

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published September 25, 2020

Volume 44 Issue No. 9

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.

2020 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	1/10	2/14	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	05/12/2021	Public Service Commission	Regs and Admin Procedures	Judiciary

2 EXECUTIVE ORDERS

Executive Order No. 2020-54

WHEREAS, the undersigned has been notified of the passing of Floyd Breeland, who dutifully served as a member of the South Carolina House of Representatives; and

WHEREAS, in addition to his service as a member of the South Carolina House of Representatives, Floyd Breeland previously served the State of South Carolina in various other capacities over the course of his thirty-three-year career in public education; and

WHEREAS, prior to his tenure in the South Carolina House of Representatives and his distinguished career in public education, Floyd Breeland served honorably in the United States Army; and

WHEREAS, Floyd Breeland was a dedicated public servant, principled leader, passionate educator, proud mentor, and tireless community advocate, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; 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 present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may 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.”

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 the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Tuesday, August 18, 2020, in honor of Floyd Breeland and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF AUGUST, 2020.**

HENRY MCMASTER
Governor

Executive Order No. 2020-55

WHEREAS, on August 1, 2019, the undersigned issued Executive Order No. 2019-22, establishing the South Carolina 2020 Complete Count Committee (“Committee”) as part of an effort to increase awareness of, and encourage South Carolinians to respond to, the 2020 federal decennial census (“2020 Census”); and

WHEREAS, the Committee, which is led by the Lieutenant Governor, is charged with, *inter alia*, “[c]oordinat[ing] cooperative efforts and facilitat[ing] partnerships between and among the United States Census Bureau, local governments, any other in-state Complete Count Committees, and community organizations to ensure maximum participation in the 2020 Census and a complete and accurate count of South Carolina’s population”; and

WHEREAS, due to the impacts of the 2019 Novel Coronavirus (“COVID-19”), the United States Census Bureau previously suspended field operations in connection with the 2020 Census and has since modified certain processes and procedures to protect the safety of its employees and the American public; and

WHEREAS, in light of the foregoing and to ensure a complete and accurate count of all communities, the United States Census Bureau has extended the deadline for individuals to respond to the 2020 Census from July 31, 2020, until October 31, 2020; and

WHEREAS, the State of South Carolina remains committed to increasing awareness of, and encouraging maximum participation in, the 2020 Census; and

WHEREAS, the Lieutenant Governor and the Committee have diligently led the State’s community outreach and engagement efforts related to the 2020 Census, and the undersigned has determined that it is necessary and appropriate for the Committee to continue its important work to ensure that the 2020 Census provides a complete and accurate count of South Carolina’s population.

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 extend the term of the Committee and all other provisions of Executive Order No. 2019-22 until December 31, 2020. This Order is effective immediately and shall remain in effect until December 31, 2020, unless otherwise modified, amended, extended, or rescinded.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF AUGUST, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-56

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threat and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), and in doing so, the State must remain flexible to account for evolving conditions and focus on implementing targeted and narrowly tailored emergency measures and expanding mitigation efforts designed to reduce community spread and transmission of COVID-19 and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

4 EXECUTIVE ORDERS

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, and 2020-53; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, although the above-referenced and other emergency measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an ongoing and evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of August 25, 2020, DHEC has identified at least 112,088 confirmed cases of COVID-19 in the State of South Carolina, including 2,408 deaths due to COVID-19; and

WHEREAS, over the past several weeks, the State has significantly increased the availability of, and access to, COVID-19 testing, and although the expansion of testing capability and capacity was expected to produce higher daily numbers of confirmed cases of COVID-19, DHEC has continued to report a substantial number of confirmed cases of COVID-19, particularly among the 21–30 age group, as well as a large number of hospital beds utilized or occupied by patients who have either tested positive or are under investigation for COVID-19; and

WHEREAS, as a result of South Carolina's enhanced testing and tracing initiatives, DHEC has also identified additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, due to the continued spread of COVID-19 and the significant number of individuals hospitalized in connection with the same, the State of South Carolina must continue to take any and all necessary and appropriate steps to expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected 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 “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

6 EXECUTIVE ORDERS

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, 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; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19 and the need to expand mitigation efforts to reduce community transmission of the same, as well as the continued need to, *inter alia*, minimize the resulting strain on healthcare facilities and resources and deploy widespread testing and tracing initiatives, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status and continued community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, the State of South Carolina must take additional proactive action to implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same, particularly on healthcare facilities and resources and certain portions of the State’s population; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving nature

and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the continued spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, updated data, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and evolving threats cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

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. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the evolving public health threat posed by the COVID-19 pandemic and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action to expand mitigation efforts to reduce community transmission of COVID-19 and implement further extraordinary measures to prepare for, respond to, and address the ongoing and evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available

8 EXECUTIVE ORDERS

means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate. I further direct DHEC to develop guidelines for nursing homes and assisted living facilities to allow for or facilitate limited visitation for immediate family members and to communicate the same to such facilities.

E. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

F. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, 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).

G. I hereby order 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 shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to 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.

H. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

I. I hereby declare that the provisions of Executive Order No. 2020-50 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's August 11, 2020 Extension and Modification of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or 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 twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. 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 be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To

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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 normal business hours.

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

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of 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 travelling 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, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. 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 orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 25th DAY OF AUGUST, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-57

WHEREAS, on August 1, 2020, the undersigned issued Executive Order No. 2020-49, waiving or suspending certain transportation-related regulations to facilitate emergency preparations and response operations in connection with Hurricane Isaias, which was anticipated to impact the southeastern region of the United States during the first week of August, 2020; and

WHEREAS, Hurricane Isaias was subsequently downgraded to a tropical storm but re-intensified and was reclassified as a hurricane shortly before making landfall near the South Carolina–North Carolina border on August 4, 2020; and

WHEREAS, as a result of Hurricane Isaias, certain portions of the State of South Carolina experienced severe weather, including damaging winds, significant rainfall, extensive localized flooding, and other dangerous conditions; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in certain counties throughout the State were closed or operated on an abbreviated schedule to ensure the safety of state employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather 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 order and direct as follows:

Section 1. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties and on the following dates:

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August 3, 2020:

Abbreviated Schedule: Beaufort County (closed at 12:00 p.m.), Berkeley County (closed at 2:00 p.m.), Charleston County (closed at 1:00 p.m.), Georgetown County (closed at 3:00 p.m.), Horry County (closed at 3:00 p.m.)

August 4, 2020:

Abbreviated Schedule: Horry County (opened at 10:00 a.m.)

Section 2. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF AUGUST, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-58

WHEREAS, the undersigned has been notified of the passing of Chadwick Boseman; and

WHEREAS, a revered son of South Carolina, Chadwick Boseman was a talented artist and celebrated actor whose portrayals of prominent and pioneering historical figures inspired millions of Americans and made him a cultural icon in his own right, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may 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.”

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 the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Sunday, August 30, 2020, in honor of Chadwick Boseman and in recognition of his extraordinary and inspirational legacy. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 29th DAY OF AUGUST, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-59

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threat and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), and in doing so, the State must remain flexible to account for evolving conditions and focus on implementing targeted and narrowly tailored emergency measures and expanding interagency coordination and mitigation efforts designed to facilitate the safe resumption of in-person classroom instruction, reduce community spread and transmission of COVID-19, and minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, and 2020-56; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged “the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)” and recognized that “given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus”; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19,

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while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, although the above-referenced and other emergency measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an ongoing and evolving public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of September 9, 2020, DHEC has identified at least 124,097 confirmed cases of COVID-19 in the State of South Carolina, including 2,800 deaths due to COVID-19; and

WHEREAS, the State of South Carolina remains focused on increasing the availability of, and access to, COVID-19 testing, and although the expansion of testing capability and capacity was expected to produce higher daily numbers of confirmed cases of COVID-19, DHEC has continued to report a substantial number of confirmed cases of COVID-19, particularly among the 21–30 age group, as well as a large number of hospital beds utilized or occupied by patients who have either tested positive or are under investigation for COVID-19; and

WHEREAS, as a result of South Carolina’s enhanced testing and tracing initiatives, DHEC has also continued to identify additional “hot spots” in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, due to the continued spread of COVID-19 and the significant number of individuals hospitalized in connection with the same, the State of South Carolina must continue to take any and all necessary and appropriate steps to expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected 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 “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, 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; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and

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protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19 and the need to expand mitigation efforts to reduce community transmission of the same, as well as the continued need to, *inter alia*, minimize the resulting strain on healthcare facilities and resources and deploy widespread testing and tracing initiatives, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status and continued community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, the State must take additional proactive action to implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the continued spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, updated data, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and evolving threats cited herein, represents and requires the declaration of a new and distinct

emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

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. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the evolving public health threat posed by the COVID-19 pandemic and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action to expand mitigation efforts to reduce community transmission of COVID-19 and implement further extraordinary measures to prepare for, respond to, and address the ongoing and evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate. I further direct DHEC to develop guidelines for nursing homes and assisted living facilities to allow for or facilitate limited visitation for immediate family members and to communicate the same to such facilities.

E. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

F. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, 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).

G. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and

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restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to 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.

H. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

I.I hereby declare that the provisions of Executive Order No. 2020-50 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina’s continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s August 11, 2020 Extension and Modification of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and

operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or 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 twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. 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 be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, 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 normal business hours.

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

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of 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 travelling 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, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

20 EXECUTIVE ORDERS

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. 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 orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF SEPTEMBER, 2020.**

**HENRY MCMASTER
Governor**

Executive Order No. 2020-60

WHEREAS, the undersigned has been notified of the passing of Judge Clyde Henry Hamilton, Senior United States Circuit Judge for the United States Court of Appeals for the Fourth Circuit; and

WHEREAS, in addition to his tenure on the United States Court of Appeals for the Fourth Circuit, Judge Hamilton previously served as a United States District Judge for the District of South Carolina; and

WHEREAS, prior to his accomplished legal career and nearly forty years of distinguished and patriotic federal judicial service, Judge Hamilton served honorably in the United States Army; and

WHEREAS, Judge Hamilton was a remarkable individual, respected jurist, accomplished lawyer, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished service to the State of South Carolina and the United States of America; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may 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.”

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 the flags atop the State Capitol Building be lowered to half-staff from sunrise until sunset on Saturday, September 12, 2020, in honor of Judge Hamilton and in recognition of his extraordinary legacy and lifetime of distinguished service to the State of South Carolina and the United States of America. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF SEPTEMBER, 2020.**

**HENRY MCMASTER
Governor**

22 NOTICES

DEPARTMENT OF CONSUMER AFFAIRS NOTICE OF GENERAL PUBLIC INTEREST

28-78. Sale or Lease of Renewable Energy Facilities.

The Department of Consumer Affairs elected to terminate the promulgation process on Regulation Document No. 4959, relating to Sale or Lease of Renewable Energy Facilities.

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 on **September 25, 2020** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Charleston County

Medical University Hospital Authority d/b/a MUSC Medical Center

Purchase of 4 da Vinci XI robotic surgical systems at a total project cost of \$9,660,000.

Affecting Fairfield County

Precious Jewels Medical and Health Services, LLC

Establishment of Home Health agency in Fairfield county at a total project cost of \$15,000.

Affecting Florence County

Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center

Purchase of a da Vinci XI robotic surgical system at total project cost of \$1,932,000.

Affecting Greenville County

Upstate Surgical Center, LLC (USC)

Construction of a 29,995-sf ambulatory surgery center at a total project cost of \$18,034,295.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **September 25, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Beaufort County

F.C. of South Carolina, Inc. d/b/a Intrepid USA Healthcare Services

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$475,000.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a Summerville Medical Center

Renovation of 2,202 sf to establish diagnostic cardiac catheterization services through the addition of a diagnostic cardiac catheterization laboratory at a total project cost of \$640,809.

Affecting Hampton County**F.C. of South Carolina, Inc. d/b/a Intrepid USA Healthcare Services**

Establishment of a Home Health Agency in Hampton County at a total project cost of \$475,000.

Affecting Orangeburg County**The Regional Medical Center of Orangeburg and Calhoun Counties d/b/a Regional Medical Center**

Purchase of a da Vinci XI robotic surgical system at total project cost of \$2,568,338.

Affecting Richland County**Broadstep Academy - SC, Inc d/b/a Broadstep Behavioral Eastover**

Establishment of a 54 bed Residential Treatment Facility at a total project cost of \$649,580.

Encompass Health Rehabilitation Hospital of Irmo, LLC

Construction for the establishment of a 50 bed Freestanding Inpatient Rehabilitation Hospital in Richland county at a total project cost of \$36,661,437.

