

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.

2018 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	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

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

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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
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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
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Executive Order No. 2018-37

WHEREAS, Daniel Edward Johnson, Solicitor for the Fifth Judicial Circuit, has been indicted by a federal Grand Jury convened in the Columbia Division of the United States District Court for the District of South Carolina on eleven counts of Wire Fraud, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2; nine counts of Mail Fraud, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2; one count of Conspiracy, in violation of 18 U.S.C. § 1349; and one count of Theft of Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A) and 18 U.S.C. § 2 ; and

WHEREAS, Daniel Edward Johnson, as Solicitor for the Fifth Judicial Circuit, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly provides that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictment alleges that Daniel Edward Johnson “[u]s[ed] public funds to finance a private lifestyle” and “abused his position as elected Solicitor to siphon money from the Fifth Judicial Circuit of South Carolina” and includes one or more counts charging the unlawful misuse, embezzlement, or appropriation of public funds to private use; and

WHEREAS, Heather Savitz Weiss, of Columbia, South Carolina, is a fit and proper person to serve as Solicitor for the Fifth Judicial Circuit; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order that Daniel Edward Johnson shall be and hereby is suspended from his office as Solicitor for the Fifth Judicial Circuit until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, I hereby appoint Heather Savitz Weiss to serve as Solicitor for the Fifth Judicial Circuit until Daniel Edward Johnson shall be acquitted or until a successor is elected and qualifies in the next general election for Solicitor for the Fifth Judicial Circuit, whichever event occurs first.

This action in no manner addresses the guilt or innocence of Daniel Edward Johnson and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19th DAY OF SEPTEMBER, 2018.

HENRY MCMASTER
Governor

4 EXECUTIVE ORDERS

Executive Order No. 2018-38

Granting Paid Leave to State Employees Due to State of Emergency Tuesday, September 11, 2018, through September 16, 2018

WHEREAS, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence; and

WHEREAS, in order to effectuate and support the evacuation of the public from those areas threatened by the impacts of Hurricane Florence, the undersigned issued Executive Order 2018-30, effective September 11, 2018, temporarily closing state government offices (to include state-supported colleges, universities, and technical colleges) in 26 counties, to support shelter operations and mass transportation needs in anticipation of Hurricane Florence and provide for the health, safety, and welfare of residents and visitors located in the threatened areas of Hurricane Florence; and

WHEREAS, in accordance with Executive Order 2018-30, on September 11, 2018, state government offices (to include state-supported colleges, universities, and technical colleges) were closed in the following 26 counties: Beaufort, Jasper, Colleton, Hampton, Allendale, Bamberg, Barnwell, Aiken (Southern Conglomerate); Charleston, Berkeley, Dorchester, Orangeburg, Calhoun, Richland, Lexington (Central Conglomerate); and Horry, Georgetown, Williamsburg, Marion, Florence, Dillon, Clarendon, Sumter, Darlington, Lee, and Marlboro (Northern Conglomerate); and

WHEREAS, as the National Weather Service revised its weather forecasts and the effects of Hurricane Florence bore out, the Governor amended requisite closures under Executive Orders 2018-32, 2018-35, and 2018-36; and

WHEREAS, pursuant to Executive Order 2018-36, by 9:00 am Sunday, September 16, 2018, all mandatory closures of state government (to include state-supported colleges, universities, and technical colleges) were rescinded; and

WHEREAS, the undersigned advised state employees to continue following county closures during this same time due to the hazardous weather conditions; and

WHEREAS, several of the 26 counties, as named in the third paragraph of this Order, chose to keep their county office closed due to the State of Emergency and storm event created by Hurricane Florence, and therefore state government offices (to include state-supported colleges, universities, and technical colleges) stayed closed pursuant to the undersigned's advice and directive to follow county closures; and

WHEREAS, in addition to those counties already named above, county officials closed offices in Chesterfield County and Kershaw County during the State of Emergency due to the storm event, and pursuant to the directive to follow county closures, state government offices (to include state-supported colleges, universities, and technical colleges) closed; 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 or hazardous conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to state employees absent from work on Tuesday, September 11, 2018, through the end of Sunday, September 16th, 2018, due to the State of Emergency and Hurricane Florence, whether as directed by me through Executive Order or pursuant to my directive for state agencies to follow county decisions on closures, in the following counties: Aiken; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun,

Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 21st DAY OF SEPTEMBER, 2018.

**HENRY MCMASTER
Governor**

Executive Order No. 2018-39

**Granting Paid Leave to State Employees Due to Hazardous Weather
Monday, September 17, 2018 Through Wednesday, September 19, 2018**

WHEREAS, the devastating effects of Hurricane Florence impacted the coastal and inland areas of South Carolina, and certain parts of the state received 2-4 feet of storm surge, heavy rainfall in the double-digits, high gusts of wind, and river levels several feet above the major flood stage, all of which led to flash flooding, downed trees and power lines, and other debris causing roadways and bridges to be dangerous and impassable; and

WHEREAS, the undersigned directed state employees to follow county closures due to the hazardous weather conditions; and

WHEREAS, county officials closed county offices in Chesterfield, Darlington, Dillon, Kershaw, Marion, Marlboro, and Richland Counties on and between Monday, September 17, 2018, through Wednesday, September 19, 2018;

WHEREAS, state government offices (to include state-supported colleges, universities, and technical colleges), closed pursuant to the undersigned's advice and directive to follow county closures; 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 or hazardous conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to state employees absent from work in Chesterfield, Darlington, Dillon, Kershaw, Marion, Marlboro, and Richland Counties on Monday, September 17, 2018, through Wednesday, September 19th, 2018, as a result of the hazardous weather conditions.

This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 21st DAY OF SEPTEMBER, 2018.

**HENRY MCMASTER
Governor**

6 EXECUTIVE ORDERS

Executive Order No. 2018-40

Mandatory Medical Evacuation of Three Healthcare Facilities

WHEREAS, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, the effects of Hurricane Florence include severe flooding in the rivers and areas of the State; and

WHEREAS, the flooding represents an imminent threat to the safety, security, and welfare of the residents and patients of healthcare facilities that may be impacted by flood waters; and

WHEREAS, inundation mapping provided by the Department of Natural Resources and reviewed by the South Carolina Department of Health and Environmental Control (DHEC) predicts severe flooding is possible in Georgetown County and Horry County that may flood three healthcare facilities; and

WHEREAS, I am authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, as the elected Chief Executive of the State, to direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, I have determined that evacuation of specific healthcare facilities due to flooding is necessary for the preservation of life in and surrounding the threatened area; and

WHEREAS, I, with consultation of the South Carolina Emergency Management Division and DHEC, have determined that it is necessary to evacuate these specific healthcare facilities.

NOW THEREFORE, by virtue of the power and authority vested in me as the Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective on September 21, 2018, I do hereby order a mandatory medical evacuation of the following healthcare facilities licensed by DHEC:

South Island Assisted Living, CRC-1272
2902 South Island Road
Georgetown, SC 29440

Blue Ridge Healthcare, Georgetown, NCF-0633
2715 South Island Road
Georgetown, SC 29440

Said facilities must evacuate all residents by Tuesday, September 25, 2018, at 12:00 PM. Further, the following healthcare facility evacuated under previous Executive Order 2018-28 and should remain evacuated:

Grand Strand Rehab and Nursing Center, NCF-0993
4452 Socastee Blvd
Myrtle Beach, SC 29588

Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by me, and thereafter published for dissemination within the succeeding twenty-four-hour period.

**GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA THIS 21ST
DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-41

WHEREAS, Nicole H. Holland, a member of the South Carolina Educational Television Commission, has been indicted by a federal Grand Jury convened in the Columbia Division of the United States District Court for the District of South Carolina on two counts of Wire Fraud, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2; two counts of Mail Fraud, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2; one count of Conspiracy, in violation of 18 U.S.C. § 1349; and one count of Theft of Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A) and 18 U.S.C. § 2; and

WHEREAS, Nicole H. Holland also has been indicted by the State Grand Jury for Embezzlement of Public Funds, in violation of section 16-13-210(B)(2) of the South Carolina Code of Laws, as amended; and

WHEREAS, Nicole H. Holland, as a member of the South Carolina Educational Television Commission, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly provides that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictments include one or more counts charging the unlawful misuse, embezzlement, or appropriation of public funds to private use; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order that Nicole H. Holland shall be and hereby is suspended from her office as a member of the South Carolina Educational Television Commission until such time as she shall be formally acquitted or convicted.

8 EXECUTIVE ORDERS

This action in no manner addresses the guilt or innocence of Nicole H. Holland and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-42

State of Emergency Due to Major Disaster and Aftermath of Hurricane Florence

WHEREAS, due to the effects of Hurricane Florence, on September 16, 2018, the President of the United States of America issued a Major Disaster Declaration for the State of South Carolina, amending it on September 21, 2018, to include Individual Assistance and Public Assistance for various counties, with additional counties to be added; and

WHEREAS, damage from downed trees, other debris and flooding has caused more than 225 road and bridge closures, damage to more than 390 homes, and displaced more than 37,600 people; and

WHEREAS, Hurricane Florence brought 10 to 18 inches of rain in areas of South Carolina saturating the ground and flooding the rivers, and more flooding is expected through next week as water flows downstream through the Waccamaw River, the Little Pee Dee River, the Great Pee Dee River, and the Lynches River, ultimately converging and emptying into Winyah Bay; and

WHEREAS, river levels are already at flood state and expected to exceed flood state by 3.49 to 16.6 feet, with flood states continuing through October 1, 2018; and

WHEREAS, residents have evacuated from these areas, and evacuations are still occurring, for some residents and healthcare facilities; and

WHEREAS, the State continues to support counties or local governments in response and recovery operations, fulfilling more than 1238 requests for additional resources or assistance to address infrastructure, public safety, and public health concerns; and

WHEREAS, while local, state, and federal officials continue to conduct damage assessments throughout the central and coastal areas, there are parts of the state still conducting evacuations and life safety operations; and

WHEREAS, it is necessary to maintain the activation of the National Guard and other state emergency operations to support the health, safety, and welfare of the public.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective September 24, 2018, I hereby declare that a State of Emergency exists in South Carolina. I direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Florence.

