

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2017 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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*.

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; 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.

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In order by General Assembly review expiration date
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4656			At-Risk Students	5/10/17	State Board of Education
4657			Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	5/10/17	State Board of Education
4658			Operation of Public Pupil Transportation Services	5/10/17	State Board of Education
4659			School Resource Officers	5/10/17	State Board of Education
4664			Hotels, Motels, and Similar Facilities	5/10/17	Department of Revenue
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4684			Secretary of Transportation Approval of Actions	5/10/17	Department of Transportation
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4718			IRC Section R802.10.1 Wood Truss Design	5/10/17	LLR-Building Codes Council
4721			Board of Registration for Foresters	5/10/17	LLR
4713			Barbershop Requirements; Applications for Inspection and Registration and Shop License Purpose and Definitions	5/10/17	LLR-Board of Barber Examiners
4712				5/10/17	LLR-Office of Amusement Rides
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4710			Board of Barber Examiners	5/10/17	LLR
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4681			Preservation of Records in Event of Charge of Discrimination	5/10/17	South Carolina Human Affairs Commission
4682			Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	5/10/17	South Carolina Human Affairs Commission
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4701	Requirements for Additional Areas of Certification	5/10/17	State Board of Education
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4709	Prepaid Legal Services Certificate of Registration	5/10/17	Department of Consumer Affairs
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4700	Defined Program, Grades 9-12 and Graduation Requirements	5/11/17	State Board of Education
4728	Free Tuition for Residents Sixty Years of Age	1/10/18	Commission on Higher Education
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4730	South Carolina National Guard College Assistance Program	1/10/18	Commission on Higher Education

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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>

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4625	Licensing Standards for Continuing Care Retirement Communities	Regulations and Admin. Procedures	Medical Affairs
4649	Securities Division	Regulations and Admin. Procedures	Banking and Insurance
4656	At-Risk Students	Regulations and Admin. Procedures	Education
4657	Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	Regulations and Admin. Procedures	Education
4658	Operation of Public Pupil Transportation Services	Regulations and Admin. Procedures	Education
4659	School Resource Officers	Regulations and Admin. Procedures	Education
4664	Hotels, Motels, and Similar Facilities	Regulations and Admin. Procedures	Finance
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4671	WIC Vendors	Regulations and Admin. Procedures	Medical Affairs
4683	Transportation Project Prioritization	Regulations and Admin. Procedures	Transportation
4684	Secretary of Transportation Approval of Actions	Regulations and Admin. Procedures	Transportation
4685	Commission Approval of Actions	Regulations and Admin. Procedures	Transportation
4719	Maximum Time for Certification	Regulations and Admin. Procedures	Labor, Commerce and Industry
4714	Adoption of Model Codes	Regulations and Admin. Procedures	Labor, Commerce and Industry
4716	IRC Section R502.11.4 Truss Design	Regulations and Admin. Procedures	Labor, Commerce and Industry
4718	IRC Section R802.10.1 Wood Truss Design	Regulations and Admin. Procedures	Labor, Commerce and Industry
4721	Board of Registration for Foresters	Regulations and Admin. Procedures	Fish, Game and Forestry
4713	Barbershop Requirements; Applications for Inspection and Registration and Shop License	Regulations and Admin. Procedures	Labor, Commerce and Industry
4712	Purpose and Definitions	Regulations and Admin. Procedures	Labor, Commerce and Industry
4711	Real Estate Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4710	Board of Barber Examiners	Regulations and Admin. Procedures	Labor, Commerce and Industry
4717	IRC Section R703.4 Flashing	Regulations and Admin. Procedures	Labor, Commerce and Industry
4720	Sanitary and Safety Rules for Salons and Schools	Regulations and Admin. Procedures	Labor, Commerce and Industry
4723	Examinations; Apprenticeship; and Continuing Education Requirements	Regulations and Admin. Procedures	Medical Affairs
4724	Amend Regulations 105-2 through 105-13 to Comport with 2016 Act 170	Regulations and Admin. Procedures	Labor, Commerce and Industry
4722	Administrator-in-Training Program Requirements	Regulations and Admin. Procedures	Medical Affairs
4689	Check Cashing Services	Regulations and Admin. Procedures	Banking and Insurance
4690	Mortgage Lending	Regulations and Admin. Procedures	Banking and Insurance
4715	Energy Standards Appeal Procedure	Regulations and Admin. Procedures	Labor, Commerce and Industry
4675	Complaint	Regulations and Admin. Procedures	Judiciary
4676	Employment Records to be Retained for Six Months	Regulations and Admin. Procedures	Judiciary
4677	Investigation and Production of Evidence	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4679	Issuance of Complaint	Regulations and Admin. Procedures	Judiciary
4680	Pleadings, Motions and Discoveries	Regulations and Admin. Procedures	Judiciary
4681	Preservation of Records in Event of Charge of Discrimination	Regulations and Admin. Procedures	Judiciary
4682	Procedure for the Institution of Civil Actions as Provided in Section 1-13-90(d) of the Act	Regulations and Admin. Procedures	Judiciary
4702	Cigarette Taxes	Regulations and Admin. Procedures	Finance
4686	General Regulations; and Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4687	Wildlife Management Area Regulations; and Turkey Hunting Rules and Seasons	Regulations and Admin. Procedures	Fish, Game and Forestry
4703	State Emergency Management Standards	Regulations and Admin. Procedures	General
4655	Plant Nursery Regulations	Regulations and Admin. Procedures	Agriculture and Natural Resources
4704	The Evaluation of School Employees for Tuberculosis	Regulations and Admin. Procedures	Medical Affairs
4705	Drycleaning Facility Restoration	Regulations and Admin. Procedures	Medical Affairs
4706	Underground Storage Tank Control Regulations	Regulations and Admin. Procedures	Medical Affairs
4692	Appeals to the Appellate Panel	Regulations and Admin. Procedures	Labor, Commerce and Industry
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4734	Minimum Specifications and Practice Standards Governing Pharmacies and Pharmacists Engaged in Nonsterile and Sterile Compounding	Regulations and Admin. Procedures	Medical Affairs
4707	Discount Medical Plan Certificate of Registration	Regulations and Admin. Procedures	Banking and Insurance
4698	Certification Requirements	Regulations and Admin. Procedures	Education
4701	Requirements for Additional Areas of Certification	Regulations and Admin. Procedures	Education
4699	Credential Classification	Regulations and Admin. Procedures	Education

