary.

From Meeting Rooms - 26.A. No changes.

Other Services. Change heading for specificity.

27.Q.-28.A. No changes.

Add new category (Safes) with three questions and answers (29.Q.-31.A.).

Add new category (Other Charges) with five questions and answers (32.Q.-36.A.).

29.Q. Renumber as 37.Q. No other changes.

29.A. Change Question #30 in third sentence to Question #38. No other changes.

30.Q. Renumber as 38.A. No other changes

30.A. First paragraph. No changes.

Second paragraph. Change Question #29 in first sentence to Question #37. No other changes.

Third paragraph. Revise second sentence. No other changes.

The Notice of Drafting was published in the *State Register* on July 22, 2016.

Notice of Public Hearing and Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by 5:00 p.m. on Monday, October 24, 2016: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Monday, November 14, 2016 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to amend SC Regulation 117-307.1 concerning the sales tax on accommodations and "additional guest charges". The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: For 117-307.1. Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities.

Purpose: The purpose of this regulation proposal is to revise the provisions of SC Regulation 117-307.1 to comply with Act 172 of 2014, which limited the sales tax on additional guest charges to room service, laundering and dry cleaning services, in-room movies, telephone service, and rentals of meeting rooms, and to inform the public of the impact of the new legislation. Additional questions were added to address room refreshment bars, safes, and other issues. The information in the regulation is consistent with the department's position, as expressed in SC Revenue Ruling #14-5. The amendment would be effective July 1, 2014, which is the effective date of the new legislation.

Legal Authority: 1976 Code Section 12-4-320.

Plan for Implementation: After approval by the General Assembly and publication in the *State Register*, the regulation would be effective on July 1, 2014, the effective date of Act 172 of 2014.

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

The proposal to amend SC Regulation 117-307.1 is needed to ensure that the information provided to the public is consistent with the law. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to-date and consistent with the law.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of these regulations will not have an impact on state or local political subdivisions expenditures. Promulgation of these regulations will benefit the State and taxpayers by reducing taxpayer confusion that may result from having a published regulation that is in conflict with the law

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The purpose of this proposal is to amend the examples in SC Regulation 117-307.1 to exempt charges for (1) amenities, (2) entertainment, (3) special items in promotional tourist packages, and (4) other guest services from additional guest charges subject to sales tax in a manner consistent with changes made to Code Section 12-36-920 in 2014.

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. 4664
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

117-307. Hotels, Motels, and Similar Facilities.

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-307 to add a new subsection, 117-307.7, to address the application of the sales and use tax to hurricane rental insurance charges. The proposal addresses a change in policy due to the amendment of Code Section 12-36-920 by Act No. 172 of 2014. The proposal will summarize the treatment of both optional and mandatory hurricane rental insurance charges under Code Section 12-36-920.

86 PROPOSED REGULATIONS

Section-by-Section Discussion:

117-307.7. The Application of Tax to Hurricane Rental Insurance Charges Imposed by Hotels, Motels, and Other Facilities.

New Text.

Clarifies the application of the sales and use tax to optional and mandatory hurricane rental insurance.

The Notice of Drafting was published in the *State Register* on July 22, 2016.

Notice of Public Hearing and Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by 5:00 p.m. on Monday, October 24, 2016: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Monday, November 14, 2106 at 11:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to add SC Regulation 117-307.7 regarding the application of the sales and use tax to hurricane rental insurance charges under Code Section 12-36-920. The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: For **117-307: Hotels, Motels, and Similar Facilities.**

Purpose: To amend SC Regulation 117-307 to add a new subsection, 117-307.7, clarifying the application of the sales and use tax to hurricane rental insurance charges under Code Section 12-36-920.

Legal Authority: 1976 Code Section 12-4-320.

Plan for Implementation: After approval by the General Assembly and publication in the State Register, the regulation would be effective upon publication in the State Register.

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

The proposal to amend SC Regulation 117-307 is needed to ensure that the public has information concerning the application of the sales and use tax to hurricane rental insurance charges in light of recent changes to Code Section 12-36-920 enacted pursuant to Act No. 172 of 2014.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not have an impact on state or local political subdivisions expenditures. Promulgation of this regulation will also benefit the State and taxpayers by ensuring that the public has information concerning the application of the sales and use tax to hurricane rental insurance charges.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The purpose of this amendment to SC Regulation 117-307 is to address the application of the sales and use tax to hurricane rental insurance charges in light of recent changes to Code Section 12-36-920 enacted pursuant to Act No. 172 of 2014.

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.

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Filed: August 29, 2016 1:44pm

Document No. 4661

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 3 it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2016-17

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 3 - October 15, November 12 - November 26, December 15, 2016 - January 15, 2017

Bag Limit: Mourning Doves: 12 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 3 – October 15)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 1st season – Saturdays Only beginning Sept. 17. 2nd and 3rd seasons open Mon. – Sat. Sept. 10 is Wheelin Sportsmen Hunt Only and morning hunting will be allowed for this event.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 7, 21; Oct.5.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays only beginning Sept. 3. Field Closed Oct. 1. Open 2nd & 3rd seasons – Saturdays Only

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 3, 10; Oct. 15; Nov. 19; Sept. 24 is Wounded Warrior Hunt Only.

*DNR - Bonneau Ferry WMA. Sept. 3, 10, 24. All hunts are Youth Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 3, 10, Nov. 19, Dec. 17, Jan. 14. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons - Open Mon. – Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season –Saturdays Only beginning Sept. 3; 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Sept. 3, then Wednesdays Only beginning Sept. 14. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 3, 10; Oct. 1; Nov. 26; Dec. 31.

*SC Forestry Commission - Oak Lea WMA. Sept. 3, 10; Jan. 9.

COLLETON

DNR - Donnelley WMA. Sept. 3, 10; Oct. 1; Nov. 19.

DARLINGTON

DeWitt Property. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons-Saturdays Only. Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season- Saturdays Only beginning Sept. 3. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 3, 10; Oct. 8; Nov. 12.

HAMPTON

*DNR - Webb Wildlife Center. Sept. 3, 10, 28; Oct. 12; Nov. 19.

LAURENS

DNR Gray Court Field. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons open Mon. - Sat.