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, as amended, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this State.

I also order Dual Status Command to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status) as necessary.

IT IS FURTHER ORDERED that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina be suspended, and the South Carolina Law Enforcement Division (“SLED”) shall initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

I also note that the prohibitions against price gouging stated in section 39-5-145 of the South Carolina Code of Laws are in effect due to the State of Emergency.

This Order shall take effect immediately. Further proclamations and directives deemed necessary to ensure 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 24-hour period. This State of Emergency shall remain in effect until rescinded or otherwise amended.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF SEPTEMBER, 2018.

**HENRY MCMASTER
Governor**

Executive Order No. 2018-43

Mandatory Medical Evacuation of Two Healthcare Facilities

WHEREAS, due to the impact of Hurricane Florence, the undersigned has declared a State of Emergency and placed into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, the ongoing effects of Hurricane Florence include severe flooding, and such flooding and the impacts thereof represent an imminent threat to the safety, security, and welfare of the residents and patients of healthcare facilities that may be impacted by flood waters; and

WHEREAS, inundation mapping provided by the South Carolina Department of Natural Resources and reviewed by the South Carolina Department of Health and Environmental Control (DHEC) indicates that severe flooding is possible in and around Georgetown County, which may flood or otherwise impact certain healthcare facilities; and

10 EXECUTIVE ORDERS

WHEREAS, as the Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, due to the dangers associated with severe flooding, the undersigned has determined that the evacuation of healthcare facilities in and surrounding the threatened areas is necessary for the preservation of life; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division and DHEC, the undersigned has determined that it is necessary to evacuate the specific healthcare facilities identified herein.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective September 25, 2018, I hereby order a mandatory medical evacuation of the following healthcare facilities licensed by DHEC:

Oasis Residential Home, CRC-1219
2317 Prince Street
Georgetown, SC 29440-2925

Tidelands Georgetown Memorial Hospital, HTL-0007
606 Black River Road
Georgetown, SC 29440
(INPATIENTS ONLY)

Said facilities must evacuate by Wednesday, September 26, 2018, at 12:00 p.m. Further, the following healthcare facilities evacuated in accordance with Executive Order 2018-40 shall remain evacuated:

Grand Strand Rehab and Nursing Center, NCF-0993
4452 Socastee Blvd.
Myrtle Beach, SC 29588

South Island Assisted Living, CRC-1272
2902 South Island Road
Georgetown, SC 29440

Blue Ridge Healthcare, Georgetown, NCF-0633
2715 South Island Road
Georgetown, SC 29440

Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by me and thereafter reduced to writing and published for dissemination within the succeeding twenty-four-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF SEPTEMBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-44**Release of Remaining Mandatory Medical Evacuations
Due to Effects of Hurricane Florence**

WHEREAS, on September 8, 2018, the undersigned issued Executive Order 2018-26, declaring a State of Emergency due to Hurricane Florence and placing into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, on September 24, 2018, the undersigned issued Executive Order 2018-42, declaring a State of Emergency due to the Major Disaster Declaration for South Carolina issued by the President of the United States of America and the damage assessed in the aftermath of Hurricane Florence; and

WHEREAS, due to expected severe flooding in the rivers and areas of the State, an effect of Hurricane Florence, the undersigned issued Executive Order 2018-40 on September 21, 2018, and Executive Order 2018-43 on September 25, 2018, evacuating the following facilities:

South Island Assisted Living, CRC-1272
2902 South Island Road
Georgetown, SC 29440

Blue Ridge Healthcare, Georgetown, NCF-0633
2715 South Island Road
Georgetown, SC 29440

Grand Strand Rehab and Nursing Center, NCF-0993
4452 Socastee Blvd
Myrtle Beach, SC 29588

Oasis Residential Home, CRC-1219
2317 Prince Street
Georgetown, SC 29440-2925

Tidelands Georgetown Memorial Hospital, HTL-0007
606 Black River Road
Georgetown, SC 29440

WHEREAS, as flooding no longer poses an imminent threat to South Carolina, the undersigned has determined that it is appropriate to lift the evacuation orders for these health care facilities.

NOW THEREFORE, by virtue of the power and authority vested in me as the Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective October 1, 2018, I hereby rescind the mandatory medical evacuation orders for the above-named healthcare facilities as published in Executive Orders 2018-40 and 2018-43.

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Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by me, and thereafter published for dissemination within the succeeding twenty-four-hour period.

**GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA THIS 1ST
DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-45

Granting Paid Leave to Georgetown County State Employees Due to Hazardous Weather Tuesday, September 25, 2018 Through Friday, September 28, 2018

WHEREAS, the devastating effects of Hurricane Florence impacted the coastal and inland areas of South Carolina, and certain parts of the state received 2-4 feet of storm surge, heavy rainfall in the double-digits, high gusts of wind, and river levels several feet above the major flood stage, all of which led to flash flooding, downed trees and power lines, and other debris causing roadways and bridges to be dangerous and impassable; and

WHEREAS, Hurricane Florence impacted water levels in North Carolina as well, with water flowing down through South Carolina rivers and bodies of water; and

WHEREAS, the cumulative rainfall in both states created swollen rivers, that ran into the Waccamaw and Pee Dee Rivers; and

WHEREAS, Georgetown County officials told persons to evacuate low-lying areas near the Waccamaw and Pee Dee Rivers on September 28, 2018; and

WHEREAS, the undersigned directed state employees to follow county closures due to the hazardous weather conditions; and

WHEREAS, county officials closed county offices in Georgetown County on Tuesday, September 25 through Friday, September 29, 2018; and

WHEREAS, state government offices (to include state-supported colleges, universities, and technical colleges), closed pursuant to the undersigned's advice and directive to follow county closures; 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 or hazardous conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to Georgetown County state employees for the days of work missed on September 25 through September 28, 2018, due to hazardous weather. Employees may only receive pay on the dates the employee was absent from work because the state office was closed (following county office closures).

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-46

WHEREAS, the undersigned has been notified of the passing of Sergeant Terrence F. Carraway of the Florence Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Sergeant Carraway dedicated his life to protecting and serving the citizens of the United States and the people of the State of South Carolina, both in the United States Air Force and as a decorated law enforcement officer with the Florence Police Department, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the Governor, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Monday, October 8, 2018, in tribute to Sergeant Carraway and in honor of his selfless service, incredible bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-47

WHEREAS, as a result of both the initial impact of Hurricane Florence and the continuing effects thereof, which include severe flooding and other hazardous conditions, the President of the United States of America has issued a Major Disaster Declaration for the State of South Carolina and the undersigned has declared a State of Emergency and placed into effect the South Carolina Emergency Operations Plan to provide for the health, safety, and welfare of residents and visitors located in the threatened areas; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is essential during and after the existing

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emergency, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

WHEREAS, due to the then-anticipated impact of Hurricane Florence, on September 8, 2018, the undersigned issued Executive Order 2018-27, waiving or suspending certain federal rules and regulations that establish registration, permitting, length, width, weight, load, and hours of service requirements for commercial vehicles responding to the declared emergencies in the State of South Carolina and the State of North Carolina to assist in facilitating and supporting the operation of critical transportation services in advance of Hurricane Florence; and

WHEREAS, on October 4, 2018, the Secretary of the United States Department of Agriculture declared certain counties in South Carolina as primary and contiguous natural disaster areas due to production losses caused by Hurricane Florence and the corresponding flooding; and

WHEREAS, the ongoing effects of Hurricane Florence continue to pose an imminent threat of agricultural production loss and other dangers to livestock and poultry and to crops and timber ready to be harvested in South Carolina and in neighboring states, all of which may necessitate transportation of the same; and

WHEREAS, in light of the foregoing circumstances, the continued effects of Hurricane Florence, and the ongoing response and recovery efforts related to the same, the undersigned has been advised that additional regulatory relief is required to allow the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal; vehicles transporting essentials such as food, water, fuel oils, and medicine and medical supplies; and vehicles transporting livestock and poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and

WHEREAS, in accordance with section 56-5-70 of the South Carolina Code of Laws, as amended, during a state of emergency declared by the Governor and in the course of responding to the state of emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty days, provided that such vehicles do not exceed a gross weight of ninety thousand pounds and do not exceed a width of twelve feet; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, and load for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, in accordance with the aforementioned authorities, I hereby suspend the federal rules and regulations that establish certain registration, permitting, length, width, weight, and load requirements, as fully set forth below, for commercial vehicles responding to the existing emergencies in the in the State of South Carolina and the State of North Carolina. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

IT IS FURTHER ORDERED that notwithstanding the waiver of the federal rules and regulations that restrict registration, permitting length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating they are responding to this emergency.

(d) Any dimensions and/or weights of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

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 or as an extension of the provisions of Executive Order 2018-27 with respect to the drivers' hours of service requirements in 49 C.F.R. Part 395.

This Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-48

**State of Emergency Due to Flooding and Potential
Effects of Hurricane Michael**

WHEREAS, Hurricane Florence came ashore in North Carolina on September 14, 2018, and continued into South Carolina with heavy rainfall that created flash flooding throughout the State; and

WHEREAS, the water flowing through the river system from North Carolina impacted South Carolina further, creating swollen river banks and additional flooding in the State even after the storm had ended; and

WHEREAS, on September 16, 2018, the President of the United States of America issued a Major Disaster Declaration for the State of South Carolina, amending it more than once to include Individual Assistance and Public Assistance for various counties, with additional counties to be added; and

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WHEREAS, while Hurricane Florence has passed and the flooding in the rivers has subsided, the flood waters remain and have not receded in portions of Horry County and Marion County; and

WHEREAS, as a result of the flood waters, the State still has one shelter open and volunteer organizations are providing food for those effected by the flood at separate sites; and

WHEREAS, damage from downed trees, other debris and flooding has left road closures on primary and secondary routes, with approximately 49 roads and 24 bridges still closed; and

WHEREAS, the State continues to support counties and local governments in recovery operations, providing resources and assistance to address infrastructure, public safety, and public health concerns; and

WHEREAS, the flooding and structural damage have created a significant threat to the State of South Carolina and requires that the State continues to take protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State, to include maintaining the activation of the National Guard and other state emergency operations to support the health, safety, and welfare of the public; and

WHEREAS, in light of the foregoing circumstances, the continued effects of Hurricane Florence, and the ongoing recovery efforts related to the same, the undersigned issued Executive Order 2018-47 on October 8, 2018, waiving or suspending certain rules and regulations that establish registration, permitting, length, width, weight, and load requirements for commercial vehicles supplying materials to residential and commercial establishments during and after an emergency so that the delivery does not threaten the public welfare, acting as a result of the declared emergencies and in the State of South Carolina and the State of North Carolina; and

WHEREAS, according to the National Weather Service, the majority of the State of South Carolina is within the National Hurricane Center's Track Forecast Cone and the National Hurricane Center has determined that the State of South Carolina may be impacted by Hurricane Michael, which continues to develop and strengthen in the Gulf of Mexico and is projected to make landfall on the coastline of the State of Florida and proceed inland on a northeastern track; and

WHEREAS, as the State still has flood waters that have not receded and heavy rain and winds from approaching Hurricane Michael may impact the State, the undersigned has been advised that the current flood waters and potential increased rain from the approaching storm pose a significant threat to the State of South Carolina and require that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina due to the current flood waters, saturated ground, and potential for heavy rain and further impact that may occur as a result of Hurricane Michael. I direct that the South Carolina Emergency Management Division place the South Carolina Emergency Operations Plan into effect as needed. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Michael as needed.

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, as amended, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this State.

I also order Dual Status Command to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status) as necessary.

IT IS FURTHER ORDERED that, if needed, all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina be suspended, and the South Carolina Law Enforcement Division (“SLED”) shall initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

I also note that the prohibitions against price gouging stated in section 39-5-145 of the South Carolina Code of Laws are in effect due to the State of Emergency created by the flood waters and potential for additional effects due to approaching Hurricane Michael.

This Order shall take effect immediately. Further proclamations and directives deemed necessary to ensure 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 24-hour period. This State of Emergency shall remain in effect for fifteen (15) days unless rescinded, superseded, or otherwise amended by subsequent Executive Order.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF OCTOBER, 2018.

HENRY MCMASTER
Governor

Executive Order No. 2018-49

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127, and both the Federal Motor Carrier Safety Administration and the Governor of a State may suspend certain requirements in an emergency related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, the Federal Motor Carrier Safety Administration, the Governor of South Carolina, the Governor of North Carolina and the Governor of Georgia have all suspended certain requirements related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles due to recent emergencies; and

WHEREAS, the multiple, separate suspensions can be confusing, the undersigned issues this Executive Order to clarify existing waivers in place, and then provide a summary of current suspension of regulations and expiration dates:

1. On September 24, 2018, the undersigned issued Executive Order 2018-42 and declared a State of Emergency exists in South Carolina for fifteen (15) days due to additional flooding expected to occur from water flowing downstream as a result of the heavy rains in North Carolina from Hurricane Florence through the Waccamaw River, the Little Pee Dee River, the Great Pee Dee River, and the Lynches River, converging and emptying into Winyah Bay; and

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2. On October 8, 2018, the undersigned issued Executive Order 2018-47 suspending requirements related to registration, permitting, length, width, weight and load to allow assistance in responding to Hurricane Florence and the devastation it left, to include transportation of vehicles bearing equipment and supplies for utility restoration and debris removal; vehicles transporting essentials such as food, water, fuel, oils, and medicine and medical supplies; and vehicles transporting livestock and poultry, feed for livestock and poultry, and crops, timber, and agricultural products ready to be harvested in the threatened areas; and

3. On October 9, 2018, the undersigned declared a new State of Emergency exists in South Carolina for fifteen (15) days due to current conditions that remained from Hurricane Florence (flood waters have not yet receded, bridges and roads are still closed, a shelter is still open, and the ground is heavily saturated with water), coupled with the threat of Hurricane Michael's heavy rains and strong winds and the predicted impact to already devastated areas; and

4. On October 9, 2018, the Federal Motor Carrier Safety Administration issued a Regional Emergency Declaration Under 49 CFR §390.23, attached, waiving compliance with Parts 390 through 399 of Title 49 Code of Federal Regulations for commercial transportation operations providing direct assistance and supporting emergency relief efforts to areas impacted by Hurricane Michael, such as transporting supplies, equipment, persons, fuel, and other necessary relief into and from Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee ("Affected States"), which is in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, whichever is less; and

5. When a state of emergency is declared in North Carolina or Georgia that triggers relief under 49 C.F.R. § 390.23, an emergency shall be declared in South Carolina and similar relief provided pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

6. On October 10, 2018 the Governor of North Carolina issued Executive Order No. 74 on October 10, 2018, attached, declaring that a state of emergency exists due to the lasting impact from Hurricane Florence and expected impact of Hurricane Michael, and Executive Order No. 75 suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles to ensure North Carolina highways have an uninterrupted supply and transportation of equipment and supplies for persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry; (2) persons transporting livestock and poultry, and crops ready to be harvested; and (3) vehicles used in the restoration of utility services, effective for thirty (30) days or the duration of the emergency, whichever is less; and

7. On October 9, 2018, the Governor of Georgia issued an Executive Order declaring that a state of emergency exists due to Hurricane Michael and its effects in named counties, amending counties in a new Executive Order on October 10, 2018, both of which are attached, and then suspended requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles to ensure the uninterrupted supply and transportation of petroleum products, emergency or disaster related materials, supplies and other goods and services (to include any agricultural harvests or other food products), for one week, ending on October 16, 2018 at 11:59 PM.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, to ensure consistency in all the above orders for ease of transportation throughout the states assisting those areas affected by Hurricane Florence or Hurricane Michael, and considering the Federal Motor Carrier Safety Administration's issuance of a Regional Emergency Declaration Under 49 CFR §390.23 and the similar relief provided through Executive Orders issued in North Carolina and Georgia, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below, for commercial vehicles responding to the existing emergency in the Affected States from both Hurricane Florence and Hurricane Michael. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with

S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, to ensure the uninterrupted supply of equipment, goods, services, agriculture needs, and other items needing to be moved on the highways in the Affected States, to include, but not limited to:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, wood chips, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

The undersign hereby revokes Executive Order 2018-47 issued on October 8, 2018, and Executive Order 2018-49 shall stand in its place.

IT IS FURTHER ORDERED that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). However, 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.

FURTHER, with respect to drivers' hours of service, the suspension shall be in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws. This date is consistent with the Federal Motor Carrier Safety Administration's Regional Emergency Declaration and North Carolina's Executive Order, and provides a longer time-period than Georgia's Executive Order. However, with respect to requirements relating to registration,

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permitting, length, width, weight, and load, these are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, so long as in response to emergency needs as set forth above, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-50

Authorizing of the South Carolina Floodwater Commission

WHEREAS, South Carolina has experienced numerous episodes of flooding along the coast, rivers, and low-lying interior areas as results of rains, storms, hurricanes and tides that highlight the need for a state-wide plan to accommodate and mitigate flooding impacts in the state; and

WHEREAS, the State will benefit from a coordinated and collaborative effort to identify comprehensive responses and solutions to protect persons, property and enterprises and to fully appreciate the attributes and power of the forces of nature; and

WHEREAS, in these endeavors it is vital that this State work to accommodate and mitigate flooding to lessen the negative impacts to our State's economy to facilitate growth, promote tourism and assist communities and businesses struggling with repeated flooding events; and

WHEREAS, a coordinated national, state, local and community effort is necessary and appropriate to facilitate the interaction between governments at all levels and the private and academic sectors to address these issues.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I do hereby constitute the South Carolina Floodwater Commission ("Commission") for the purpose of creating a state-wide flood accommodation, response and mitigation effort. The Commission shall serve as a vehicle for authorities to research, evaluate share and coordinate measures and ideas being considered.

The Commission shall identify short-term and long-term recommendations to alleviate and mitigate flood impacts to this State, with special emphasis on cities, communities and enterprises located on or near the coast and rivers. The Commission shall consider, in its discretion, any and all relevant studies, data, reports and expert and lay opinion on storm water management and use, urbanization impact, coastal shoreline fluctuation, project and operational financing, affordability, available grants, appropriate partnerships, and the impact such decisions have upon neighboring cities, counties and states to ensure that a comprehensive, executable strategy may be adopted.

The Commission shall report to the Governor. The South Carolina Department of Parks, Recreation and Tourism (PRT) shall provide staff support and other resources as necessary. The Governor appoints Tom Mullikin Sr., Esquire, Research Professor at Coastal Carolina University, as Chair of the Commission. The Chair may form subcommittees of the members as deemed necessary. Commission meetings shall be held regularly, broadcast appropriately, and preserved for archival record.