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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4708	Motor Club Certificate of Authority	Regulations and Admin. Procedures	Labor, Commerce and Industry
4709	Prepaid Legal Services Certificate of Registration	Regulations and Admin. Procedures	Banking and Insurance
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4696	Advanced Placement	Regulations and Admin. Procedures	Education
4691	Appeals to Appeal Tribunal	Regulations and Admin. Procedures	Labor, Commerce and Industry
4695	Administrative and Professional Personnel Qualifications, Duties and Workloads	Regulations and Admin. Procedures	Education
4700	Defined Program, Grades 9-12 and Graduation Requirements	Regulations and Admin. Procedures	Education
4728	Free Tuition for Residents Sixty Years of Age		
4729	Determination of Rates of Tuition and Fees		
4730	South Carolina National Guard College Assistance Program		

Executive Order No. 2016-48

WHEREAS, when it appears to the satisfaction of the governor that a county officer is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, the county officer is subject to removal by the governor after having been informed in writing of the specific charges brought against him or her and after having been given an opportunity on reasonable notice to be heard pursuant to Section 1-3-240(A)(3) of the South Carolina Code of Laws; and

WHEREAS, an opportunity for reasonable notice to be heard was provided to members of the Richland County Recreation Commission (“RCRC”) Board on November 30, 2016, a statutory process that was initiated by Executive Order 2016-45 after receiving a written request from members of the Richland County Legislative Delegation to remove members of the RCRC Board; and

WHEREAS, a three-person panel consisting of attorneys, Ashley Cuttino, Esquire, Thomas Lydon, Esquire, and Derrick Williams, Esquire, presided over the opportunity to be heard for the limited purpose of taking testimony, asking questions, and receiving additional evidence in order to find facts and make recommendations to me; and

WHEREAS, due to the resignation of four RCRC Board members prior to November 30, 2016, only three RCRC Board members remained and availed themselves of the opportunity to be heard, presenting testimony, answering questions, and providing additional evidence: J. Marie Green, Chairman; Barbara Mickens, Vice-Chairman; and Thomas Clark, Member; and

WHEREAS, following the opportunity to be heard, the panelists submitted to my office on December 13, 2016, a *Report and Recommendation*, proposing with unanimous consent that Ms. Green and Ms. Mickens be removed from office and that Mr. Clark be allowed to continue to serve.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby find to my satisfaction following the opportunity to be heard that two Richland County Recreation Commission Board members, Ms. J. Marie Green and Ms. Barbara Mickens, are guilty of Neglect of Duty, Incompetency, Misfeasance, and Malfeasance and therefore are hereby removed from office, effective immediately.

FURTHER, nothing in this Order shall affect the office held by Richland County Recreation Commission Board member, Mr. Thomas Clark, presently the only member of the board, who shall retain his office for the duration of his appointed term with my support and with my plea that the good faith and trust of the people of Richland County be restored in the Richland County Recreation Commission Board.