Affecting York County**Encompass Health Rehabilitation Hospital of Fort Mill, LLC**

Construction for the establishment of a 39 bed Freestanding Inpatient Rehabilitation Hospital in York county at a total project cost of \$36,659,910.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-210, Code of Laws of South Carolina, the public is hereby notified that a public hearing will be held at 6:00 p.m. on October 13, 2020, **via teleconference** at the Department of Health and Environmental Control (Department), 2600 Bull Street, Columbia, S.C., to provide an opportunity for any person to present information relevant to the following Certificate of Need applications:

Affecting Orangeburg County**The Regional Medical Center of Orangeburg and Calhoun Counties d/b/a RMC Ambulatory Surgery Center**

Renovation of an existing 10,016 sf building for the establishment of a multi specialty Ambulatory Surgery Facility with 6 operating rooms at a total project cost of \$2,406,060.

Ambulatory Partners, LLC

Construction of a 16,640 sf Multi-Specialty Ambulatory Surgery Facility with 2 operating rooms and diagnostic imaging at a total project cost of \$12,537,535.

The order of presentation and call-in instructions for the public hearing will be noticed in an agenda made available by the Department 24 hours in advance of the meeting. A link to the agenda will be available at <https://www.scdhec.gov/health-regulation/health-facility-regulations-licensing-con/certificate-need>. The agenda will also provide notice of cancellation or any change to the hearing times. So that we may establish an orderly procession of the hearing, members of the public wishing to speak are encouraged to make themselves known to the Department prior to the hearing by emailing their contact information to coninfo@dhec.sc.gov by 5:00 p.m. on Tuesday, October 12, 2020. Please include whether you are in support of, or opposed to, either or both of the matters before the Department. Persons desiring to make oral comments at the public hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentations for the record.

24 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

PUBLIC HEARINGS FOR REGULATIONS BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

Due to ongoing COVID-19 concerns, for the remainder of 2020 all DHEC regulation public hearings before the Board of Health and Environmental Control (“Board”) will have a designated conference line available for participants wishing to provide comments without having to attend in person. These participants may register in advance by visiting the DHEC Events webpage (www.scdhec.gov/events) and selecting the appropriate Board meeting date. A link to register will be provided on the accompanying meeting information page.

Participants who wish to provide comments in person will still be able to do so; however, the Board may choose to relocate the hearing to a larger room within DHEC’s Central Office building (2600 Bull Street, Columbia, SC, 29201) to allow for adequate social distancing measures. Appropriate signage will be posted to alert participants to any changes in room assignment.

This notice affects the following scheduled regulation public hearings published in the *State Register*, and all remaining regulation public hearings to be scheduled for 2020.

R.61-24	Licensed Midwives	Document Number 4974
R.61-56	Onsite Wastewater Systems	Document Number 4979
R.61-62	Air Pollution Control Regulations and Standards	Document Number 4978
R.61-75	Standards for Licensing Day Care Facilities for Adults	Document Number 4977
R.61-79	Hazardous Waste Management Regulations (Exempt)	Document Number 4976
R.61-79	Hazardous Waste Management Regulations	Document Number 4975

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING OCCUPATIONAL SAFETY AND HEALTH STANDARDS

South Carolina Department of Labor, Licensing, and Regulation (SCDLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a virtual public hearing will be held on October 28, 2020 at 10:00 AM.

The hearing is to determine if the Director of the SCDLLR will promulgate, revoke, or modify rules and regulations pursuant to Section 41-15-210, SC Code of Laws, 1976. In the rule being considered for adoption, OSHA is amending its existing standard for occupational exposure to beryllium and beryllium compounds in the construction industry to clarify certain provisions and to simplify or improve compliance. These changes are designed to accomplish three goals: to more appropriately tailor the requirements of the standard to the particular exposures in the industry in light of partial overlap between the beryllium standard’s requirements and other OSHA standards; to aid compliance and enforcement across OSHA’s beryllium standards by avoiding inconsistency, where appropriate, between the construction standard and recent revisions to the general industry standard; and to clarify certain requirements with respect to materials containing only trace amounts of beryllium.

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear must file with the Director of the SCDLLR either a notice of intention to appear or a summary of their views on the matter no later than October 21, 2020.

Emily Farr, Director
SCDLLR
PO Box 11329
Columbia, SC 29211-1329

OFFICE OF REGULATORY STAFF

NOTICE OF GENERAL PUBLIC INTEREST

111-10 through 111-66. Lessors of Renewable Energy Facilities.