The Commission shall be comprised of the Chair, nine *ex officio* members serving by virtue of office, and no more than eighteen additional appointments by the Governor from the following categories:

- South Carolina Adjutant General, *ex officio*, or designee;
- Director of the Emergency Management Division, *ex officio*, or designee;
- Director of the State Disaster Recovery Office, *ex officio*, or designee;
- Director of the Department of Health and Environment Control (DHEC), *ex officio*, or designee;
- Director of the DHEC Office of Ocean and Coastal Resource Management (OCRM), *ex officio*, or designee;
- Commissioner of Agriculture, *ex officio*, or designee;
- Secretary of the Department of Transportation, *ex officio*, or designee;
- Members of Congress for the 1st and 7th Congressional Districts, *ex officio*, or designees;
- One or more members of the Senate and/or of the House of Representatives;
- Representatives from Chambers of Commerce from coastal counties;
- Mayors from coastal cities and towns;
- Representatives from coastal county councils;
- Commanders of federal military installations located along the coast;
- Individuals who have relevant professional, academic, or research expertise, or experience in relevant areas, including engineering, flood mitigation, public planning, hydrology, marine sciences, environmental protection, or climatology.

The Commission shall call upon federal agencies, including the Federal Emergency Management Agency (FEMA), and the Army Corps of Engineers, US Department of Transportation (USDOT) to assist the Commission. The Commission may call other persons to participate as needed for expertise and relevant information.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 15th DAY OF OCTOBER 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-51

WHEREAS, on March 13, 2017, the undersigned issued Executive Order 2017-05, suspending Mohsen A. Baddourah as a member of the City Council of the City of Columbia following his indictment for “a crime involving moral turpitude” pursuant to article VI, section 8 of the South Carolina Constitution; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the suspension of Mohsen A. Baddourah was effective until such time as the aforementioned indictment was resolved; and

WHEREAS, the undersigned is informed that the aforementioned indictment has been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, “a *nolle prosequi* upon charges extinguishes the State’s prosecution upon those charges” and “treats charges *nol prossed* as if they never existed,” *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004).

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NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby rescind Executive Order 2017-05 and reinstate Mohsen A. Baddourah as a member of the City Council of the City of Columbia. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF OCTOBER, 2018.

HENRY MCMASTER
Governor

Executive Order No. 2018-52

WHEREAS, the undersigned has been notified of the passing of Investigator Farrah B. Turner of the Florence County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Investigator Turner dedicated her life to protecting and serving the people of the State of South Carolina and the residents of Florence County, and her loss warrants the people of this State appropriately recognizing her distinguished service and honoring her supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that "[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff"; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the Governor, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time upon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby Order that all flags on state buildings be lowered to half-staff from sunrise on Tuesday, October 23, 2018, until sunset on the day of Investigator Turner's funeral in tribute to Investigator Turner and in honor of her selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 23rd DAY OF OCTOBER, 2018.

HENRY MCMASTER
Governor

Executive Order No. 2018-53**Granting Paid Leave to State Employees Due to Hurricane Michael and the State of Emergency**

WHEREAS, on October 10, 2018, Hurricane Michael came ashore on the coast of Florida as a category 4 hurricane, continuing through several states; and

WHEREAS, Hurricane Michael was reclassified to a tropical storm before moving into South Carolina on October 11, 2018; and

WHEREAS, weather forecasters warned of tropical storm force winds of at least 39 miles per hour, with winds or gusts up to hurricane force of 74 miles per hour in some areas, along with flooding rains, making driving conditions detrimental; and

WHEREAS, the undersigned issued Executive Order 2018-48, declaring a State of Emergency due to the expected effects of Hurricane Michael on top of existing flood waters that remained from Hurricane Florence; and

WHEREAS, the undersigned directed state employees to follow county closures due to the State of Emergency and potential for hazardous weather conditions; and

WHEREAS, several counties chose to close early, delay opening, or close entirely their offices during the time period when the tropical storm, which brought tropical storm force winds and rain, moved through the county; and

WHEREAS, state government offices (to include state-supported colleges, universities, and technical colleges), closed pursuant to the undersigned's advice and directive to follow county closures; and

WHEREAS, the following counties were closed on October 11, 2018, for one entire day: Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Fairfield, Florence, Hampton, Kershaw, Lancaster, Lee, Lexington, Marlboro, McCormick, Newberry, Orangeburg, Richland, Saluda, Sumter, and Williamsburg.

WHEREAS, Aiken County operated on a delayed start at 11:00 AM on October 11, 2018; and

WHEREAS, Marion County closed early at 11:00 AM on October 11, 2018; 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 or hazardous conditions.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby grant leave with pay to state employees in the above-listed counties for work missed on October 11, 2018, because the state office closed pursuant to the hazardous weather policy. Employees may only receive pay if the employee was absent from work because the state office was closed.

24 EXECUTIVE ORDERS

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-54

WHEREAS, on October 24, 2017, the undersigned issued Executive Order 2017-36, suspending James H. Harrison as a member of the Board of Visitors of The Citadel, the Military College of South Carolina, following his indictment by the State Grand Jury for one or more “crime[s] involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order 2017-36 stated that the undersigned’s suspension of James H. Harrison was effective “until such time as the above-referenced charges are resolved, at which time further appropriate action will be taken by the undersigned”; and

WHEREAS, on October 26, 2018, James H. Harrison was convicted of one count of Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws; one count of Common Law Misconduct in Office; and one count of Perjury, in violation of section 16-9-10 of the South Carolina Code of Laws; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon conviction of an “officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, in addition to the foregoing, section 8-1-80 of the South Carolina Code of Laws requires that, upon conviction of an individual for Misconduct in Office pursuant such provision, “[t]he presiding judge . . . shall order a certified copy of the indictment to be immediately transmitted to the Governor who must, upon receipt of the indictment, by executive order declare the office to be vacant” and the resulting vacancy “must be filled as in the case of the death or resignation of the officer”; and

WHEREAS, with regard to elected members of the Board of Visitors of The Citadel, the Military College of South Carolina, section 59-121-30 of the South Carolina Code of Laws provides, in relevant part, that “[t]he General Assembly shall hold an election to fill vacancies occurring due to expiration of terms . . . and as necessary to fill unexpired terms which are caused by the death, resignation, or removal of a trustee”; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office and seat previously held by James H. Harrison on the Board of Visitors of The Citadel, the Military College of South Carolina. The resulting vacancy shall be filled as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF OCTOBER, 2018.**

**HENRY MCMASTER
Governor**

26 NOTICES

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 **November 23, 2018** 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 Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3028.

Affecting Charleston County

Palmetto Endoscopy Center -- Mount Pleasant, LLC d/b/a Palmetto Endoscopy Center, LLC at Carnes Crossroads

Construction of a new Ambulatory Surgical Facility restricted to endoscopic procedures, with two endoscopy rooms at a total project cost of \$2,395,500.

Medical University Hospital Authority d/b/a MUSC Shawn Jenkins Children's Hospital and Pearl Tourville Women's Pavilion (SJCH)

Level IV Neonatal Intensive Care Unit Designation at a total project cost of \$503.

Trident Medical Center, LLC

Addition of a Fourth Robotic Surgical System at a total project cost of \$2,778,150.

Affecting Chester County

Providence Home Health, LLC

Establishment of a Home Health Agency in Chester County at a total project cost of \$40,184.

Affecting Darlington County

South Carolina Baptist Ministry for the Aging, Inc. d/b/a Bethea Baptist Health Care Center

Construction of a 44,804 sf building for the replacement of an existing 88-bed skilled nursing facility, with no increase in beds, at a total project cost of \$15,397,458.

Affecting Georgetown County

Palmetto Infusion Services, LLC

Establishment of a Specialty Home Health Agency in Georgetown County at a total project cost of \$12,000.

Affecting Horry County

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Regional Medical Center

The expansion of 9,766 BGSF and renovation of 6,552 BGSF to include the addition of a Hybrid Operating Room at a total project cost of \$20,759,624.

Strand Gastrointestinal Endoscopy Center, Inc.

Renovation of an existing building for the relocation and expansion of Strand Gastrointestinal Endoscopy Center, Inc. The new facility will consist of 7,200 sf with 3 endoscopy rooms at a total project cost of \$4,399,413.

Affecting Union County

Interim HealthCare of the Upstate, LLC

Establishment of a Home Health Agency in Union County at a total project cost of \$25,000.

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 **November 23, 2018**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, 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) 545-3028.

Affecting Charleston County

Bishop Gadsden Episcopal Retirement Community

Construction of a new health care facility that will offer a 100 bed health care center, which includes an additional 50 skilled nursing beds at a total project cost of \$56,457,735.

Affecting Georgetown County

Palmetto Infusion Services, LLC

Establishment of a Specialty Home Health Agency in Georgetown County at a total project cost of \$12,000.

Affecting Union County

Interim HealthCare of the Upstate, LLC

Establishment of a Home Health Agency in Union County at a total project cost of \$25,000.

28 DRAFTING NOTICES

CLEMSON UNIVERSITY STATE CROP PEST COMMISSION CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

Notice of Drafting:

The State Crop Pest Commission is considering the implementation of new regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, designation, monitoring and control, including quarantine, of the plant pest commonly referred to as Guava Root Knot Nematode, scientific name *Meloidogyne enterolobii*.

Interested parties should submit written comments to Dr. Stephen E. Cole, Interim Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than December 31, 2018, the close of the comment period.

Synopsis:

The proposed amendments will set forth the quarantine and management practices related to a potential new plant pest referred to as Guava Root Knot Nematode.

These proposed regulations will require legislative action.