This Order shall conclude proceedings for the Richland County Recreation Commission Board brought forth under Section 1-3-240(A)(3) of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF DECEMBER, 2016.**

**NIKKI R. HALEY
Governor**

6 EXECUTIVE ORDERS

Executive Order No. 2016-49

WHEREAS, as the State of South Carolina continues to recover from the effects of Hurricane Matthew, there exists a continued need to conduct building and other structural inspections to ensure the safety, security, welfare, and property of citizens living in Marion County, a county that was particularly decimated by river flooding following the effects of Hurricane Matthew; and

WHEREAS, officials representing Marion County initially requested additional support to augment existing building inspection capacity, which is significantly limited, for an estimated 1,100 homes in the flood plain that still need to be assessed; and

WHEREAS, the number of homes upon further assessment was approximately 1,465, of which 800 homes have been inspected utilizing 4,000 hours of volunteer service; and

WHEREAS, there are approximately 665 homes remaining to be inspected; and

WHEREAS, the conditions constitute an emergency as is contemplated under Sections 40-3-325 and 40-22-295 of the South Carolina Code of Laws, which allow volunteer Engineers and Architects to be provided immunity from wrongful personal injury, wrongful death, property damage, or other loss caused by the licensed Engineers' or Architects' acts, errors, or omissions in performing the architectural engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned; and

WHEREAS, this Administration is committed to supporting local governments and communities in need recover from the devastating effects of Hurricane Matthew.

NOW, THEREFORE, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a state of emergency exists in Marion County for the limited purpose of supporting volunteer Engineer and Architectural personnel to assist with housing assessments and other recovery efforts in Marion County.

This Order shall take effect immediately and shall last through January 20, 2016.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF DECEMBER, 2016.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2017-01

WHEREAS, severe winter weather will occur throughout the State of South Carolina beginning January 6, 2017, which has been reported by the National Weather Service as a Winter Storm Watch or Warning for a significant number of counties in this state; and

WHEREAS, temperatures are forecast below freezing, making road conditions extremely hazardous for the general public, endangering the health, safety and welfare of South Carolinians; and

WHEREAS, the effects of the winter weather storm are expected to require assistance for stranded motorists, isolated citizens, medical emergencies, downed trees, and power outages, surpassing the capabilities

of local governments to respond to and recover from its effects, thus requiring state support for local governments.

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 declare that a State of Emergency exists in South Carolina due to pending effects of severe winter weather. Accordingly, I direct the South Carolina Emergency Operations Plan to be placed into effect and require state agencies to support the responsibilities and tasks therein. I further direct prudent response actions be taken at the individual, local, and state levels to respond against the effects of hazardous winter weather.

FURTHER, I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty pursuant to my authority under Section 25-1-1840 of the South Carolina Code of Laws, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the utilization of the South Carolina National Guard's personnel with appropriate equipment, at the discretion of the Adjutant General and in coordination with the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this state.

Further proclamations and regulations deemed necessary to insure the fullest protection of life and property during this state of emergency shall be issued orally by me and thereafter reduced to writing within the succeeding twenty-four hour period.

This order takes effect at 12:00 p.m. today and shall expire at 11:59 p.m. on Sunday, January 8, 2017.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF JANUARY, 2017.**

NIKKI R. HALEY
Governor

Executive Order No. 2017-02

WHEREAS, a declaration of emergency exists in the State of North Carolina due to the effects of a winter storm, 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 the State 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 of South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina and hereby suspend of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. I further 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

8 EXECUTIVE ORDERS

supply of equipment, goods, services, and any other item needing to be moved on the highways of the States of North Carolina and South Carolina.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order shall take effect immediately and shall expire at 11:59 p.m. on February 5, 2017, the date set for the termination of the emergency declaration in the State of North Carolina. Nothing herein shall affect the waiver authorized by Executive Order 2016-28 on October 4, 2016, regarding certain registration, permitting, length, width, weight, and load restrictions, which remains in effect through midnight on February 1, 2017, unless otherwise amended.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10TH DAY OF JANUARY, 2017.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2017-03

WHEREAS, from January 7, 2017 to January 9, 2017, the National Weather Service began issuing Winter Storm Warnings and Winter Weather Advisories for much of South Carolina, forecasting periods of snow, sleet, and temperatures below freezing in parts of South Carolina leading to the possibility of hazardous driving conditions and power outages, 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 offices were closed or delayed in the following counties as follows: Saturday, January 7, 2017 (Cherokee, Oconee, Spartanburg, and York Counties); and Monday, January 9, 2017 (Lancaster and Spartanburg 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 a State of Emergency.

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 Saturday, January 7, 2017, and Monday, January 9, 2017, as a result of hazardous weather conditions caused by winter weather.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 10TH DAY OF
JANUARY, 2017.**

**NIKKI R. HALEY
Governor**

STATE BOARD OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

43-300. Accreditation Criteria.

The South Carolina State Board of Education has elected to terminate the promulgation process on Regulation Document 4694, relating to Accreditation Criteria.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Bureau of Air Quality Permitting Exemption List (December 2016)

Statutory Authority: S.C. Code Sections 48-1-10 et seq.

In accordance with South Carolina (SC) Regulation 61-62.1, *Definitions and General Requirements*, Section II(B), the South Carolina Department of Health and Environmental Control (Department or DHEC) is publishing a current list of sources to be exempted from construction permitting without further review. The Department has determined that no construction permits shall be required for the sources listed below unless otherwise specified by state or federal requirements. The exemption status may change upon the promulgation of new regulatory requirements applicable to these sources.