DNR Cliff Pitts WMA. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only beginning Sept. 3. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 3 & 21; Oct. 12; Nov. 23, Dec. 21; Jan. 11, Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

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U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

DNR Belfast WMA. Sept. 3, 10; Nov. 24, 25, 26. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only beginning Sept. 3. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 3. 2nd season – Open November 19 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Saturdays Only during statewide dove season beginning Sept. 3.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Entire WMA under Dove Area Regulations. Sept. 3 is Youth Hunt Only. Sept. 10; Oct. 1; Nov. 19; Dec. 31.

PICKENS

DNR Property-Rifle Range. Open Saturdays only during the statewide dove season beginning Sept. 3. Dove Hunting Only.

Clemson University - Gravely WMA - Causey Tract. Saturdays Only during statewide dove season beginning Sept. 3.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesdays only during the statewide dove season beginning Sept. 14.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only beginning Sept 3. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Sept. 3, 10, 17, 24. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field. Saturdays Only beginning Sept 3. Dove hunting only.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 3 is Youth Hunt Only. 1st season - Saturdays Only beginning Sept. 10. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A – 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field B – 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. Sept. 3 is Youth Hunt Only. 1st season - Saturdays Only beginning Sept. 10. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only beginning Sept. 3. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 12 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds. Pre-registration is no longer required for youth only hunts.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Power of Partnerships Field, September 3. No pre-registration required.

BERKELEY COUNTY YOUTH HUNT

Bonneau Ferry WMA - September 3, 10, 24. No pre-registration required.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA September 3, 10; Nov. 19; Dec. 17; Jan. 14. No pre-registration required.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA. September 3. No pre-registration required.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest Bland Tract Field 1 near Wedgefield, September 3. No pre-registration required.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 3. No pre-registration required.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 3. No pre-registration required.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding

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use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 3, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: August 29, 2016 1:45pm

Document No. 4662

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin September 1, it is necessary to file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

B. Game Zone 2

12. Delta South WMA

(a) ~~Deer Hunts~~ Archery Hunts for Deer

(i) ~~No open season except for hunters selected by drawing Sept. 15 - Sept. 30 either-sex.~~

(ii) ~~1 deer per day, either-sex~~

(b) Still Gun Hunts for Deer

(i) Nov. 1-Nov. 21, Wednesdays and Saturdays Only.

(ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.

(c) Small Game (no fox squirrels)

(i) Thanksgiving Day – Mar. 1

(ii) Game Zone 2 bag limits

13. Forty Acre Rock HP WMA

(a) Archery Hunts for Deer

- (i) Sept. 15 - Sept. 30, either-sex
- (b) Primitive Weapons for Deer
- (i) Oct. 1 - Oct. 10
- (c) Still Gun Hunts for Deer
- (i) Oct. 11 - Jan. 1
- (d) Small Game (no fox squirrels)
- (i) Game Zone 2 seasons and bag limits apply

C. Game Zone 3

13. Bonneau Ferry WMA

- (b) Adult/Youth Side

- (i) Still Gun Hunts for Deer

(1) Sept. 15 – Jan. 1, Wed., Fri. and Sat., entire week of Thanksgiving and 5 days before Christmas until Jan. 1, either-sex.

26. Wateree River Heritage Preserve WMA

- (f) Small Game (no fox squirrels)

- (i) ~~Thanksgiving~~ Jan. 2 - Mar. 1

- (ii) Game Zone 3 bag limits.

GENERAL REGULATIONS

2.8 On WMA lands, any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) ~~who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands.~~ Sight and voice contact must be maintained.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange, ~~except~~ Archery hunters during archery only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

WATERFOWL & DOVE REGULATIONS

10.7 Sandy Beach Waterfowl Area and the impoundments on Bonneau Ferry WMA are closed to public access from Nov. 1 - ~~Mar. 1~~ Feb. 8, except for special hunts designated by the Department.

Statement of Need and Reasonableness:

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

The amendment of Regulations 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

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Filed: August 29, 2016 1:45pm

Document No. 4663

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, and 50-11-2200

Emergency Situation:

These emergency regulations establish regulations on Department owned and leased lands that regulate public use to increase recreational opportunities and reduce natural resource impacts. The Department is increasing public use by adding two new properties, Liberty Hill WMA and Wateree River HP WMA. Since we are opening the properties to public use immediately, we must file these regulations as emergency. Authority to close Department properties is needed to protect human safety in event of emergency or hazardous conditions. Additionally, since fall and winter are periods of high use of public shooting ranges, immediate enactment of shooting range regulations is necessary for enhanced public safety.

Text:

REGULATION OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT

123-203. General Regulation.

P. Emergency closure of Department properties.

(1) The Department may close all or part of any WMA, state lake, shooting range or any other property for a special event, in cases of emergency or catastrophe, or any time human health and/or safety may be at risk.

123-204. Additional Regulations Applicable to Specific Properties.

N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

This subsection shall apply to all Department owned and leased land within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

(1) Camping.

(a) Backcountry camping by permit will be allowed at any time during the year that the main roads allowing access to the Jocassee Gorges are not opened in connection with big game hunting. Backcountry camping is allowed by permit only at any location within the Jocassee Gorges, except for any area closed for camping by the Department. Backcountry camping is defined as minimal impact camping. No fires are allowed and each permitted camper is responsible for camping in a manner that results in no trace of the camping activity being left after breaking camp. Backcountry campers must apply for camping permits over the Department internet site. No camping is permitted within twenty-five (25) feet of a stream, lake, or as posted by the Department.

(b) The Foothills Trail and the Palmetto Trail passes through portions of the Jocassee Gorges. Use of the Foothills Trail and the Palmetto Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trails and within one hundred feet of either side of the trails. Camping along the Foothills Trail and the Palmetto Trail is restricted to hikers while engaged in backpacking.

U. Samworth WMA.

(2) The mainland nature trail will be open ~~without day or time restriction~~ during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) to foot traffic only.

V. Santee Coastal Reserve.

(1) The Santee Coastal Reserve is open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) for limited public use year round except ~~during annually scheduled hunts. Notice of the hunts will be issued annually.~~ as listed below.

(2) Managed wetlands will be open for wildlife observation, bird watching, photography, or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department.

(3) The dikes around the waterfowl impoundments ~~and the canoe trail~~ will be closed, except by prior arrangement, during the period of November 1 through February 8 of the next year.

(4) Prior arrangements must be made with the Reserve Manager to use observation blinds for waterfowl.

(5) ~~The u~~Upland nature trails will be available during open periods stated above.