The South Carolina Office of Regulatory Staff elected to terminate the promulgation process on Regulation Document No. 4960, relating to Lessors of Renewable Energy Facilities.

26 DRAFTING NOTICES

CLEMSON UNIVERSITY CHAPTER 27

Statutory Authority: 1976 Code Section 46-21-625

Notice of Drafting:

Clemson University is considering the changes to clarify and update regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 21, seed certification.

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than October 30, 2020, the close of the comment period.

Synopsis:

The proposed amendments will set update and clarify the current seed certification regulations and the processes whereby growers may grow and certify certain pure seed varieties for commercial sale.

These proposed regulations will require legislative action.

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 Asian Longhorned Beetle, scientific name *Anoplophora glabripennis*.

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than October 30, 2020, the close of the comment period.

Synopsis:

The proposed amendments will set forth the quarantine and management practices related to a destructive new plant pest referred to as Asian Longhorned Beetle.

These proposed regulations will require legislative action.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF COSMETOLOGY**

CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-70

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to add regulations pursuant to S.C. Code Section 40-13-230(D) regarding temporary permits to practice as a cosmetologist, esthetician or nail technician. Interested persons may submit comments to Theresa Brown, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to add regulations pursuant to S.C. Code Section 40-13-230(D) regarding temporary permits to practice as a cosmetologist, esthetician or nail technician.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-15 and 50-15-20

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-151.1 “Regulations for Spotted Turtle” and add Regulation 123-151.3&4. The subject of the proposed action is to amend the regulations 123-151.1 and add 123-151.3&4. 123-151.1 will provide increased protection for spotted turtles in South Carolina. Regulations clarify take, possession, transport, and transfer of spotted turtles and sets conditions for permit issuance and compliance. Regulations 123-151.3&4 will provide protections for native reptiles and amphibians. Regulations establish conditions for exchange and transfer of native reptile and amphibian species, sets conditions for permit issuance and compliance, states the possession limits for native turtles set in Statute 55-15-70, and establishes the procedure for registration of native turtles in excess of established limits with the Department. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations (123-151.1) will establish regulations to allow spotted turtle possession permits to be issued only for scientific and/or conservation purposes and allow current permit holders to register current legally possessed spotted turtles with the Department. Amended regulations establish annual reporting and marking requirements for permit holders, prevent additional collection of wild spotted turtles by permittees, and prohibit the sale and transfer of spotted turtles. These regulations set collection, possession, ad transfer, limits as well as and reporting requirements for this threatened species listed in the state list of Non-game Species in Need of Management (R123-150.2(III)(6)). Since 50-15-20 instructs the Department to determine management measures necessary for non-game wildlife to have a continued ability to sustain themselves successfully, develop programs for such species to perpetuate, and instructs the department to develop regulations for limitations relating to take, possession, transport, export, processing, sale or offer for sale, or shipment as may be deemed necessary to manage such nongame wildlife, regulations are required to set restrictions.

28 DRAFTING NOTICES

Regulations 123-151.3 will establish conditions for the exchange and transfer of native reptiles and amphibians, establishes allowances for the continued commercial trade in certain species and products important to trade, and sets conditions for related permit issuance and compliance (export from state, harvest of yellow bellied turtle and snapping turtle from a private pond, and permitted reptile and amphibian wildlife rehabilitator). Regulation 123-151.4 sets possession limits for native turtles as described in 50-15-70, requires and describes registration of native turtles in excess of statutory limits and sets conditions for permit issuance and compliance. 50-15-15 allows the Department to promulgate regulations for the appropriate management of native reptile and amphibian species, including limitations on, and permitting for, the possession, transfer, sale, barter, trade, shipment, and removal from this State of native reptile and amphibian species and makes it unlawful to possess, transfer, sell, barter, trade, ship, or remove from this State, or attempt to possess, transfer, sell, barter, trade, ship, or remove from this State native reptile and amphibian species, including parts, products, eggs, offspring, and derivatives thereof, in violation of a limit or a permit condition established by the department pursuant to this section. Regulations are required to establish protections and permitting for reptile and amphibian species. Additionally, 50-15-70 establishes permitting and registration for native turtles exceeding statutory limits, and regulations are needed to describe details of this process.

Legislative review is required.