Under SC Regulation 61-62.1, Section II(B)(3), the Department places the exempt sources listed in Section II(B)(2) and other sources that have been determined will not interfere with attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. This list of exempt sources is maintained by the Department and periodically published in the *South Carolina State Register*. Additionally, this list of exempt sources is maintained on the DHEC website listed below:

<http://www.scdhec.gov/Environment/AirQuality/ConstructionPermits/Exemptions/>

If you have questions or comments, please contact Hetal Patel, Division of Engineering Services, at (803) 898-4123.

The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Whether exempt or not, the emissions will need to be included when determining whether a facility or project is subject to an applicable air regulation such as Prevention of Significant Deterioration (PSD), Title V, or Maximum Achievable Control Technology (MACT) standards. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. Sources listed under Section A will not require recordkeeping. Sources listed under Section B will require recordkeeping.

Section A.

The following activities/emission sources are considered insignificant and are not required to be documented unless otherwise specified by any State or Federal requirements.

1. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.

2. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, etc.

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3. Recreational, residential, and portable type wood stoves, heaters, or fireplaces, and non-production related smokehouses (used exclusively for smoking food products).

4. Indoor or outdoor kerosene space heaters.

5. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).

6. Water heaters which are used solely for domestic purposes.

7. Motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling.

8. Fugitive particulate emissions from passenger vehicle traffic and routine lawn and grounds keeping operations.

9. Laboratory equipment and compounds used for chemical, biological or physical analyses such as quality control, environmental monitoring, bench-scale research or studies, training in chemical analysis techniques, and minor research and development (this does not apply to facilities where R&D is the primary objective). This exemption extends to the venting of in-line and in-situ process analysis equipment and other monitoring and sampling equipment.

10. Non-production laboratory equipment used at non-profit health or non-profit educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction.

11. Vacuum production devices used in laboratory operations.

12. Equipment used for hydraulic or hydrostatic testing.

13. Routine housekeeping or plant upkeep activities such as painting, roofing, paving, including all associated preparation.

14. Brazing, soldering or welding equipment used for regular maintenance at the facility.

15. Blast cleaning equipment using a suspension of abrasives in water.

16. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners).

17. Flares used solely to indicate danger to the public.

18. Firefighting equipment, "prop fires", and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane. See Section B for fire pump exemption determination.

19. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

20. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.

21. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.

22. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.

23. Devices used solely for safety such as pressure relief valves, rupture discs, etc., if associated with a permitted emission unit.

24. Pressurized storage tanks containing fluids such as liquid petroleum gas (LPG), liquid natural gas (LNG), natural gas, or inter gases.

25. All petroleum storage tanks less than 3.8 cubic meters (1000 gallons).

26. Water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater). See section B for non-contact cooling tower exemption determination.

27. Electric motors emitting only ozone.

28. Refrigeration equipment including Transport Refrigeration Unit (TRU) that does not meet any one of the following criteria:

- a. Using an ozone-depleting substance regulated under Title VI of the Clean Air Act and/or 40 CFR Part 82.
- b. Located at a Title V source.
- c. Used as or in conjunction with air pollution control equipment.

29. Construction sand and gravel facilities without crushers, grinders, or dryers. These operations shall be conducted in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line. The owner/operator of all such operations shall maintain dust control on the premises and any roadway owned or controlled by the owner/operator by paving or other suitable measures. Oil treatment is prohibited.

30. Shooting ranges that are not part of a permitted source such as a military installation.

Section B.

The following activities/emission sources are exempt from construction permits however, documentation is required as specified below.

Project Emissions:

Emissions from exempt sources must be included in total project emissions to determine regulatory applicability such as PSD, Title V, or MACT standards.

Emissions calculations, description of the source, material safety data sheets (MSDS), throughput records, and any other information necessary to determine qualification for exemptions must be maintained and readily available.

Facility-Wide Emissions:

Emissions from Section B shall be included in the facility-wide emissions.

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Documentation:

The above information shall be kept on site and made readily available to the Department upon request. The Bureau has developed exempt source log (Form D-0721) which may be utilized for keeping exemption details onsite.

If your facility has an operating permit, this information shall be submitted as indicated in your operating permit.

Some exemptions may require additional information outside what is indicated above such as SC Regulation 61-62.5, Standard No. 8 demonstration (modeling), New Source Performance Standard (NSPS) and MACT requirements, etc. These additional requirements are specified within the exemptions.

For further information on exemptions, see the Bureau of Air Quality Simplifying Air Permitting Process Exemption Booklet (Exemption Booklet).

1. Stationary or portable combustion sources:

i. Burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

a. Natural gas boilers.

b. Oil-fired boilers of 50×10^6 British thermal unit per hour (Btu/hr) rated input capacity or smaller.

c. Coal-fired boilers of 20×10^6 Btu/hr rated input capacity or smaller.

ii. Boilers and space heaters of less than 1.5×10^6 Btu/hr rated input capacity which burn only virgin liquid fuels or virgin solid fuels.

iii. Boilers and space heaters of less than 10×10^6 Btu/hr rated input capacity which burn only virgin gas fuels.

iv. Temporary replacement boilers of the same size/capacity or smaller (including the same fuel if required) remaining on-site for 12 months or less, used in place of permanent boilers while the permanent boiler is not in operation for maintenance, malfunction, or similar reason and whose emissions do not exceed those of the permanent boiler or differ from the character of the permanent boiler's emissions and whose exhaust point is within close proximity to the permanent boiler's exhaust point. This exemption excludes operation of a temporary boiler while a new boiler is under construction.