~~(6) The hiking/biking trail will also be available during open periods, however, it will be closed between the dates of November 1 and February 8.~~

~~(7)~~ The beaches on Cedar and Murphy Islands will be open year round, seven days a week.

~~(8)~~ Bicycles may be ridden on ~~nature~~upland trails year round and on dikes from February 9 - October 31.

(98) Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled waterfowl hunts. Fishing will be allowed during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset). Fishing is permitted on Murphy and Cedar Island beaches at any time on a year round basis.

~~(109) A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve. Primitive camping is allowed year round with no registration on the beaches of Murphy and Cedar Islands. Camping on the mainland portion is restricted to the designated campground. Registration is required at the campground self-serve kiosk. Advance registration is required for groups greater than 15 people.~~

(10) A permit is required for all camping. Primitive camping is available on Cedar and Murphy Islands beaches year round which requires no prior arrangement. All arrangements for camping should be made with the supervisor of the Santee Coastal Reserve.

AA. Victoria Bluff Heritage Preserve.

~~(1) Camping is allowed only during Department designated archery hunts. Gas lanterns and gas grills only may be used by campers.~~

~~(2)~~ No campfires or any other use of fire shall be allowed.

JJ. Daily use cards are required for all users of Hamilton Ridge WMA, Palachucola WMA, Webb WMA, ~~Victoria Bluff Heritage Preserve, Tillman Sand Ridge Heritage Preserve, Bonneau Ferry WMA, Bear Island WMA, Donnelley WMA, Great Pee Dee River Heritage Preserve, Lynchburg Savanna Heritage Preserve, Savage Bay Heritage Preserve, Belfast WMA, Congaree Bluffs Heritage Preserve, Marsh WMA, Woodbury WMA, Worth Mountain WMA,~~ and Santee Cooper WMA. Cards must be in possession while on the property and completed cards must be returned daily upon leaving the property.

KK. Liberty Hill WMA

(1) All terrain vehicles are prohibited.

LL. Wateree River HP WMA

(1) All terrain vehicles are prohibited.

(2) The waterfowl impoundments are closed to all public access from November 1 through March 1, except for scheduled hunts.

(3) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

(4) All users, including hunters and anglers must obtain and possess a day use pass upon entering the area and follow instructions on the pass. The completed form must be deposited in the designated container before leaving the area.

(5) Special events may be permitted by the Department.

(6) Horseback riding is prohibited except by special permit.

MM. Lewis Ocean Bay HP WMA

(1) Horseback riding is also allowed during the period January 2 through March 1, subject to the restrictions in Regulation 123-203, Paragraph G, sections (2) through (11).

123-211. Terms and Conditions for the Public's Use of Department Shooting Ranges.

A. The Department may construct shooting ranges on property it owns or leases for the purpose of providing public shooting opportunity. The following rules apply to Department firearm and archery ranges:

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(1) Ranges may only be used during open days and hours of operation. Open days and hours of operation shall be designated on signs and at least one of such signs will be posted at the entrance to each Department range.

(2) Where suitable, the Department may offer clay target shooting opportunities for the public. The Department may charge up to \$5.00 per 25 clay targets on shotgun ranges to recoup the cost of clay targets.

(3) Approved eye and ear protection must be used at all times by shooters and spectators.

(4) Visitors may not be under the influence of or in possession of alcoholic beverages, drugs, or other controlled substances. No alcoholic beverages, drugs, or any other controlled substances are allowed.

(5) All firearms entering or leaving the range must be unloaded and properly cased until on the firing line. All firearms must be unloaded and properly cased before leaving the firing line.

(6) Loading and unloading of the firearm may only be completed at the firing line with the muzzle pointed down range.

(7) All firearms must be unloaded and actions open while targets are being hung or checked. _____ (8) Persons under the age of 16 must be accompanied by an adult (age 21 or older) who is responsible for their actions. Persons under the age of 16 are not allowed to be on the firing line at any pistol range contained within a Department range facility. In addition, persons under the age of 21 in possession of a pistol on a Department range must be accompanied by an adult age 21 or older.

(9) Only paper or cardboard targets may be used.

(10) Incendiary or explosive targets are prohibited.

(11) All targets must be located so that a bullet will strike between the base of and halfway up the backstop/berm, so that no bullet strikes the ground in front of the backstop/berm.

(12) All visitors must clean up their areas. All targets, litter, and spent ammunition cases must be removed by the shooter before leaving.

(13) No shooter may fire from points other than designated firing points. Shooters may shoot targets in their lane only.

(14) Food, drinks, and tobacco products are prohibited on the firing line at all times.

(15) Climbing on berms or benches is prohibited.

(16) Open toed shoes are prohibited on the firing line.

(17) No firearm of a .50 caliber or greater may be used. Muzzle loaders above .50 caliber are allowed.

(18) The following ammunition types are prohibited: tracer, incendiary, explosive, armor piercing, or penetrator rounds.

(19) The possession of a fully automatic weapon is prohibited.

(20) Arrows with broadheads are prohibited on Department archery ranges.

(21) Any activity that would be considered to present a safety hazard is prohibited.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific Wildlife Management Areas and Heritage Preserves, new regulations must be filed to establish public use guidelines on new properties as well as defining and expanding use opportunities on existing properties. Since the properties are available for immediate public use, it is necessary to file these regulations as emergency so they take effect immediately. Fall and winter are periods of high use of public shooting ranges necessitating immediate enactment of shooting range regulations for enhanced public safety.

Fiscal Impact Statement:

This amendment of Regulation 123-204 will result in increased public recreational opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government. There may be minor economic impact to users of public shooting ranges in the form of a user fee for a voluntary activity.

Document No. 4650

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards

Synopsis:

Pursuant to the South Carolina Pollution Control Act, Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations. 42 U.S.C. Section 7416. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.

The Department has amended Regulation 61-62.1, *Section III, Emissions Inventory and Emissions Statements*; Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*; Regulation 61-62.5, *Standard No. 2, Ambient Air Quality Standards*; and the SIP, to codify federal amendments to these standards promulgated from January 1, 2015, through December 31, 2015.

The Department also made changes to: Regulation 61-62.1, *Section II, Permit Requirements*; Regulation 61-62.5, *Standard No.1, Emissions from Fuel Burning Operations*; and Regulation 61-62.5, *Standard No. 4, Emissions from Process Industries*, to address periods of excess emissions during startup, shutdown, or malfunction (SSM) events as required by the EPA in response to a national petition for rulemaking and to address a finding of substantial inadequacy (referred to as a ‘SIP call’) (80 FR 33840, June 12, 2015).