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) proposes amending 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 submit comments on the Department’s proposed amendments in writing to Marie Brown, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via email at brownmf@dhec.sc.gov. To be considered, the Department must receive comments by 5:00 p.m. on December 27, 2018, the close of the drafting comment period.

Synopsis:

(1) The Department proposes amending Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits.

(2) The Department proposes amending the introductory paragraph to Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation’s text.

(3) The Department proposes amending Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(4) The Department proposes amending Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(5) The Department proposes amending Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(6) The Department proposes amending Regulation 61-62.70, Title V Operating Permit Program; Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; and Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to update public participation procedures.

The Department may also propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, that may include definitional updates, clarification of certain permitting provisions, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with S.C. Code Section 1-23-120(A) (Supp. 2016), these amendments will require legislative review.

30 PROPOSED REGULATIONS

Document No. 4861
STATE FISCAL ACCOUNTABILITY AUTHORITY
CHAPTER 19
Statutory Authority: 1976 Code Sections 11-35-10 et seq.

19-445. Consolidated Procurement Code.

Preamble:

The Consolidated Procurement Code authorizes the State Fiscal Accountability Authority to promulgate regulations governing the procurement, management, and control of any and all supplies, services, information technology, and construction to be procured by the State and any other regulations relating to implementation of Title 11, Chapter 35 (Sections 11-35-60 & -540(1)). The proposed regulation will address various matters regarding Regulation 19-445 and procurement in general.

Notice of Drafting for the proposed amendments was published in the *State Register* on September 28, 2018.

Section-by-Section Discussion

Section 2000. State Procurement Regulations.

Technical changes are made to reflect the Code Commissioner's reference to the authority's five-member board. No substantive change intended.

Two definitions—"certification" and "responsible procurement officer"—have been added for clarity.

Section 2015. Unauthorized or Illegal Procurements.

According to the South Carolina Supreme Court, contracts entered into in violation of public procurement laws are void. While this rule may be fundamentally necessary, the results can be unduly harsh – depending on the facts. A regulation allowing the ratification of improperly awarded contracts allows the government to avoid some of these harsh results. Unfortunately, it also opens a Pandora's box – it permits officials to use ratification to achieve otherwise prohibited results. In order to work, such a regulation must be clear with regard to when a contract remains void, when a contract can be ratified, and if ratified, when performance can continue. To illustrate, some contracts – say, shortly after award – should simply be declared void. Some should be ratified, then terminated; this approach avoids the challenges of voiding a contract by maintaining existing rights, such as warranties for equipment in use, but honors the procurement policies by stopping the contract at that time. In some instances, the overall urgency and necessity of the state require that it continue with the contract notwithstanding its award in violation of law. For each set of facts, the regulation must properly address the parties' rights and responsibilities after improper conduct is discovered.

The current regulation was last modified in 2007, when an attempt was made to address similar concerns. Lessons learned since then demonstrate that the regulation overly favors ratification, has not achieved results consistent with the purposes and policies of the Code, and lacks clarity. For these reasons, the regulation has been rewritten to provide clearer instructions on what options are available when an unauthorized or otherwise illegal contract is identified.

Section 2017. Pre-Solicitation Procedures.

This regulation is completely new. It furnishes valuable tools for procurement professionals that should increase the efficiency and economy of the procurement process. It will result in both faster and better acquisitions from the State's perspective, and closer cooperation with the private sector to better align the State's needs with commercially available products and services. The regulation includes three substantive parts: Acquisition Planning, Market Research, and Exchanges with Industry. R.19-445.2017B requires acquisition planning, a vital step in the procurement process that is all too often overlooked. This proposed regulation does not apply to acquisitions of construction. R.19-445.2017C requires market research, another step in the acquisition cycle that helps agencies ensure they adopt strategies appropriate to the market for the specific

supplies or services they are purchasing. R.19-445.2017D addresses interaction between purchasing agencies and the private sector. There is a widespread misconception among State personnel that there should be little or no contact with private sector representatives about anticipated acquisitions. The new section is intended to dispel that myth and to encourage closer communication between the State and its prospective offerors, so that agency needs and expectations can be better aligned with market realities. Additional safeguards are included to avoid inappropriate communications or disclosure of information that might favor one offeror over another. *See* R.19-445.2017D(6).

Section 2020. Certification.

Technical changes only. No substantive change intended.

Section 2027. Electronic Commerce.

Electronic commerce has been recognized in South Carolina since at least 2004 by the Uniform Electronic Transactions Act, 2004 S.C. Act No. 279, § 1, codified at S.C. Code Ann. §§ 26-6-10, *et seq.* (“UETA”). By its terms UETA applies to government agencies. The current procurement regulations pre-date electronic commerce. This new regulation explicitly authorizes widespread existing practices among governmental bodies currently using e-commerce solutions, including for issuing solicitations, amendments and other notices; receiving offers and related documents in response to solicitations; and providing required notices, including awards or intents to award, for contracts governed by the Consolidated Procurement Code.

R.19-445.2027B(3) stipulates that the procurement modules in SCEIS meet the new requirements.

If electronic commerce is used, R.19-445.2027C(1) requires the solicitation to specify the methods to be used. The last sentence makes clear that only the method(s) specified in the solicitation is acceptable. For example, an invitation to submit bids through SCEIS does not permit an offeror to e-mail her bid to the procurement officer. If an offer is submitted by a method other than that specified in the solicitation, it will be rejected as non-responsive.

Section 2030. Competitive Sealed Bidding—The Invitation for Bids.

These changes are technical and merely restate existing law. The text proposed to be added to current paragraph (5) is taken verbatim from Section 11-35-1520(3).

Section 2040. The Official State Government Publication.

No print edition of SCBO has been published in nearly ten years. The proposed amendment reflects that SCBO currently exists only in electronic form. Distribution to public libraries and others is by posting on the SCBO website, at <https://scbo.sc.gov/>(.) Since subsection (B), dealing with “copies” furnished to public libraries, is proposed to be deleted, the heading for R.19-445.2040A is no longer required.

Section 2045. Receipt, Safeguarding, and Disposition of Bids.

Subsection C is added to reflect current practice, as articulated in 2002 ABA Model Procurement Regulation R3-301.05; and to provide for disposition of electronic offers.

Section 2060. Telegraphic Bids.

This regulation has been repealed. Proposed new R.19-445.2027, Electronic Commerce, *ante*, renders it unnecessary.

Section 2065. Rejection of Bids.

Proposed R.19-445.2045C eliminates the need for section D.

Section 2070. Rejection of Individual Bids.

Technical change only.

32 PROPOSED REGULATIONS

Section 2085. Correction or Withdrawal of Bids; Cancellation of Awards.

A federal court in South Carolina has held that our state would follow the majority rule, that a bidder on a public project can withdraw its bid, even after opening and regardless of contract provisions to the contrary, if the bid is affected by a substantial error; the bidder notifies the owner before the owner has changed its position; and where enforcing the bid would work a great wrong. *National Fire Ins. Co. of Hartford v. Brown & Martin Co.*, 726 F.Supp. 1036 (D.S.C. 1989). More recently, the South Carolina Supreme Court allowed modification of a bid based on mistake, where enforcing the contract would cause the bidder to suffer a “substantial loss.” *Martin Engineering, Inc. v. Lexington County Sch. Dist. One*, 365 S.C. 1, 615 S.E.2d 110 (2005). Central to both decisions is a reluctance to allow the government to profit from a bidder’s honest and obvious mistake. New proposed R.19-445.2085A(2) authorizes the procurement officer to request confirmation of a bid that appears obviously in error. If the bidder verifies that an error has occurred, it can request correction or withdrawal in accordance with law. This proposed regulation permits early recognition of obvious mistakes and may avoid protests or other legal proceedings that would otherwise delay awarding a contract. It does not relax or change the existing and exacting requirements for correction or withdrawal of offers.

Section 2095. Competitive Sealed Proposals.

All changes are primarily technical, and affect procurement staff, not prospective offerors.

R.19-445-2095A clarifies that the reasonable notice required by the Consolidated Procurement Code and current regulations for preparation of bids also applies to competitive sealed proposals.

R.19-445.2095B and -2095C make technical changes to the current sections.

The current version of R.19-445.2095G requires OSE to oversee the evaluation process and any discussions with offerors for any procurement of construction that is not low bid. It also allows the State Engineer to excuse that oversight. The amendment prohibits the State Engineer from excusing oversight if the project exceeds two million dollars. It continues to require close involvement by OSE staff in acquisitions over \$2 million, to avoid over-use or misuse of the RFP source selection method for construction projects. The revised regulation will not require a change in OSE’s administration of these acquisitions, as staff currently remains involved in RFP selection even for projects under the new threshold.

Current R.19-445.2095J, with no substantive change, is proposed to be re-codified as standalone R.19-445.2098. *See* proposed new regulation and commentary, *post*.

New subsection J incorporates notice provisions in R.19-445.2090(B), applicable when posting an award on competitive sealed bids is delayed, to like delays in awarding on competitive sealed proposals.

New R.19-445.2095K is proposed to provide for the development of a negotiation plan prior to beginning negotiations with the highest ranked offeror for RFPs.

Section 2097. Rejection of Proposals.

R.19-445.2095B makes R.19-445.2045C applicable to RFPs, thus eliminating the need for section D.

Section 2098. Rejection of Individual Proposals.

With one minor change, new R.19-445-2098A through C re-codifies current R.19-445.2095(J) as a standalone regulation. This move aligns the structure of regulations governing RFPs with those governing sealed bids. Technical changes to subsections (A), (B), and (C) are made to comply with State Register formatting guidelines.

Proposed R.19-445.2098D makes clear that late proposals will not be accepted, and adopts the “mailroom” exception applicable to bids from R.19-445.2070(G).

Section 2122. Price Reasonableness.