If a temporary boiler triggers a regulation such as a NSPS, then a determination that the boiler met the applicable requirements of the NSPS must be kept on-site and provided to the Department upon request. The owner/operator shall also keep a record of the startup date and usage periods of the temporary boiler and provide them to the Department upon request.

v. Fuel oil boilers with a rated input capacity of less than 7.5×10^6 Btu/hr burning oil with a sulfur content of less than 0.05 weight percent (wt%). These sources are subject to 5 year tune-up requirements per 40 CFR 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

vi. Fuel oil boilers equipped with low NO_x burner(s) and a rated input capacity of less than 10×10^6 Btu/hr, burning oil with a sulfur content of less than 0.05 wt%. These sources are subject to 5 year tune-up requirements per 40 CFR 63 Subpart JJJJJ.

vii. Wood waste boilers with a capacity of less than 1.8×10^6 Btu/hr burning clean wood only. These sources are subject to tune-up requirements per 40 CFR 63 Subpart JJJJJ.

viii. Industrial incinerators with total design capacity of less than 1×10^6 Btu/hr including auxiliary devices used to recondition parts. The Opacity from these sources shall not exceed 20% and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

ix. Ovens with integral afterburners used to recondition or clean parts with a combined heat input of less than 10×10^6 Btu/hr, either being electric or combusting natural gas only. The Opacity from these sources shall not exceed 20%, the particulate matter limit shall not exceed 0.5 lbs/ 10^6 Btu total heat input, and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

2. Internal Combustion Engines:

i. Emergency or portable engines as described below:

a. Engines of less than or equal to 150 kilowatt (kW) rated capacity.

b. Engines of greater than 150 kW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

ii. Temporary or portable engines that meet the definition of “non-road engine” below. However, processes powered by the internal combustion engine shall be evaluated for permitting applicability.

Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another and does not remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

iii. Diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

iv. Internal Combustion engines used to drive compressors or pumps with a mechanical power output of less than 200 horsepower.

v. Oxidation catalyst on generators.

3. Surface Coating:

i. Stand alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter and use either:

a. Electric Heated Ovens and apply less than 100 tons per year (tpy) of powder coatings.

b. Natural Gas Heated Ovens with a heat input of less than 10×10^6 Btu/hr and apply less than 98.0 tpy of powder coatings.

If hazardous air pollutant (HAP) containing materials are used, the facility is expected to demonstrate compliance with SC Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site

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and provided to the Department upon request. These emissions should be included in the facility wide potential to emit (PTE) for the facility.

ii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of nonHAP containing surface finishing materials such as (paints and paint components, other materials mixed with paints prior to application, and cleaning solvents). Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

4. Wood Working/Processing:

Good housekeeping practices that minimize fugitive emissions are required for all wood working/processing exemptions.

i. Small woodworking shops that do not conduct surface coating where the woodworking activities (such as sawing, milling, sanding, etc.) are conducted within in a building and the total combined maximum processing throughput for all woodworking equipment is less than 0.19 tons/hr. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

ii. Sawmill equipment that only processes green wood (wood moisture content >12%), does not conduct fuel combustion operations, and has a maximum throughput capacity of less than 2.45×10^6 board-feet per year. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

iii. The following wood shop equipment:

- a. Hand Sanders.
- b. Hand Saws (chain saw, hand drills, etc.).
- c. Hand Distressing Tools (chisel, etc.).
- d. Equipment used for boring, notching, etc.

5. Storage Vessels:

If an owner/operator is required to have an operating permit then the owner/operator shall submit a list of storage tanks installed since the last issue or revision to the previous operating permit that qualify for an exemption with any new permit renewal or modification request. If an owner/operator is not required to have an operating permit, then the owner/operator must keep a list of storage tanks that qualify for an exemption on-site and provide the list to the Department upon request.

i. Any size and combination of above ground vertical gasoline storage tanks with a total storage capacity equal to or less than 5,000 gallons and not used for distribution.

ii. Any size and combination of above ground horizontal and vertical gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iii. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 3,218,418 gallons containing virgin or re-refined No.2 Fuel Oil and fuel oils similar in composition to No.2 Fuel Oil.

iv. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 5,042,000 gallons containing virgin or re-refined No.6 Fuel Oil, fuel oils similar in composition to No.6 Fuel Oil, residual fuel oils and lubricating oils (i.e. motor oil, hydraulic oil).

v. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 2,100,000 gallons containing Jet Kerosene.

vi. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 30,000 gallons containing Jet Naphtha (JP-4).

vii. Any size and combination of above ground horizontal and vertical storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

viii. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 84,000 gallons containing only Ethanol.

ix. All storage tanks, excluding those listed in Section A, with a capacity less than 38.7 cubic meters (10,000 gallons) that store organic liquids, excluding those that store a hazardous air pollutant except as an impurity.