The Department also made other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

A Notice of Drafting for these amendments was published in the *State Register* on February 26, 2016.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Section II, Permit Requirements

Regulation 61-62.1, *South Carolina Designated Facility Plan and New Source Performance Standards*: Paragraph L.2. is amended to delete the entire sentence, in order to address the SSM SIP Call rule.

Regulation 61-62.1, *South Carolina Designated Facility Plan and New Source Performance Standards*: Paragraph L.3. is amended to delete the phrase “The affirmative defense of”; and amended to delete the lowercase “a” in an; and replace with upper case “A”. Paragraph L.3. is also amended to delete the phrase “shall be demonstrated” and replace with “may be documented” to read, “An emergency may be documented through

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properly signed, contemporaneous operating logs and other relevant evidence that verify:”, in order to address the SSM SIP Call rule.

Regulation 61-62.1, *South Carolina Designated Facility Plan and New Source Performance Standards*: Paragraph L.4. is amended to delete the entire sentence in order to address the SSM SIP Call rule.

Regulation 61-62.1, *South Carolina Designated Facility Plan and New Source Performance Standards*: Paragraphs L.3 through L.5 are renumbered in alpha-numeric order to account for the deleted paragraphs L.2 and L.4 and to ensure clarity and consistency.

Regulation 61-62.1, Section III, Emissions Inventory and Emissions Statements

Regulation 61-62.1, Section III, *Emissions Inventory and Emissions Statements*: Paragraph B.1.a. is amended to delete the word "potential" to ensure clarity within this section of the regulation. Table 1 is revised to lower the point source threshold for lead (Pb) emissions to 0.5 tons per year (tpy) of actual emissions. The purpose of this change is to match requirements of the Pb Ambient Air Monitoring Requirements rule (75 FR 81126; December 27, 2010), which required monitoring agencies to install and operate source-oriented ambient monitors near Pb sources emitting 0.5 tpy or more by December 27, 2011 (80 FR 8787; February 19, 2015). An additional column and a footnote are added to the table to clarify that the Pb threshold is based on actual emissions rather than potential emissions. Table 2 is amended to delete the phrase "(tpy potential to emit¹)" and replace with "(tons per year)" for clarity and consistency within this portion of the regulation.

Regulation 61-62.1, Section III, *Emissions Inventory and Emissions Statements*: Paragraph B.1.b. is amended to delete the word "potential" to ensure clarity within this section of the regulation.

Regulation 61-62.1, Section III, *Emissions Inventory and Emissions Statements*: Paragraph B.1.c. is amended to delete the word "potential" to ensure clarity within this section of the regulation. Table 2 is revised to lower the point source threshold for lead (Pb) emissions to 0.5 tons per year (tpy) of actual emissions by deleting "5" in the table and replacing with "0.5". The purpose of this change is to match requirements of the Pb Ambient Air Monitoring Requirements rule (75 FR 81126; December 27, 2010), which required monitoring agencies to install and operate source-oriented ambient monitors near Pb sources emitting 0.5 tpy or more by December 27, 2011 (80 FR 8787; February 19, 2015). An additional column and a footnote are added to the table to clarify that the Pb threshold is based on actual emissions rather than potential emissions. The footnotes are reordered for clarity and consistency. Table 2 is amended to delete the phrase "(tpy potential to emit¹)" and replace with "(tons per year)" for clarity and consistency within this portion of the regulation.

Regulation 61-62.1, Section III, *Emissions Inventory and Emissions Statements*: Paragraph B.2.e.x. is amended to delete the comma after the phrase "(December 17, 2008)" for correct punctuation and consistency within the regulation.

Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations

Regulation 61-62.5, *Standard No. 1, Emissions from Fuel Burning Operations*: Section I, Paragraph C. is amended to delete the entire first sentence in order to address the SSM SIP Call rule.

Regulation 61-62.5, *Standard No. 1, Emissions from Fuel Burning Operations*: Section IV, Paragraph A.1. is amended to add a hyphen between the words “Fuel” and “Fired” for consistency within the regulation.

Regulation 61-62.5, *Standard No. 1, Emissions from Fuel Burning Operations*: Section IV, Paragraph D.1. is amended to add a hyphen between the words “fuel” and “fired” for consistency within the regulation.

Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards

Table is revised for consistency with federal National Ambient Air Quality Standard by removing the information for the 1997 Ozone Standard and adding the information for the 2015 Ozone standard.

Regulation 61-62.5, Standard No. 3, Waste Combustion and Reduction

Regulation 61-62.5, *Standard No. 3, Waste Combustion and Reduction*:

Section IV, Paragraph A.2.g.(i) is amended to replace “analysis” with “analyses” for consistency within the regulation; and add a period to the end of the last sentence for correct punctuation.

Regulation 61-62.5, *Standard No. 3, Waste Combustion and Reduction*:

Section V, Paragraph J. is amended to replace the words “on site” with the word “on-site” for consistency within the regulation.

Regulation 61-62.5, *Standard No. 3, Waste Combustion and Reduction*:

Section VI, Paragraph D.3. is amended to add an apostrophe to the word “sources” for correct punctuation and consistency with the rest of the regulation

Regulation 61-62.5, *Standard No. 3, Waste Combustion and Reduction*:

Section IX, Paragraph A. is amended to replace the words “on site” with the word “on-site” for consistency within the regulation.

Regulation 61-62.5, *Standard No. 3, Waste Combustion and Reduction*:

Section IX, Paragraph C. is amended to replace the word “operating” with the word “operator” for consistency within this section of the regulation.

Regulation 61-62.5, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (c)(7), is amended to delete the semicolon and add a period for correct punctuation and consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (c)(8), is amended to delete the semicolon and add a period for correct punctuation and consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (c)(9), is amended to delete the semicolon and the word “and” and add a period for correct punctuation and consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (e), is amended to delete the word “semiannually” and replace with the word “semi-annually” for correct punctuation and consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (h)(2), is amended to delete the word “semiannually” and replace with the word “semi-annually” for correct punctuation and consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:

Section VIII, Paragraph (k), is amended to delete the word “District” and replace with the word “Regional” for consistency within this section of the regulation.