This is an entirely new regulation. Its intent is to specifically authorize procurement staff to employ analytical tools to detect unreasonable pricing, especially unbalanced bidding. The proposed analytical tools are described in broad terms and leave to the chief procurement officers the task of formulating policy, guidance and training materials for use by governmental bodies.

Introductory R.19-445.2122A makes clear that adequate competition will ordinarily suffice to establish price reasonableness. When competition is absent, it also authorizes use of analytical techniques to evaluate cost or pricing data, which such data is required by existing statutory provisions.

The definitions of price analysis and cost analysis, in R.19-445.2122B, are taken from 1980 ABA Model Procurement Rules R3-403.07 to -.09.

Unbalanced pricing exists when individual line item prices are manipulated so they reflect neither their intrinsic value nor their proportion to the prices for other line items. The agency suspects that unbalanced pricing costs the State thousands of dollars each year. Rather than apply a strict mathematical formula, it relies on the procurement officer's judgment of contractual risk to determine if unbalanced pricing is unreasonable.

Section 2127. Organizational Conflicts of Interest.

This is a placeholder only.

Section 2140. Specifications.

Consistent with the Model Procurement Regulations, the Procurement Review Panel has long required that Brand-name-or-equal specifications must identify the salient characteristics of the brand name exemplar that meets the State's requirements. Proposed R.19-445.2140C(2)(a) incorporates this requirement into regulation. R.19-445.2140C(2)(b) also requires the solicitation to include language that the "or equal" specification is not intended to be restrictive. Both sections are based on 1980 ABA Model Procurement Regulations, R4-202.02.2(b).

Section 2152. Leases, Lease/Payment, Installment Purchase, and Rental of Personal Property.

Technical change only. No substantive change intended.

Section 2180. Assignment, Novation, and Change of Name.

Proposed new R.19-445.2180A provides a definition that has been missing from the regulation. This does not change established policy and practice of the Division of Procurement Services.

Section 3000. School District Procurement Codes; Model.

Technical change only. No substantive change intended.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on January 2, 2018, at 10:00 AM in Room 252 of the Edgar A. Brown Building, State House Grounds, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to Office of General Counsel, Attn: Keith McCook, 1201 Main Street, Suite 420, Columbia, S.C. 29201 or to regulations@mmo.state.sc.us, on or before 5:00 PM on December 27, 2018. Copies of the text of the proposed amendments for public notice and comment are available at <https://procurement.sc.gov/review-period-draft>.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The State Fiscal Accountability Authority estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 19-445.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Consolidated Procurement Code.

34 PROPOSED REGULATIONS

Purpose: These regulations are proposed to clarify and improve the procedures used in procurement.

Legal Authority: Title 11, Chapter 35 of the South Carolina Code of Laws.

Plan for Implementation: The proposed amendments would be incorporated within R.19-445 upon publication in the State Register as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. As part of its routine training program, the State Fiscal Accountability Authority will offer training classes to inform government officials regarding the impact of the proposed regulations.

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

As reflected in Section 11-35-20, the Consolidated Procurement Code was enacted to consolidate, clarify, and modernize the law governing procurement in this State and to permit the continued development of explicit and thoroughly considered procurement policies and practices. These regulations are designed to achieve those purposes and policies, consistent with best practices developed through experience. Accordingly, the State Fiscal Accountability Authority determined that the proposed amendments to the state's procurement regulations are needed and reasonable.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community. The proposed amendments will benefit covered governmental entities by enhancing the integrity of the process, improving efficiency, and allowing sound procurement practices that enable government to acquire better value for the taxpayer's dollars.

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 regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

The Consolidated Procurement Code expressly contemplates the continued development of explicit and thoroughly considered procurement policies and practices. The proposed changes are needed to accommodate developments in the law and in best practices for government procurement, and to further consolidate, clarify, and modernize the law governing procurement in this State. S.C. Code Section 11-35-20(d).

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. 4870

**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.

Preamble:

1. Pursuant to the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., and 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.

2. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments to 40 CFR Parts 60, 61, and 63 include revisions to New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412.

3. The Department proposes to amend R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.61, National Emission Standards for Hazardous Air Pollutants; R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and the South Carolina State Implementation Plan (SIP), to adopt the federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017.

4. The Department proposes changes to R.61-62.68, Chemical Accident Prevention Provisions, which include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary and to maintain compliance with federal law.

5. The Department proposes to amend R.61-62.70, Title V Operating Permit Program, by striking paragraph (a)(6) of Section 70.3, Applicability, to maintain state compliance with federal regulations.

6. The Department proposes to amend R.61-62.96 to repeal the Clean Air Interstate Rule (CAIR) trading program regulations (Subparts AA through II, AAA through III, and AAAA through IIII) and reinstate applicable portions of the EPA's "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (NO_x SIP Call), with amendments as necessary, to maintain state compliance with federal regulations. The Department adopted R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, on August 25, 2017. Subparts AA through II, AAA through III, and AAAA through IIII of R.61-62.96 are based on the federal CAIR regulation, which EPA has since replaced with federal CSAPR requirements implemented by R.61-62.97. As a result, federal CAIR requirements implemented by R.61-62.96 are no longer in effect. The proposed NO_x SIP Call regulations will maintain state compliance with federal NO_x SIP Call requirements that remain applicable following the sunset and repeal of CAIR.

7. The Department proposes further changes to R.61-62 deemed necessary, including, but not limited to, corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text of R.61-62.

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8. South Carolina industries are already subject to these national air quality standards as a matter of federal law. Thus, there will be no increased cost to the state or its political subdivisions resulting from codification of these amendments to federal law. South Carolina is already reaping the environmental benefits of these amendments. There also will be no increased cost to the state or its political subdivisions as a result of the repeal of R.61-62.96, which reflects the sunset of federal CAIR regulations.

9. In accordance with S.C. Code Section 1-23-120(H) (Supp. 2017), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

10. The Department had a Notice of Drafting published in the September 28, 2018, *State Register*.

Section-by-Section Discussion of Proposed Amendments:

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 28561, June 23, 2017; and 82 FR 32644, July 17, 2017, by reference.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)

Regulation 61-62.61, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 32644, July 17, 2017, by reference.

Regulation 61-62.61, Subpart W, “National Emission Standards for Radon Emissions from Operating Mill Tailings”:

Subpart W, Table, is amended to incorporate federal revisions at 82 FR 5142, January 17, 2017, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, Subpart A, “General Provisions”:

Subpart A, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017; 82 FR 47328, October 11, 2017; and 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart AA, “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”:

Subpart AA, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart BB, “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”:

Subpart BB, Table, is amended to incorporate federal revisions at 82 FR 45193, September 28, 2017, by reference.

Regulation 61-62.63, Subpart MM, “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfit, and Stand-Alone Semicemical Pulp Mills”:

Subpart MM, Table, is amended to incorporate federal revisions at 82 FR 47328, October 11, 2017, by reference.

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:

Subpart LLL, Table, is amended to incorporate federal revisions at 82 FR 28562, June 23, 2017; and 82 FR 39671, August 22, 2017, by reference.

Regulation 61-62.63, Subpart NNN, “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”:

Subpart NNN, Table, is amended to incorporate federal revisions at 82 FR 60873, December 26, 2017, by reference.

Regulation 61-62.63, Subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”:

Subpart VVV, Table, is amended to incorporate federal revisions at 82 FR 49513, October 26, 2017, by reference.

Regulation 61-62.63, Subpart XXX, “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”:

Subpart XXX, Table, is amended to incorporate federal revisions at 82 FR 5401, January 18, 2017, by reference.

Regulation 61-62.63, Subpart CCCC, “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”:

Subpart CCCC, Table, is amended to incorporate federal revisions at 82 FR 48156, October 16, 2017, by reference.

Regulation 61-62.63, Subpart UUUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”:

Subpart UUUUU, Table, is amended to incorporate federal revisions at 82 FR 16736, April 6, 2017, by reference.

Regulation 61-62.68, Chemical Accident Prevention Provisions

Regulation 61-62.68, Section 68.1, Scope:

Section 68.1, Scope, is amended to insert the words "Clean Air" between “section 112(r) of the” and “Act.” for clarity.

Regulation 61-62.68, Section 68.3, Definitions:

Paragraph (e) is amended to strike the word “if” and replace it with the word “is” for consistency with the federal regulation.

Regulation 61-62.68, Section 68.115, Threshold determination:

Paragraph (a) is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.126, Exclusion:

Section 68.126, Exclusion, is amended to strike the section symbol “§” and replace with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.130, List of Substances:

Tables 1, 2, 3 and 4 are amended by correcting errors in chemical nomenclature and an incorrect CAS number in Table 1. Footnote 1 to Tables 3 and 4 is also amended to strike the section symbol “§” and replace it with the word “Section” to provide clarity and consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (d) is amended to strike the citation “(b)(2)” and replace with “(c)(2)”, and strike the citation “(b)(7)” and replace with “(c)(7)” for correct codification.

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Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(1) is amended to strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (g)(2) is amended to strike the citation “(f)(1)” and replace with “(g)(1)” for correct codification, and replace “90” with “ninety (90)” for consistency.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (h) is amended to strike the three citations to paragraph “(f)” and replace each with “(g)”, and strike the citation “(e)” and replace with “(f)” for correct codification.

Regulation 61-62.68, Section 68.220, Audits:

Paragraph (i) is amended to strike the citation “(g)” and replace with “(h)” for correct codification, and replace “Thirty” with “Thirty (30)” for consistency.

Appendix A to Part 68 is amended by correcting errors in chemical nomenclature.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Section 70.3, Applicability:

Paragraph (a)(6) is stricken in its entirety to maintain compliance with federal regulations adopted at 70 FR 75320.

Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program

Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, is amended by: revising the title of the regulation to “Nitrogen Oxides (NO_x) Budget Program”, striking two paragraphs of introductory text, adding new Subparts A through I, and striking existing Subparts AA through II, Subparts AAA through III, and Subparts AAAA through IIII.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comment(s) on the proposed amendments to Roger Jerry in the Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; by fax at 803-898-4117; or by email at jerryre@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on December 27, 2018, the close of the public comment period. Comments received during the write-in public comment period by the deadline set forth above will be submitted by the Bureau to the S.C. Board of Health and Environmental Control (“Board”) in a Summary of Public Comments and Department Responses for the Board’s consideration at the public hearing.

The Board will conduct a public hearing on the proposed amendments during its January 3, 2019, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP).

Purpose: The EPA promulgated amendments to national air quality standards in 2017. The recent federal amendments include clarification, guidance, and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 and 7413; New Source Performance Standards (NSPS) mandated by 42 U.S.C. Section 7411; federal National Emission Standards for Hazardous Air Pollutants (NESHAP) mandated by 42 U.S.C. Section 7412; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, proposes amending the aforementioned regulations and SIP to codify federal amendments to these standards promulgated from January 1, 2017, through December 31, 2017. Additionally, the Department proposes amending R.61-62.96 due to sunsetted requirements no longer in effect and replaced by R.61-97, and continuing federal requirements under the NO_x SIP Call. The Department also proposes corrections to R.61-62.68 for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary and to maintain compliance with federal law.

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

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2017 included 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. The proposed amendments also serve to amend a regulation to reflect the sunset of federal CAIR requirements that are no longer in force, and to continue federal requirements under the NO_x SIP Call. The proposed amendments also include corrections for internal consistency, clarification, chemical nomenclature, codification, spelling, and overall improvement of the text as necessary to ensure compliance with federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The proposed 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. The proposed amendments will benefit the regulated community by clarifying and updating the regulations and increasing their ease of use.

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UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the proposed amendments to R.61-62 will provide continued protection of the environment and public health.

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

The 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.

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. 4862

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

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

10-33. Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists proposes to amend its regulations to add a fee for the licensure of addiction counselors as required by South Carolina Code Section 40-75-220 and the passage of Act 249 of 2018 and to update existing fees. A scrivener's error is corrected and a term is modified as required by Act 249 of 2018.

Section-by-Section Discussion

Title. Add "the" before "Licensure", replace "Marital" with "Marriage", and add "Addiction Counselors, and Psycho-Educational Specialists."

10-33 A. Add "and fee" and replace "goes" with "go".

10-33 B. No change.

10-33 B (1) Change "Intern" to "Associate" as reflected by change in Act 249 of 2018.

10-33 B (2) Replace \$170 with \$150.

10-33 B (3) Replace \$170 with \$150.

10-33 B (4) Replace \$130 with \$150.

10-33 B (5) Renumber and add \$150 for Addiction Counselors.

10-33 B (6) Renumber.

10-33B (7) Add new number.

10-33 C. No change.

10-33 C (1) No change.

10-33 C (2) No change.

- 10-33 C (3) No change.
- 10-33 C (4) No change.
- 10-33 C (5) No change.
- 10-33 D. No change.
- 10-33 E. Add word “fee” after “renewal” for clarification.
- 10-33 F. No change.
- 10-33 F (1) No change.
- 10-33 F (2) No change.
- 10-33 G. Strike copy of file and replace \$15 with \$5 for license verification.
- 10-33 H. No change.
- 10-33 I. Add “card”, remove “no fee”.
- 10-33 J. Separating prior section 10-33G into two different letters. (Currently, Section G reads “License verification (copy of file) \$15”. This is now broken into two separate requests, totaling \$15: Copy of file \$10 and License verification \$5). In Section J, add “Copy of file” \$10.
- 10-33 J (1) Re-letter to K. No change.
- 10-33 J (2) Re-letter to K. No change.
- 10-33 K. Re-letter to L. No change.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 11:00 a.m. on January 7, 2019. Written comments may be directed to Marlo Koger-Thomas, Administrator, Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

In 2018, the General Assembly passed Act 249 requiring the state, by and through the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, to regulate Addiction Counselors. South Carolina Code Section 40-1-50(B) requires the department (LLR) to establish initial fees for revenue-funded boards, and the Counselors’ practice act, in South Carolina Code Section 40-75-200 requires payment of an appropriate fee for licensure. Section 40-1-50(B) also requires the Director of the Department to adjust fees to ensure funds are sufficient but not excessive to cover the costs of the boards.

DESCRIPTION OF REGULATION:

Purpose: The regulation corrects two scrivener’s errors, assigns a fee for the licensure of addiction counselors, and changes the term “associate” to “intern,” as used in Act 249 of 2018.

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

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Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

In 2018, the General Assembly passed Act 249 requiring the state, by and through the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, to regulate Addiction Counselors. South Carolina Code Section 40-1-50(B) requires the department (LLR) to establish initial fees for revenue-funded boards, and the Counselors' practice act, in South Carolina Code Section 40-75-200 requires payment of an appropriate fee for licensure. Section 40-1-50(B) also requires the Director of the Department to adjust fees to ensure funds are sufficient but not excessive to cover the costs of the boards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

In 2018, the General Assembly passed Act 249 requiring the state, by and through the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, to regulate Addiction Counselors. South Carolina Code Section 40-1-50(B) requires the department (LLR) to establish initial fees for revenue-funded boards, and the Counselors' practice act, in South Carolina Code Section 40-75-200 requires payment of an appropriate fee for licensure. Two scrivener's errors were corrected, and a term was changed as required by Act 249 of 2018. The Board is also updating existing fees.

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. 4865
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
 CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-900. International Fire Code.

Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, of the Code of Regulations regarding the International Fire Code.

Section-by-Section Discussion

Title. Strike 2012 and add 2018.

8-900. Strike 2015 and add 2018.

8-901. Add “recreational fire” to existing definition and replace “fire” with “fuel” within definition.

8-902. Strike existing section defining sky lantern and add new section providing definition for primitive camp.

8-903. Strike existing section modifying IFC Section 307.5 and replace with IFC Table 315.7.6(1) Pile Separation Distances.

8-904. No change.

8-905. Strike language modifying IFC Section 507.1 regarding water supply and location and provide updated version regarding approved water supply.

8-906. Strike existing language modifying IFC Section 905.3 and replace with IFC Section 507.5.1 regarding fire protection water supplies.

8-907. Strike existing language stating title of IFC Section 906.1(1) and replace with IFC Section 901.6.3 regarding maintaining records of system inspections, tests and maintenance.

8-908. Strike existing language modifying IFC Section 2307.2.2 and replace with IFC Section 903.2.1.2 Group A-2 regarding requirements for structures conducting agritourism activities.

8-909. Insert new section 909, moving existing section to 8-911, discussed below. New Section 909 incorporates IFC Section 903.2.9 Group S-1 concerning automatic sprinklers.

8-910. Strike existing language modifying IFC 2307.6.4 and replace with IFC Section 1016.2 concerning egress through intervening spaces.

8-911. Previously Section 8-909, IFC Section 2307.4, regarding the location of dispensing operations and equipment. Existing language stricken and replaced with requirements for LP-gas dispensing operations’ separation from buildings and other structures. The second exception is also stricken.

8-912. New section added, IFC Section 2307.7 regarding public fueling of motor vehicles related to LP gas motor fuel-dispensing facilities. Existing section 8-911, regarding IFC 2308.4, private fueling of motor vehicles, is stricken.

8-913. Renumbering of existing Section 8-912.

8-914. Renumbering of existing Section 8-913.

8-915. Renumbering of existing Section 8-914. Existing Section 8-915 is stricken.

8-916. No change.

8-917. Existing Section 8-917 and replaced with content of existing Section 8-918.

8-918. Renumbering of existing Section 8-922. Existing Sections 8-919, 920, and 921 stricken.

8-919. Renumbering of existing Section 8-923.

8-920. Renumbering of existing Section 8-924. Existing Section 8-925 is stricken.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 4, 2019. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to incorporate modifications to the 2018 International Fire Code adopted by the South Carolina Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to incorporate modifications to the 2018 International Fire Code adopted by the South Carolina Building Codes Council.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate modifications to the 2018 International Fire Code adopted by the South Carolina Building Codes Council.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will reflect modifications made to the 2018 International Fire Code adopted by the Building Codes Council.

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. 4866
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-1000. International Fuel Gas Code.

Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, of the Code of Regulations regarding the International Fuel Gas Code.

Section-by-Section Discussion

Title. Strike 2012 and add 2018.

8-1000. Strike 2015 and add 2018.

8-1001. Strike in its entirety.

8-1002. Renumber as 8-1001.

8-1003. Renumber as 8-1002.

8-1004. Renumber as 8-1003. Correct mm from 3038 to 3048.

8-1005. Renumber as 8-1004.

8-1006. Renumber as 8-1005. Update IFGC Section number from 412.9 to 413.5.

8-1007. Renumber as 8-1006.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 4, 2019. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to incorporate modifications to the 2018 International Fuel Gas Code adopted by the South Carolina Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to incorporate modifications to the 2018 International Fuel Gas Code adopted by the South Carolina Building Codes Council.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate modifications to the 2018 International Fuel Gas Code adopted by the South Carolina Building Codes Council.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will reflect modifications made to the 2018 International Fuel Gas Code adopted by the Building Codes Council.

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. 4869
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-1300. International Mechanical Code. (New article).

Preamble:

The South Carolina Building Codes Council proposes to add Chapter 8, Article 13, of the Code of Regulations to incorporate modifications to the International Mechanical Code.