6. Others:

i. Sources with a total uncontrolled PTE of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; uncontrolled PTE of less than 1000 pounds per month (lbs/month) of any single toxic air pollutant (TAP) and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request.

ii. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit.

iii. Grain Dryers as described below:

a. Rack dryer of less than 10 x 106 Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 100,000 bushels/yr of grains.

b. Column dryer of less than 10 x 106 Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 1,400,000 bushels/yr of grains.

iv. Laundry dryers, extractors, or tumblers with a maximum throughput of 100,000 lb/month of shop towels processed.

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v. Petroleum dry cleaning facilities with a solvent consumption less than 1,600 gallons per year and not subject to 40 CFR 60 Subpart JJJ. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

vi. Air strippers used in petroleum underground storage tank (UST) cleanups with well pump rates less than or equal to 23 gallons per minute (gpm) and Benzene concentrations less than the concentration as determined by the following equation:

$$C(\text{mg/l}) = 0.075 / ((Q)(5.0E-04)) \text{ where } Q = \text{well pump rate in gpm.}$$

Air strippers used in petroleum UST cleanups with well pump rates equal to or less than 23 gpm and Benzene concentrations greater than the concentration as determined by the equation are still exempt from permitting but must first submit air dispersion modeling to comply with SC Regulation 61-62.5 Standard No. 8. Documentation of the well pump rate capacity and Benzene concentration must be maintained on-site. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

vii. Mobile tub grinders, diesel or electric powered, remaining on-site for less than 12 months grinding only clean wood. Any tub grinder that replaces a grinder at a location and that is intended to perform the same or similar function as the tub grinder replaced will be included in calculating the 12 month time period. All grinding operations shall be conducted in such a manner as to minimize fugitive particulate matter emissions. If any complaints are received, then the grinding operation can be required to stop and the complaints addressed by the Department. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

viii. Painting, blasting equipment, non-commercial and non-industrial vacuum cleaning systems used for regular maintenance at the facility.

ix. Welding performed for employee training purposes on equipment that is not part of a permitted source.

x. Fumigation activities that have potential emissions below exemptible rates under SC Regulations 61-62.1, Section II(b)(2)(h); facilities that perform fumigation up to several times a year to control pest infestation; and fumigation activities that are performed in portable containers which are not located at a designated area/building/warehouse/installation/pad.

xi. The processing of whole tires into shreds or specifically sized chips. This does not include the removal of metal or further size reduction by grinding or fine shredding. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

xii. Sources that only emit Particulate matter (PM) that is not an air toxic or hazardous air pollutant, located within a closed building (a building where minimal PM emissions escape to the outside ambient air through, but not limited to, windows, louvers, vents, and doors), all equipment associated with the process is located inside of the closed building, and do not exhaust directly through piping, a stack, etc. to the atmosphere. A facility not meeting this criterion may still request an exemption, if sufficient information is provided to verify PM emissions to the ambient atmosphere are below exemptible threshold. The PM emissions to the ambient air from each individual process or emission point must be less than five (5) tons/year. The facility must conduct proper maintenance and good housekeeping practices to aid in the minimization of fugitive emissions to the atmosphere.

xiii. Non-contact Cooling Towers that have the potential to emit of any criteria pollutant less than 5 TPY and VOC less than 1,000 lb/month are exempt from construction permit requirement. Cooling towers generally emit PM/PM10/PM2.5 but some facilities might have VOC and HAP emissions. HAP emissions will be exempted on a case by case basis per Standard 8.

xiv. A temporary crushing and/or screen operation that is comprised of one or any combination of the following: crushers that reduce the size of nonmetallic mineral material by means of physical impaction upon the material (including but not limited to jaw, cone, hammermill, or impactor), screens that separate material according to size using mesh screens, conveying equipment that transports material from one piece of equipment or location to another location (including but not limited to feeders or belt conveyors), portable diesel engines or electric motors to power process equipment, and fuel storage tanks. These operations must meet all of the following criteria:

- a. The equipment processes nonmetallic minerals only.
- b. Wet suppression is always used during operation.
- c. The equipment is not being used at the site of an existing facility, in support of the existing facility's primary air-permitted operation.
- d. The equipment is portable or transportable and does not reside at any one site for more than 12 consecutive months. A site is one or more contiguous or adjacent properties that are under common control. The amount of time that equipment is kept in storage does not count towards the 12 month residence time requirement. Equipment in storage shall be placed in a separate storage location within the facility and not set up in an operational configuration. Equipment set up at a location ready to operate, shall count towards the 12-month time period, even if it is not turned on.
- e. The equipment is powered by electricity or diesel engines.
- f. The diesel engines are fired on low sulfur (500 ppm or less) diesel.
- g. The diesel engines are certified by the manufacturer to meet EPA's nonroad diesel engine emission standards/tiers (40 CFR 89 and 1039).