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Regulation 61-62.5, *Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)*:
Section IX, Paragraph (h)(9), is amended to delete the words “Record keeping” and replace with the word “recordkeeping” for consistency with the rest of the regulation.

Regulation 61-62.5, *Standard No. 4, Emissions from Process Industries*

Regulation 61-62.5, *Standard No. 4, Emissions from Process Industries*:
Section XI, paragraph D.4 is amended to delete the entire section in order to address the SSM SIP Call rule.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart A, Table, is amended to incorporate federal revisions at 80 FR 13671, March 16, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart F, Table, is amended to incorporate federal revisions at 80 FR 44771, July 27, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart J, Table, is amended to incorporate federal revisions at 80 FR 75178, December 1, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart Ja, Table, is amended to incorporate federal revisions at 80 FR 75178, December 1, 2015, by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart T, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart U, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart V, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart W, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart X, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart AAA, Table, is amended to incorporate federal revisions at 80 FR 13671, March 16, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart OOOO, Table, is amended to incorporate federal revisions at 80 FR 48262, August 12, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart PPPP is added in alpha-numeric order for consistency with federal regulations.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*:
Subpart QQQQ, Table, is added to incorporate a newly promulgated federal rule at 80 FR 13671, March 16, 2015 by reference.

Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*: Subpart TTTT, Table, is added to incorporate a newly promulgated federal rule at 80 FR 64509, October 23, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart A is amended to delete the word “Title” for consistency. Subpart A, Table, is amended to incorporate by reference federal revisions at 80 FR 37365, June 30, 2015; 80 FR 50385, August 19, 2015, 80 FR 56699, September 18, 2015; 80 FR 62389, October 15, 2015; 80 FR 65469, October 26, 2015; 80 FR 75178, December 1, 2015; and 80 FR 75817, December 4, 2015.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart N, Table, is amended to incorporate federal revisions at 80 FR 22116, April 21, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart Y, Table, is amended to incorporate federal revisions at 80 FR 75178, December 1, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart AA, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart BB, Table, is amended to incorporate federal revisions at 80 FR 50385, August 19, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart CC, Table, is amended to incorporate federal revisions at 80 FR 75178, December 1, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart DD, Table, is amended to incorporate federal revisions at 80 FR 14247, March 18, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart GG, Table, is amended to incorporate federal revisions at 80 FR 76151, December 7, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart LL, Table, is amended to incorporate federal revisions at 80 FR 62389, October 15, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart NN is amended to add a table to incorporate federal revisions at 80 FR 45279, July 29, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart DDD, Table, is amended to incorporate federal revisions at 80 FR 45279, July 29, 2015 by reference.

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Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart LLL, Table, is amended to incorporate federal revisions at 80 FR 44771, July 27, 2015; and 80 FR 54728, September 11, 2015, by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart NNN, Table, is amended to incorporate federal revisions at 80 FR 45279, July 29, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart RRR, Table, is amended to incorporate federal revisions at 80 FR 56699, September 18, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart UUU, Table, is amended to incorporate federal revisions at 80 FR 75178, December 1, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart XXX, Table, is amended to incorporate federal revisions at 80 FR 37365, June 30, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart DDDDD, is amended to add Table and to incorporate federal revisions at 69 FR 55218, September 13, 2004 to 80 FR 72789, November 20, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart JJJJJ, is amended to add Table and to incorporate federal revisions at 68 FR 26690, May 16, 2003 to 80 FR 65469, October 26, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart KKKKK, is amended to add Table and to incorporate federal revisions at 68 FR 26690, May 16, 2003 to 80 FR 65469, October 26, 2015; and 80 FR 75817, December 4, 2015, by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart UUUUU, Table, is amended to incorporate federal revisions at 80 FR 15510, March 24, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart YYYYY, Table, is amended to incorporate federal revisions at 80 FR 36247, June 24, 2015 by reference.

Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*: Subpart DDDDDD, Table, is amended to incorporate federal revisions at 80 FR 5938, February 4, 2015 by reference.

Instructions:

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, pursuant to each instruction provided below with the text of the amendments.

Text:

Regulation 61-62.1, Section II, Permit Requirements

Regulation 61-62.1.II.L.2. shall be deleted as follows:

Regulation 61-62.1.II.L.3. shall be revised as follows:

2. An emergency may be documented through properly signed, contemporaneous operating logs and other relevant evidence that verify:

Regulation 61-62.1.II.L.4. shall be deleted as follows:

Regulation 61-62.1.II.L.5. shall be revised as follows:

3. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Regulation 61-62.1, Section III, Emissions Inventory and Emissions Statements

Regulation 61-62.1.III.B.1.a. shall be revised as follows:

a. Type A Sources are Title V Sources with annual emissions greater than or equal to any of the emission thresholds listed for Type A Sources in Table 1 below. Type A Sources must submit an emissions inventory every year.

Table 1 - Minimum Point Source Reporting Thresholds by Pollutant (tons per year)		
Pollutants	Type A Sources: Annual Cycle	Potential¹ or Actual²
SO _x	≥2500	Potential
VOC	≥250	Potential
NO _x	≥2500	Potential
CO	≥2500	Potential
Pb	≥0.50 ²	Actual
PM ₁₀	≥250	Potential
PM _{2.5}	≥250	Potential
NH ₃	≥250	Potential

¹ Tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, will be treated as part of its design if the limitation is enforceable by the Administrator and included in the source’s permit prior to the end of the reporting year.

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² The EPA considers that the ambient monitoring rule threshold is 0.5 tons of actual emissions; therefore, this criterion is based on actual emissions rather than the potential-to-emit approach taken for other criteria pollutant and precursor thresholds.

Regulation 61-62.1.III.B.1.b. shall be revised as follows:

b. All other Title V Sources with annual emissions less than the emission thresholds listed for Type A Sources in Table 1 above must submit emissions inventories every three (3) years beginning with calendar year 2014 data.

Regulation 61-62.1.III.B.1.c. shall be revised as follows:

c. Nonattainment area (NAA) Sources are sources located in a NAA with annual emissions during any year of the three (3) year cycle greater than or equal to any of the emission thresholds listed for NAA Sources in Table 2 below. These sources that are not also Type A Sources must submit emissions inventories every three (3) years beginning with calendar year 2014 data.