Section-by-Section Discussion

Header. Article 13 International Mechanical Code
Title. 2018 International Mechanical Code Modification Summary.
Section 8-1301. Modifying IMC Section 504.8.2 regarding Duct Installation.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 4, 2019. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations add Chapter 8, Article 13, of the Code of Regulations to incorporate modifications to the International Mechanical Code.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Building Codes Council proposes to add Chapter 8, Article 13, of the Code of Regulations to incorporate modifications to the International Mechanical Code.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

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Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate as Article 13 modifications to the 2018 International Mechanical Code as adopted by the South Carolina Building Codes Council.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The proposed regulations will incorporate modifications to the 2018 International Mechanical Code as adopted by the South Carolina Building Codes Council.

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. 4868
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-1200. International Residential Code.

Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, of the Code of Regulations to incorporate modifications to the International Residential Code.

Section-by-Section Discussion

Title. Replace 2012 with 2018.

8-1201. No change.

8-1202. Delete.

8-1203. Delete.

8-1204. Renumber as 1202.

8-1205. Renumber as 1203.

8-1206. Renumber as 1204.

8-1207. Renumber as 1205.

8-1208. Renumber as 1206.

8-1209. Renumber as 1207.

8-1210. Renumber as 1208.

8-1212. Renumber as 8-1209.

New Section numbered 8-1210 adding an exception to R315.2.2 for the installation, alteration or repairs of plumbing or mechanical systems other than installation or alteration of fuel-fired systems and appliances.

8-1213. Renumber as 8-1211.

New Section numbered 8-1212 adding a seventh item to subterranean termite control methods providing treatments may be conducted as outlined in the Pesticide Control Act.

New Section numbered 8-1213 providing guidance on the installation of foam plastic protection from termite infestation.

8-1214. No change.

8-1215. Delete existing language regarding IRC Section R326.1 and replace with IRC Section 322.1 regarding buildings and structures constructed in flood hazard areas.

8-1216. No change.

New section added as 8-1217 regarding IRC Section R408.3 ventilation opening in under floor space.

8-1217. Renumbered 8-1218.

8-1218. Renumbered as 8-1219.

8-1219. Renumbered as 8-1220.

8-1220. Renumbered as 8-1221.

8-1221. Renumbered as 8-1222.

8-1222. Renumbered as 8-1223.

8-1223. Renumbered as 8-1224.

8-1224. Renumbered as 8-1225.

8-1225. Renumbered as 8-1226.

8-1226. Renumbered as 8-1227.

8-1227. Renumbered as 8-1228.

New section added as 8-1229 regarding IRC Section M1502.4.2, exhaust duct installation.

8-1228. Renumbered as 8-1230.

8-1229. Renumbered as 8-1231.

New section added as 8-1232 regarding IRC Section M1504.3, exhaust openings.

8-1230. Renumbered as 8-1233.

8-1231. Renumbered as 8-1234.

8-1232. Renumbered as 8-1235.

8-1233. Renumbered as 8-1236.

8-1234. Renumbered as 8-1237.

8-1235. Renumbered as 8-1238.

8-1236. Renumbered as 8-1239.

New section added as 8-1240 regarding IRC Section R3901.4.3, the requirements for receptacle outlets on perpendicular countertop space.

New section added as 8-1241 regarding IRC Section 3902.16, arc fault circuit protection.

8-1237. Renumbered as 8-1242.

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8-1238. Renumbered as 8-1243. Also added IRC Section
New section added as 8-1244 adopting IRC Section Appendix Q, tiny houses.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 4, 2019. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These proposed regulations amend Chapter 8, Article 12, of the Code of Regulations to incorporate modifications to the International Residential Code as adopted by the South Carolina Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Building Codes Council proposes to add Chapter 8, Article 12, of the Code of Regulations to incorporate modifications to the International Residential Code as adopted by the Council.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate modifications to the 2018 International Residential Code as adopted by the South Carolina Building Codes Council in Article 12 of Chapter 8 of the Code of Regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The proposed regulations will incorporate modifications to the 2018 International Residential Code, appearing in Chapter 8, Article 12, as adopted by the South Carolina Building Codes Council.

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. 4867
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-1100. National Electrical Code.

Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, of the Code of Regulations regarding the National Electrical Code.

Section-by-Section Discussion

Title. Strike 2012 and replace with 2017.

8-1100. Strike 2014 and replace with 2017.

8-1100. No change.

8-1102. Strike c regarding arc fault circuit interrupted protection.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 4, 2019. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

These regulations are amended to incorporate modifications to the National Electrical Code, 2017 Edition, as adopted by the South Carolina Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to incorporate modifications to the 2017 National Electrical Code as adopted by the South Carolina Building Codes Council.

Legal Authority: 1976 Code Sections 6-9-40 and 40-1-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate modifications to the National Electrical Code, 2017 Edition, as adopted by the South Carolina Building Codes Council.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will reflect modifications made to the 2017 National Electrical Code, as adopted by the South Carolina Building Codes Council.

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. 4863
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
CHAPTER 91
Statutory Authority: 1976 Code Sections 40-33-10(E), (I) and 40-33-70

91-32. Code of Ethics.

Preamble:

The South Carolina Board of Nursing proposes to amend R.91-32 to correct a scrivener's error and adopt the American Nurses Association's Code of Ethics: 2015.

Section-by-Section Discussion

91-32. Replace "Nursing" with "Nurses" and add year 2015 as the version of the Code of Ethics that is adopted.

A Notice of Drafting was published in the *State Register* on October 26, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 1:00 p.m. on January 7, 2019. Written comments may be directed to Carol Moody, Administrator, Board of Nursing, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 27, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulation is necessary to correct a scrivener's error in the current language and to identify the version of the Code of Ethics (the 2015 version) that is being adopted by the Board of Nursing. The reference to "American Nursing Association", as promulgated in 2014, was erroneous; there is no such association.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Nursing proposes to amend R.91-32 to correct a scrivener's error in the name of the association and to identify which Code of Ethics (the 2015 version) is being adopted by the Board of Nursing.

Legal Authority: 1976 Code Sections 40-33-10(E), (I) and 40-33-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulation is necessary to correct a scrivener's error in the current language and to identify the version of the Code of Ethics (the 2015 version) that is being adopted by the Board of Nursing. The reference to "American Nursing Association", as promulgated in 2014, was erroneous; there is no such association.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The proposed regulation is necessary to correct a scrivener's error in the current language and to identify the version of the Code of Ethics (the 2015 version) that is being adopted by the Board of Nursing. The reference to "American Nursing Association", as promulgated in 2014, was erroneous; there is no such association.

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. 4864
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF SOCIAL WORK EXAMINERS
CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-10

110-2. Continuing Education Advisory Committee.

Preamble:

The Board of Social Work Examiners proposes to repeal R.110-2.

Section-by-Section Discussion:

110-2. Repeal.

The Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 3:00 p.m. on January 7, 2019. Written comments may be directed to Marlo Koger-Thomas, Administrator, South Carolina Board of Social Work Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 27, 2018, will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to repeal an unnecessary provision directing a committee to recommend continuing education requirements.

DESCRIPTION OF REGULATION:

Purpose: These regulations are amended to repeal an unnecessary provision directing a committee to recommend continuing education requirements.

Legal Authority: 1976 Code Sections 40-1-70 and 40-63-10.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

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

The Board is repealing a regulation that established parameters for an advisory committee to develop continuing education standards for the Board. The task is complete and therefore, the committee is no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The Board is repealing a regulation that established parameters for an advisory committee to develop continuing education standards for the Board. The task is complete and therefore, the committee is no longer needed.

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. 4860

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200, 50-11-2210, and 50-11-2215

123-204. Additional Regulations Applicable to Specific Properties.

Preamble:

The South Carolina Department of Natural Resources is proposing to create a new regulation that governs the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. The following is a summary of the proposed changes and additions:

123-204 - Additional Regulations Applicable to Specific Properties.

N. Adds regulations for the Sassafras Mountain Tower site.

Z. Provides description of state wildlife sanctuary for clarification for Tom Yawkey Wildlife Center.

1. Provides clarification of conditions of public access for Tom Yawkey Wildlife Center.

2. Provides clarification of conditions for public camping for Tom Yawkey Wildlife Center.

AA. Corrects capitalization error in proper name.

A Notice of Drafting was published in the *State Register* on October 26, 2018, Volume 42, Issue No. 10.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 3, 2019 at 10:00 am in Room 335 of the Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than December 27, 2018.

Preliminary Fiscal Impact Statement:

The modifications to Regulation 123-204 will have a minimal fiscal impact due to the new Sassafras Tower. No other changes will have a fiscal impact. These regulations will reduce damage to and conflicts on the area and minimize financial inputs from the department and have little change to fiscal impacts on the users.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123 by modifying regulation 123-204 in order to manage public use on WMAs and other lands owned and managed by the Department.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all special use restrictions related to use of Department-owned and leased land. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in all DNR land use documents and the Managed Lands section of the DNR website. The public will be notified through the website and through news releases and other Department media outlets and publications.

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

These regulations regulate use of properties on lands owned and leased by DNR for this purpose.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulations will require small additional costs to the state. The Sassafras Tower is a new destination for state citizens and visitors. The other regulation changes will have minimal impact. There are minimal impacts on Wildlife Management Areas and no effect on hunting seasons.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate significant costs with the promulgation of this regulation. Additionally, the costs of managing the Sassafras Tower will be borne by timber income, donations and partner inputs. A cost estimate is \$25,000 per year. The other regulation changes have no costs estimates due to the lack of anticipated costs and the uncertainties associated with them.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on the environment or public health.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in establishing public use areas. Contractual agreements with the landowners and authorizing statutes provide guidelines for the use and management of the properties.

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.