The temporary crushing and screening operation is subject to all applicable provisions of S.C. Regulation 61-62.5, Standard 4, Sections VIII, IX, X and S.C. Regulation 61-62.6, Section III.

The operations may be subject to 40 CFR 60, Subparts A and OOO. An affected facility shall submit initial notification in accordance with 40 CFR 60.676(i) and perform an initial performance test in accordance with 40 CFR 60.11 and 60.675. Due to the temporary nature of equipment, the initial performance test shall be conducted prior to the equipment being removed from the site of its first operation in this state.

Diesel engines may be subject to 40 CFR 60, Subparts A and IIII and 40 CFR 63, Subparts A and ZZZZ.

The facility shall keep onsite records of any information necessary to document qualification for this exemption including but not limited to start and end of operation at each site, performance test results, equipment list, amount of fuel purchased, fuel supplier certification of sulfur content of fuel purchased, and any other recordkeeping requirements required by applicable state and federal regulations.

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Published Date	Description of Change
November 25, 2011	Original List Published in State Register
July 26, 2013	Reorganized exemption list into categories Modified Exemptions (A)(2)(ii)(a), (B)(3)(i), (D)(1(v – Vi), (D)(3)(ii), (D)(5)(vi), (D)(5)(vii) Added exemptions (A)(1)(vi), (A)(2)(ii)(b), (A)(4), (B)(1)(iii), (B)(2)(i – iii), (B)(3)(iii), (B)(3)(v), (D)(3)(i), (D)(5)(viii –ix) and all exemptions from the SC Regulation 61-62.1, Section II(B)
November 23, 2013	Modified: A(1)(v), B(2) (i ii), B(3)(v), D(5)(iv) Added: A(1)(vi- vii), B(3)(vi vii) Removed: (A)(2)(ii) Renumbered: Changed A(2)(ii)(a) to A(2)(ii), changed A(2)(ii)(a)(1) to A(2)(ii)(a), changed A(2)(ii)(b) to A(2)(iii), C(1)(vi – xi)
July 25, 2014	Updated Exemption List based on the revisions to SC Regulation 61-62.1.
October 23, 2015	Reorganized exemption list into two sections, Section A does not require any documentations to be kept on site, Section B are the ones which will require documentations. Modified exemptions (old exemption number in parentheses): A.3 (D.1.iii), A.18 (D.5.ii), A.26 (A.3), A.28 (B.3.vi), B.1.v (A.1.v), B.1.vii (A.1.vii), B.2.i (A.2.i), B.2.ii (A.2.ii), B.3.i (A.1.i & B.1.ii), B.4.i (B.2.i), B.4.ii (B.2.ii), B.6.xiii (B.3.v), B.6.xiv (A.3) Removed: C.1.ii, C.1.viii Added: A.25, A.27, B.1.viii, B.1.ix, B.2.iv, B.5.ix, B.6.iii, B.6.iii, B.6.ix, B.6.x
February 26, 2016	Changed title of the exemption list to BAQ Permitting Exemption List. Added: A.29 Modified on B.6.iv, B.6.xiii Moved B.6.viii to Section A as A.30 The following was added to 6.xii for clarification: “all equipment associated with the process is located inside of the closed building”
January 27, 2017	Added: B(6)(xiv) Modified A(28) and B(6)(iv) for clarity Updated DHEC logo on header and font to Open Sans.

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 January 27, 2017 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 Charleston County

Bon Secours - St. Francis Xavier Hospital, Inc. d/b/a Bon Secours St. Francis Xavier Hospital
Purchase of radiosurgery technology package at a total project cost of \$991,757.

Affecting Marion County**Senior Care of Marion, LLC d/b/a Senior Care of Marion**

Expansion of preexisting facility and the addition of 7 long term care beds for a total of 95 long term care beds at a total project cost of \$2,610,300.

Affecting Oconee County**Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Clinton**

Establishment of a new Home Health Agency in Oconee County at a total project cost of \$15,075.

Affecting Pickens County**Amedisys Home Health, Inc. of South Carolina d/b/a Amedisys Home Health of Clinton**

Establishment of a new Home Health Agency in Pickens County at a total project cost of \$15,075.

Affecting York County**Personal Home Care of North Carolina, LLC d/b/a PHC-SC**

Establishment of a new Home Health Agency in York County at a total project cost of \$46,500.

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 January 27, 2017. "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 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 Aiken County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Aiken County at a total project cost of \$15,000.

Affecting Allendale County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Allendale County at a total project cost of \$15,000.

Affecting Bamberg County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Bamberg County at a total project cost of \$15,000.

Affecting Barnwell County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Barnwell County at a total project cost of \$15,000.

Affecting Beaufort County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Beaufort County at a total project cost of \$15,000.

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Affecting Calhoun County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Calhoun County at a total project cost of \$15,000.

Affecting Charleston County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Charleston County at a total project cost of \$15,000.

Townes Holdings, LLC d/b/a Brightstar Care of Charleston

Establishment of a new Specialty Home Health Agency in Charleston County at a total project cost of \$800.