Table 2 - Minimum Point Source Reporting Thresholds by Pollutant (tons per year)		
Pollutant	NAA²³ Sources: Three-year Cycle	Potential¹ or Actual²
SO _x	≥100	Potential
VOC	≥100 (moderate O ₃ NAA)	Potential
	≥50 (serious O ₃ NAA)	
	≥25 (severe O ₃ NAA)	
	≥10 (extreme O ₃ NAA)	
NO _x	≥100 (all O ₃ NAA)	Potential
CO	≥100 (all O ₃ NAA)	Potential
	≥100 (all CO NAA)	
Pb	≥0.50	Actual
PM ₁₀	≥100 (moderate PM ₁₀ NAA)	Potential
	≥70 (serious PM ₁₀ NAA)	
PM _{2.5}	≥100	Potential
NH ₃	≥100	Potential

¹ Tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, will be treated as part of its design if the limitation is enforceable by the Administrator and included in the source's permit prior to the end of the reporting year.

² The EPA considers that the ambient monitoring rule threshold is 0.5 tons of actual emissions; therefore, this criterion is based on actual emissions rather than the potential-to-emit approach taken for other criteria pollutant and precursor thresholds.

²³ Special point source reporting thresholds apply for certain pollutants by type of NAA.
 The pollutants by nonattainment area are:
 Ozone: VOC, NO_x, and CO;
 Carbon Monoxide: CO; and
 Particulate matter less than 10 microns: PM₁₀.

Regulation 61-62.1.III.B.2.e.x. shall be revised as follows:

x. Any desired information listed in 40 CFR 51 Subpart A (December 17, 2008) that is requested by the Department;

Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations

Regulation 61-62.5, Standard No. 1, Section I.C. shall be revised as follows:

Owners and operators shall, to the extent practicable, maintain and operate any source including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. In addition, the owner or operator of fuel burning sources except natural gas and propane fired units, shall maintain a log of the time, magnitude, duration, and any other pertinent information to determine periods of startup and shutdown and make available to the Department upon request.

Regulation 61-62.5, Standard No. 1, Section IV.A.1. shall be revised as follows:

1. Fossil Fuel-Fired Boilers

Regulation 61-62.5.IV.D.1. shall be revised as follows:

1. The continuous opacity monitoring system(s) required by Section IV.A.1 (for fossil fuel-fired steam generators) shall conform with the performance specifications set forth in 40 CFR 60, Appendix B, Performance Specification 1, as revised July 1, 1986, which is incorporated by reference as a part of this standard except that where the term “Administrator” is used the term “Department” shall be substituted. In addition, the opacity monitoring system(s) shall complete a minimum of one (1) cycle of operation for each successive 10-second period, be installed such that representative measurements of opacity from the affected steam generator are obtained, and have an instrument span of approximately eighty (80) percent opacity.

Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards

Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, shall be revised as follows:

Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m ³	µg/m ³	ppm	ppb
Sulfur Dioxide	40 CFR 50.4 40 CFR 50.5	3 hour (secondary)	-	1300	0.5	-
	40 CFR 50.17	1- hour (primary)	-	-	-	75
PM ₁₀	40 CFR 50.6	24 hour	-	150	-	-
PM _{2.5}	40 CFR 50.13	24 hour (primary)	-	35	-	-

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Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m ³	µg/m ³	ppm	ppb
	40 CFR 50.18	Annual (primary)	-	12	-	-
		24 hour (secondary)	-	35		
		Annual (secondary)	-	15		

Carbon Monoxide	40 CFR 50.8	1 hour (no secondary)	40	-	35	-
		8 hour (no secondary)	10	-	9	-

Ozone						
	40 CFR 50.15	8 hour (2008)	-	-	0.075	-
	40 CFR 50.19	8 hour (2015)	-	-	0.070	-
Nitrogen Dioxide	40 CFR 50.11	Annual	-	100	0.053	53
		1-hour				100
Lead	40 CFR 50.16	Rolling 3-month Average	-	0.15	-	-

Regulation 61-62.5, Standard No. 3, Waste Combustion and Reduction

Regulation 61-62.5, Standard No. 3, Section IV.A.2.g.(i) shall be revised as follows:

(i) All commercial incinerators must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of June 25, 1999, unless otherwise stated in this standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

Regulation 61-62.5, Standard No. 3, Section V.J. shall be revised as follows:

J. All information used to determine compliance with this section (that is, MSDS, waste manifests, waste analyses) must be kept on-site for a period of five years and made available to the Department upon request.

Regulation 61-62.5, Standard No. 3, Section VI.D.3. shall be revised as follows:

3. For those sources not required to have a continuous emission monitor for the specified pollutant, a detailed report shall be submitted to the Department within 30 days following any exceedance of limits specified in the source's permit and/or this standard unless otherwise approved in a Department approved malfunction plan. The report shall include at a minimum all of the elements listed in Regulation 61-62.1, Section II.J.1.c.

Regulation 61-62.5, Standard No. 3, Section IX.A. shall be revised as follows:

A. Prior to the startup for new facilities and within one year of May 25, 1990, for existing facilities, all incinerator operators shall be trained by the equipment manufacturers' representatives and/or other Department approved qualified individuals and/or organizations as to proper operating practices and procedures. The content of the training program shall be submitted to the Department for approval. The applicant shall submit certification verifying the satisfactory completion of a training program prior to issuance of the operating permit. The

applicant shall not operate the incinerator without an operator-on-site who has satisfactorily completed the training program.

Regulation 61-62.5, Standard No. 3, Section IX.C. shall be revised as follows:

C. An incinerator operator training program should include but not be limited to:

Regulation 61-62.5, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)

Regulation 61-62.5, Standard No. 3.1, Section VIII(c)(7) shall be revised as follows:

(7) Records showing the names of HMIWI operators who have completed review of the information in Section IX(h) as required by Section IX(g) of this standard, including the date of the initial review and all subsequent annual reviews.

Regulation 61-62.5, Standard No. 3.1, Section VIII(c)(8) shall be revised as follows:

(8) Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training.

Regulation 61-62.5, Standard No. 3.1, Section VIII(c)(9) shall be revised as follows:

(9) Records showing the names of the HMIWI operators who have met the criteria for qualification under Section IX of this standard and the dates of their qualification.