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-11-10, 50-11-310, 50-11-500, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 Wildlife Management Area Regulations and 123-51 Turkey Hunting Rules and Seasons. The purposes of the proposed action are to eliminate conflicts between small game hunters and archery deer hunters on WMA lands, eliminate obsolete wording related to youth hunt days on the Francis Marion National Forest, re-align seasons on 3 WMAs to more closely follow Game Zone general regulations, expand opportunity for waterfowl hunting on three WMAs and remove unnecessary restrictions on Public Bird Dog Training Areas. Any person wishing to provide comments may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will eliminate conflicts between user groups on WMAs, expand opportunity by modifying seasons slightly on seven WMAs, remove the requirement that users of Public Bird Dog Training Areas provide proof of purchase of pen-reared quail, and restrict hunting from, on, or across roads on all deer gun hunts.

Legislative review is required.

Document No. 4994
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, 37-6-506, and 58-27-2660

28-78. Sale or Lease of Renewable Energy Facilities. (New)

Preamble:

The South Carolina Department of Consumer Affairs proposes to promulgate R.28-78 to provide consumer protection parameters applicable to the sale or lease of renewable energy facilities, including disclosure requirements, pursuant to Section 58-27-2660.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on December 27, 2019. The first proposed regulation (Document No. 4959) was published in the *State Register* on February 28, 2020. This proposed regulation incorporates changes based on comments received.

Section-by-Section Discussion

28-78(A) Definitions

Adds new text with reference to Title 37 definitions and additional definitions.

28-78(B) Marketing

Adds new text related to marketing practices and disclosures.

28-78(C) Agreements

Adds new text related to requirements and related disclosures when entering into a renewable generation facility agreement with a consumer.

28-78(D) Right to Cancel

Adds manner by which a consumer may cancel an agreement.

28-78(E) Due Diligence Requirements

Adds new text requiring a retailer to exercise due diligence in the construction/ installation process and utilization of third-party servicers.

28-78(F) Recordkeeping

Adds recordkeeping requirements.

28-78(G) Electronic Delivery of Documents

Adds text outlining the parameters for use of electronic delivery.

28-78(H) Remedies

Adds text regarding the Department's ability to enforce applicable laws, including the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are invited to submit their views in writing to Kelly Rainsford, Deputy Administrator/General Counsel, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2020, the close of the comment period. Should a public hearing be requested, the hearing will be held at the

30 PROPOSED REGULATIONS

Administrative Law Court on November 9, 2020, at 10:00 a.m., 1205 Pendleton Street, Suite 224, Columbia, S.C. 29201.

Preliminary Fiscal Impact Statement:

Implementation of the regulation will not result in a fiscal impact to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Consumer Protections for the Sale or Lease of Renewable Energy Facilities.

Purpose: The purpose of the regulation is to increase consumer protection by providing uniform marketing and contract disclosure requirements for renewable energy facility retailers and their agents.

Legal Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, 37-6-506, and 58-27-2660.

Plan for Implementation: The regulation will take effect upon approval by the General Assembly and upon publication in the State Register.

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

Section 58-27-2660(A)(1) requires the Department and the Office of Regulatory Staff to develop consumer protection regulations regarding the sale or lease of renewable energy facilities. The proposed regulation is necessary to provide protections to South Carolina residents buying or leasing renewable energy facilities for a personal, family, or household use. The proposed regulation will ensure that consumer protection measures are undertaken by renewable energy facility retailers and their agents and provide consumers the information needed to make an informed decision.

DETERMINATION OF COSTS AND BENEFITS:

Initial implementation of this regulation will not require additional resources. However, time from staff attorneys and investigators likely will need to be expended in the enforcement process. The regulation permits the Department to retain funds collected in its enforcement of the regulation, which may offset the resources needed as a result of the broadened authority to oversee the renewable energy generation industry. The framework established by the regulation will provide guidance to renewable energy facility retailers and their agents and curb misleading, deceptive, and bad acts or practices. The increased disclosures to consumers and standardization of the agreements will serve to create a more-educated consumer and will provide the ability to shop around and compare renewable energy facilities. This regulation is intended to protect consumers in the renewable energy marketplace while giving due regard to businesses that act honestly and fairly.