Affecting Edgefield County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Edgefield County at a total project cost of \$15,000.

Affecting Georgetown County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Georgetown County at a total project cost of \$15,000.

Affecting Greenville County

CMC II, LLC d/b/a Consulate Health Care

Construction of a 70 bed skilled nursing facility in Greenville County at a total project cost of \$14,272,602.

Affecting Greenwood County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Greenwood County at a total project cost of \$15,000.

Affecting Hampton County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Hampton County at a total project cost of \$15,000.

Affecting Horry County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Horry County at a total project cost of \$15,000.

Affecting Kershaw County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Kershaw County at a total project cost of \$15,000.

Affecting Lexington County

Nuclear Care Partners LLC

Establishment of a new Specialty Home Health Agency in Lexington County at a total project cost of \$15,000.

Affecting McCormick County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in McCormick County at a total project cost of \$15,000.

Affecting Newberry County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Newberry County at a total project cost of \$15,000.

Affecting Oconee County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Oconee County at a total project cost of \$15,000.

Affecting Orangeburg County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Orangeburg County at a total project cost of \$15,000.

Affecting Richland County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Richland County at a total project cost of \$15,000.

Affecting Saluda County**Nuclear Care Partners LLC**

Establishment of a new Specialty Home Health Agency in Saluda County at a total project cost of \$15,000.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File #56959
Catawba Fertilizer Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT,
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (The Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Duke Energy Carolinas, LLC (Duke). The VCC provides that Duke, with the Department's oversight, will perform future response actions at the Catawba Fertilizer Site located in Lancaster County near the 500 block of Springdale Road, Lancaster, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

Future response actions addressed in the VCC include, but may not be limited to, Duke funding and performing a Remedial Investigation to determine the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study to evaluate alternatives to clean-up the Site. Further, Duke will reimburse the Department's future costs of overseeing the work performed by Duke and other Department costs of response pursuant to the VCC.

22 NOTICES

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:

- (1) On-line at www.scdhec.gov/Apps/Environment/PublicNotices; or
- (2) By contacting David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than February 27, 2017 and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, Duke will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, Duke shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the VCC including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that Duke has successfully and completely complied with the VCC.

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 February 27, 2017 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 companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Quality Environmental Solutions, Inc.

Attn: Donald E. Jones
2112 Loblolly Lane
Johns Island, SC 29455

Class II

EnviroSmart, Inc.

Attn: Bryon Snow
1629 Meeting St.
Charleston, SC 29405

Smith Monitoring & Maintenance Engineering, Inc.

Attn: Richard Smith
145 Merrill Avenue
Decatur, GA 30030

DEPARTMENT OF REVENUE

NOTICE OF GENERAL PUBLIC INTEREST

117-338. Local Transportation Sales and Use Tax – Eligible Costs.

The South Carolina Department of Revenue elected to terminate the promulgation process on Regulation Document No. 4660, relating to Local Transportation Sales and Use Tax - Eligible Costs.

24 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Marie F. Brown, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at brownmf@dhec.sc.gov. To be considered, the Department must receive comments by 5:00 p.m. on February 27, 2017, the close of the drafting comment period.

Synopsis:

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 50, 51, 52, 60, 61, 63, and 70 include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Prevention of Significant Deterioration (PSD), Nonattainment New Source Review (NSR), the Title V Operating Program, and revisions to testing methods.

The Department proposes to amend: Regulation 61-62.1, Definitions and General Requirements, Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Regulation 61-62.70, Title V Operating Permit Program, to incorporate by reference recent federal amendments promulgated from January 1, 2016, through December 31, 2016.

The Department also proposes to add Regulation 61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate the EPA's CSAPR trading program for South Carolina in 40 CFR Part 97 for NO_x (Annual) and SO₂ (Annual), as published in the *Federal Register* on August 8, 2011 (76 FR 48208) and subsequently amended on December 3, 2014 (79 FR 71663), and October 26, 2016 (81 FR 74504). This will address mandatory transport and regional haze SIP infrastructure elements.

The Department may also propose other changes to Regulation 61-62 that may 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.

Document No. 4742

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6 and Subarticle 7
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry):

Revisions to Sections: 1910.6, 1910.21, 1910.22, 1910.23, 1910.24, 1910.25, 1910.26, 1910.27, 1910.28, 1910.29, 1910.30, 1910.66, Appendix C to 1910.66, Appendix D to 1910.66, 1910.67, 1910.68, 1910.132, 1910.139, 1910.140, Appendix C to Subpart I of Part 1910-Personal Fall Protection Systems Non-mandatory Guidelines, Appendix D to Subpart I of Part 1910-Test Methods for Personal Fall Protection Systems-Non-mandatory Guidelines, 1910.261, 1910.262, 1910.265, 1910.268 and 1910.269 as amended in Federal Register Vol. 81, Number. 223, Friday, November 18, 2016.

In Subarticle 7 (Construction):

Revisions to Sections: 1926.55 as amended in Federal Register Vol. 81, Number 170, Thursday, September 1, 2016.

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