Regulation 61-62.5, Standard No. 3.1, Section VIII(e) shall be revised as follows:

(e) The owner or operator of an affected facility shall ensure that an annual report is submitted one year following the submission of the information in paragraph (d) of this section. Subsequent reports shall be submitted no more than 12 months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator of an affected facility must submit these reports semi-annually). The annual report shall include the information specified in paragraphs (e)(1) through (e)(8) of this section. All reports shall be signed by the facilities manager.

Regulation 61-62.5, Standard No. 3.1, Section VIII(h)(2) shall be revised as follows:

(2) Submit an annual report containing information recorded under paragraph (h)(1) of this section no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report (once the unit is subject to permitting requirements under Title V of the Act, the owner or operator must submit these reports semi-annually). The report shall be signed by the facilities manager.

Regulation 61-62.5, Standard No. 3.1, Section VIII(k) shall be revised as follows:

(k) The owner or operator of an affected facility shall ensure the appropriate Regional Environmental Quality Control Office is notified by telephone immediately following any failure of process equipment, failure of any air pollution control equipment, failure of any monitoring equipment, or a process operational error which results in an increase in emissions above any allowable emission rate. In addition, the owner or operator of an affected facility shall ensure that the Department is notified in writing of the problem and measures taken to correct the problem as expeditiously as possible in accordance with South Carolina Air Pollution Control Regulation 61-62.1, Section II.J.1.c.

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Regulation 61-62.5, Standard No. 3.1, Section IX(h)(9) shall be revised as follows:

- (9) Reporting and recordkeeping procedures; and

Regulation 61-62.5, Standard No. 4, Emissions from Process Industries

Regulation 61-62.5, Standard No. 4, Section XI.D.4 shall be deleted in its entirety as follows:

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, Subpart A, shall be revised as follows:

Subpart A - “General Provisions”

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]

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40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]
Revision	Vol. 80	March 16, 2015	[80 FR 13671]

Regulation 61-62.60, Subpart F, shall be revised as follows:

Subpart F - “Standards of Performance for Portland Cement Plants”

The provisions of 40 CFR Part 60 Subpart F, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]
Revision	Vol. 80	July 27, 2015	[80 FR 44771]

Regulation 61-62.60, Subpart J, shall be revised as follows:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of 40 CFR Part 60 Subpart J, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]

40 CFR Part 60 Subpart J			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 76	February 25, 2011	[76 FR 10524]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]

Regulation 61-62.60, Subpart Ja, shall be revised as follows:

Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]

Regulation 61-62.60, Subpart T, shall be revised as follows:

Subpart T - “Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants”

The provisions of 40 CFR Part 60 Subpart T, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 Subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33154]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.60, Subpart U, shall be revised as follows:

Subpart U - “Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants”

The provisions of 40 CFR Part 60 Subpart U, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart U			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.60, Subpart V, shall be revised as follows:

Subpart V - “Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants”

The provisions of 40 CFR Part 60 Subpart V, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart V			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.60, Subpart W, shall be revised as follows:

Subpart W - “Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants”

The provisions of 40 CFR Part 60 Subpart W, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart W			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	August 19, 2015	[80 FR 50385]

Regulation 61-62.60, Subpart X, shall be revised as follows:

Subpart X - “Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities”

The provisions of 40 CFR Part 60 Subpart X, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart X			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 62	April 15, 1997	[62 FR 18280]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.60, Subpart AAA, shall be revised as follows:

Subpart AAA - “Standards of Performance for New Residential Wood Heaters”

The provisions of 40 CFR Part 60 Subpart AAA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart AAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	February 26, 1988	[53 FR 5873]
Revision	Vol. 53	April 12, 1988	[53 FR 12009]
Revision	Vol. 53	April 26, 1988	[53 FR 14889]
Revision	Vol. 57	February 13, 1992	[57 FR 5328]
Revision	Vol. 60	June 29, 1995	[60 FR 33925]
Revision	Vol. 63	November 24, 1998	[63 FR 64874]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]

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40 CFR Part 60 Subpart AAA			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 80	March 16, 2015	[80 FR 13671]

Regulation 61-62.60, Subpart OOOO, shall be revised as follows:

Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution”

The provisions of 40 CFR Part 60 Subpart OOOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]
Revision	Vol. 79	December 31, 2014	[79 FR 79018]
Revision	Vol. 80	August 12, 2015	[80 FR 48262]

Regulation 61-62.60, Subpart PPPP, shall be added in alpha-numeric order as follows:

Subpart PPPP - [Reserved]

Regulation 61-62.60, Subpart QQQQ, shall be added in alpha-numeric order as follows:

Subpart QQQQ - “Standards of Performance For New Residential Hydronic Heaters And Forced-Air Furnaces”

The provisions of 40 CFR Part 60 Subpart QQQQ, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart QQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 80	March 16, 2015	[80 FR 13671]

Regulation 61-62.60, Subpart TTTT, shall be added in alpha-numeric order as follows:

Subpart TTTT - “Standards of Performance For Greenhouse Gas Emissions For Electric Generating Units”

The provisions of 40 CFR Part 60 Subpart TTTT, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 80	October 23, 2015	[80 FR 64509]

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, Subpart A, shall be revised as follows:

Subpart A - “General Provisions”

The provisions of 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]

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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 80	September 18, 2015	[80 FR 56699]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]
Revision	Vol. 80	December 4, 2015	[80 FR 75817]

Regulation 61-62.63, Subpart N, shall be revised as follows:

Subpart N - “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”

The provisions of 40 CFR Part 63 Subpart N, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart N			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	January 25, 1995	[60 FR 4948]
Revision	Vol. 60	May 24, 1995	[60 FR 27598]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 62	January 30, 1997	[62 FR 4463]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 19, 2004	[69 FR 42885]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 77	September 19, 2012	[77 FR 58220]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	April 21, 2015	[80 FR 22116]

Regulation 61-62.63, Subpart Y, shall be revised as follows:

Subpart Y - “National Emission Standards for Marine Tank Vessel Loading Operations”

The provisions of 40 CFR Part 63 Subpart Y, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 19, 1995	[60 FR 48388]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	December 1, 2015	80 FR 75178

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Regulation 61-62.63, Subpart AA, shall be revised as follows:

Subpart AA - “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”

The provisions of 40 CFR Part 63 Subpart AA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.63, Subpart BB, shall be revised as follows:

Subpart BB - “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”

The provisions of 40 CFR Part 63 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	August 19, 2015	[80 FR 50385]

Regulation 61-62.63, Subpart CC, shall be revised as follows:

Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”