UNCERTAINTIES OF ESTIMATES:

While it is hopeful the industry will comply with the regulation, it is possible the Department may need to pursue enforcement of the regulation requirements. Thus, a finite amount of costs is undetermined due to uncertainty in estimating the number of matters that will warrant intervention and the extent to which any litigation will ensue.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Section 58-27-2660(A)(1) provides that the Department and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors. Sections 37-6-104, 37-6-402, 37-6-403 and 37-6-506 allow the Department to promulgate regulations necessary for the implementation of the South Carolina Consumer Protection Code. It is necessary to promulgate a regulation to set forth the requisite marketing and contractual disclosure provisions needed to ensure consumer protection for the sale or lease of renewable energy facilities.

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. 4991
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110, 59-25-115, 59-26-40, and 59-26-85

43-53. Credential Classification.

Preamble:

State Board of Education Regulation 43-53 governs the type of certificates issued to educators. Amendments to R.43-53 are proposed to include proviso language and longstanding department policy that an educator earning a master’s degree with 60 or more semester hours of graduate course work is eligible for the master’s plus 30 credential classification. Amendments also address longstanding department policy regarding the eligibility of an educator who earns a single master’s degree containing at least 51 graduate semester hours to complete additional courses to equal 60 or more graduate semester hours to remain eligible for the master’s plus 30 credential classification.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 24, 2020.

Section-by-Section Discussion

- Section II(D) Deletes the word “either” since additional options have been added to the section for advancing to the master’s plus 30 credential classification.
- Section II(D)(2) Deletes the reference to a specialist’s degree which has been added in Section II(D)(3).
- Section II(D)(3) Adds the option of earning a specialist’s degree as a separate sub-section.
- Section II(D)(4) Adds the option from proviso and department policy of a single master’s degree containing 60 or more graduate semester hours.
- Section II(D)(5) Adds the option based on department policy of a single master’s degree of at least 51 graduate semester hours plus the completion of additional courses to equal 60 or more graduate semester hours.

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Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 10, 2020, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link [2020-21 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Mary Hipp, Director, Office of Educator Services, Division of Educator, Community and Federal Resources, 8301 Parklane Road, Columbia, SC 29223 or by e-mail to mhipp@ed.sc.gov on or before 5:00 p.m. on October 26, 2020.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-53.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Credential Classification.

Purpose: Changes to R.43-53 are proposed to include proviso language that an educator earning a master's degree with 60 or more semester hours of graduate course work remains eligible for the master's plus thirty credential classification. Amendments also address longstanding department policy regarding the eligibility of an educator who earns a single master's degree containing at least 51 graduate semester hours to complete additional courses to equal at least 60 graduate semester hours to be eligible for the master's plus 30 credential classification.

Legal Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110, 59-25-115, 59-26-40, and 59-26-85.

Plan for Implementation: The proposed amendments would be incorporated within R.43-53 upon publication in the State Register as a final regulation.

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

None.

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 school districts. The proposed amendments will benefit students, schools, districts, and the state, and align the regulation with department policy.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has 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 regulation is not implemented.

Statement of Rationale:

Amendments to R.43-53 will align the text of the regulation with proviso and department policy regarding the master's plus 30 credential classification.

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. 4996
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-75-10 et seq.

61-96. Athletic Trainers.

Preamble:

The Department of Health and Environmental Control ("Department" or "DHEC") proposes amending R.61-96 to update provisions in accordance with current practices and standards. Proposed amendments incorporate and revise provisions relating to statutory mandates, update definitions to conform to terminology widely used and understood within the provider community, and revise requirements for obtaining certification, inspections and investigations, continuing education, patient care, documentation, and the incorporation of statutory change allowing for monetary penalties. The proposed amendments also update the structure of the regulation throughout for consistency with other DHEC Healthcare Quality regulations.

The Department further proposes revisions for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61-96 was last amended in 2015.

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

The Department had a Notice of Drafting published in the February 28, 2020, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

- 101. Definitions, title amended for consistency with other Department regulations.
- 101.A. prior A.3.e. recodified to 101.A and amended for clarity.
- 101.B. prior A.3.b. amended for consistency with other Department regulations.
- 101.C. prior A.3.f. amended for clarity.
- 101.D. prior A.3.d recodified for alphabetizing.
- 101.E. definition for Consultation added for clarity and consistency with other Department regulations.
- 101.F. definition for Continuing Education added for clarity.
- 101.G. prior A.3.c recodified for alphabetizing.
- 101.H. definition of Inspection added for clarity and consistency with other Department regulations.
- 101.I. definition of Investigation added for clarity and consistency with other Department regulations.