The provisions of 40 CFR Part 63 Subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]
Revision	Vol. 76	July 18, 2011	[76 FR 42052]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]

Regulation 61-62.63, Subpart DD, shall be revised as follows:

Subpart DD - “National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations”

The provisions of 40 CFR Part 63 Subpart DD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34140]
Revision	Vol. 64	July 20, 1999	[64 FR 38950]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	March 18, 2015	[80 FR 14247]

Regulation 61-62.63, Subpart GG, shall be revised as follows:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of 40 CFR Part 63 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]

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40 CFR Part 63 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15006]
Revision	Vol. 63	September 1, 1998	[63 FR 46526]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	December 7, 2015	[80 FR 76151]

Regulation 61-62.63, Subpart LL, shall be revised as follows:

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

The provisions of 40 CFR Part 63 Subpart LL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	November 2, 2005	[70 FR 66280]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	October 15, 2015	[80 FR 62389]

Regulation 61-62.63, Subpart NN, shall be revised as follows:

Subpart NN - “National Emissions Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources”

The provisions of 40 CFR Part 63 Subpart NN, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart NN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 80	July 29, 2015	[80 FR 45279]

Regulation 61-62.63, Subpart DDD, shall be revised as follows:

Subpart DDD - “National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production”

The provisions of 40 CFR Part 63 Subpart DDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29503]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 76	December 1, 2011	[76 FR 74708]
Revision	Vol. 80	July 29, 2015	[80 FR 45279]

Regulation 61-62.63, Subpart LLL, shall be revised as follows:

Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”

The provisions of 40 CFR Part 63 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31898]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]
Revision	Vol. 80	July 27, 2015	[80 FR 44771]
Revision	Vol. 80	September 11, 2015	[80 FR 54728]

Regulation 61-62.63, Subpart NNN, shall be revised as follows:

Subpart NNN - “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”

The provisions of 40 CFR Part 63 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31695]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	July 29, 2015	[80 FR 45279]

Regulation 61-62.63, Subpart RRR, shall be revised as follows:

Subpart RRR - “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”

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The provisions of 40 CFR Part 63 Subpart RRR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 80	September 18, 2015	[80 FR 56699]

Regulation 61-62.63, Subpart UUU, shall be revised as follows:

Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”

The provisions of 40 CFR Part 63 Subpart UUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	December 1, 2015	[80 FR 75178]

Regulation 61-62.63, Subpart XXX, shall be revised as follows:

Subpart XXX - “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”

The provisions of 40 CFR Part 63 Subpart XXX, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart XXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	May 20, 1999	[64 FR 27458]
Revision	Vol. 66	March 22, 2001	[66 FR 16007]

40 CFR Part 63 Subpart XXX			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 80	June 30, 2015	[80 FR 37365]

Regulation 61-62.63, Subpart DDDDD, shall be revised as follows:

Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”

The provisions of 40 CFR Part 63, Subpart DDDDD as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	April 20, 2006	[71 FR 20445]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 80	November 20, 2015	[80 FR 72789]

Regulation 61-62.63, Subpart JJJJJ, shall be revised as follows:

Subpart JJJJJ - “National Emission Standards For Hazardous Air Pollutants For Brick And Structural Clay Products Manufacturing”

The provisions of 40 CFR Part 63, Subpart JJJJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart JJJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 16, 2003	[68 FR 26690]
Revision	Vol. 68	May 28, 2003	[68 FR 31744]
Revision	Vol. 71	April 20, 2006	[71 FR 20445]
Revision	Vol. 71	June 23, 2006	[71 FR 36014]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]

Regulation 61-62.63, Subpart KKKKK, shall be revised as follows:

Subpart KKKKK - “National Emission Standards For Hazardous Air Pollutants For Clay Ceramics Manufacturing”

The provisions of 40 CFR Part 63, Subpart KKKKK, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 Subpart KKKKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 16, 2003	[67 FR 26690]
Revision	Vol. 68	May 28, 2003	[68 FR 31744]
Revision	Vol. 71	April 20, 2006	[71 FR 20445]
Revision	Vol. 71	June 23, 2006	[71 FR 36014]
Revision	Vol. 80	October 26, 2015	[80 FR 65469]
Revision	Vol. 80	December 4, 2015	[80 FR 75817]

Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:

Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777, 68795]
Revision	Vol. 80	March 24, 2015	[80 FR 15510]

Regulation 61-62.63, Subpart YYYYY, shall be revised as follows:

Subpart YYYYY - “National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities”

The provisions of 40 CFR Part 63 Subpart YYYYY, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart YYYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	December 1, 2008	[73 FR 72727]
Revision	Vol. 74	February 26, 2009	[74 FR 8756]
Revision	Vol. 80	June 24, 2015	[80 FR 36247]

Regulation 61-62.63, Subpart DDDDDD, shall be revised as follows:

Subpart DDDDDD - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources”

The provisions of 40 CFR Part 63 Subpart DDDDDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 80	February 4, 2015	[80 FR 5938]

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

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

Purpose:

The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2015. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. Section 7412.

The Department has amended Regulation 61-62.1, Section III, *Emissions Inventory and Emissions Statements*; Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*; Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards*; and the SIP, to codify federal amendments to these standards promulgated from January 1, 2015, through December 31, 2015.

The Department has amended Regulation 61-62.1, Section II, *Permit Requirements*; Regulation 61-62.5, Standard No.1, *Emissions from Fuel Burning Operations*; and Regulation 61-62.5, Standard No. 4, *Emissions from Process Industries*, to address periods of excess emissions during startup, shutdown, or malfunction (“SSM”) events as required by the EPA in response to a national petition for rulemaking and to address a finding of substantial inadequacy (referred to as a “SIP call”) (80 FR 33840, June 12, 2015).

The Department also made other changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Legal Authority:

Pursuant to the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

Plan for Implementation:

The amendments will take effect upon approval by the Board of Health and Environmental Control, on September 9, 2016, and publication in the *State Register*. These requirements are in place at the federal level and are currently being implemented. A copy of R. 61-62, *Air Pollution Control Regulations and Standards*, that

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incorporates these amendments, will be made available electronically on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders, and will communicate with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 51, 52, 60, 61, 63, and 70 throughout each calendar year. Federal amendments in 2015 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is not anticipated increase in costs to the State or its political subdivisions resulting from these revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. These amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. These amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through these amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

The State's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.