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- 101.J. definition of Patient added for clarity and consistency with other Department regulations.
101.K. definition added for Physically Active Population for clarity.
101.L. prior A.3.g amended for alphabetizing.
102. prior C. recodified and amended for consistency with other Department regulations.
102.A. prior F. recodified and amended for consistency with other Department regulations.
102.B. added for clarity and consistency with other Department regulations.
102.C. prior C.2.d. recodified and amended for clarity and consistency with other Department regulations.
102.D. added for clarity and consistency with other Department regulations.
102.E. prior D. recodified and amended for clarity and consistency with other Department regulations.
102.F. prior C.4. recodified and amended for clarity and consistency with other Department regulations.
103. section added allowing Athletic Trainers in military to request a temporary hold on his or her certification during deployment.
104. prior E. recodified and amended for clarity.
105. prior G. recodified and amended to reflect statutory requirements.
106. prior H. recodified and amended for clarity.
107. added for consistency with other Department regulations.
200. Enforcing Regulations, added for consistency with other Department regulations and to clarify the Department's enforcing regulations.
201. added for consistency with other Department regulations.
202. added for consistency with other Department regulations.
203. added for consistency with other Department regulations.
300. Enforcement Actions, prior K. recodified and amended for clarity and consistency with other Department regulations.
301. added for clarity and consistency with other Department regulations.
302. added for clarity and consistency with other Department regulations.
303. prior K.1. recodified and amended for clarity.
400. Advisory Committee, prior L. recodified and amended for clarity and to reflect current statutory requirements.
500. Continuing Education, prior J. recodified for consistency with other Department regulations and amended for clarity.
600. Reserved, added and reserved to align regulation sections with other Department regulations.
700. Patient Care and Records, prior B. recodified and amended for clarity regarding patient care and records section. Section title added for consistency with other Department regulations.
- 800 – 2600. Reserved, added and reserved to align regulation sections with other Department regulations.
2700. Severability, added for consistency with other Department regulations.
2800. General, added for consistency with other Department regulations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HealthRegComm@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 26, 2020, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its December 10, 2020, 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/Agenda>.

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/>.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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: 61-96, Athletic Trainers.

Purpose: The Department proposes amending R.61-96 to update provisions in accordance with current practices and standards. The Department further proposes revisions for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. The proposed amendments incorporate and revise provisions relating to statutory mandates.

Legal Authority: 1976 Code Sections 44-75-10 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) will provide a summary of and link to a copy of the proposed amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amended regulation and any associated information.

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

The proposed amendments are necessary to update provisions in accordance with current practices and standards. The amendments include updated language for Athletic Trainers applying for certification and incorporate provisions delineating requirements in continuing education, documentation, and the incorporation of statutory change allowing for monetary penalties. The amendments revise and incorporate requirements regarding Department inspections and investigations, maintenance of accurate and current contact information, and other requirements for licensure. The proposed amendments also update the structure of the regulation throughout for consistency with other Department regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments. There are no anticipated additional costs to the regulated community.

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UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to R.61-96 seek to support the Department's goals relating to the protection of public health through implementing updated requirements for Athletic Trainers. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

Statement of Rationale:

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

The Department of Health and Environmental Control proposes amending R.61-96. These amendments are necessary to update provisions in accordance with current practices and standards. The amendments include updated language for Athletic Trainers applying for certification and incorporate provisions delineating new requirements for continuing education, patient care, and documentation requirements, and the incorporation of statutory change allowing for monetary penalties. The amendments revise and incorporate requirements regarding Department inspections and investigations, maintenance of accurate and current contact information, and other requirements for licensure.

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. 4997

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 et seq.

61-43. Standards for the Permitting of Agricultural Animal Facilities.

Preamble:

The Department of Health and Environmental Control ("Department") proposes amending R.61-43, Standards for the Permitting of Agricultural Animal Facilities, to incorporate Act 139 of 2018, which amended S.C. Code Sections 44-1-60 and 46-45-80 and added Section 44-1-65. S.C. Code Section 44-1-65 establishes specific requirements for review and appeal of decisions by the Department regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities, except for swine facilities. Section 44-1-60 sets procedures for reviewing permits for poultry and other animal facilities, except swine facilities, relating to appeals from Department decisions giving rise to contested cases. Section 46-45-80 includes provisions regarding setback distances for poultry and other animal facilities, except swine facilities, so as to prohibit requiring additional setback distances if established distances are achieved, allow waiver of the established setback distances in certain circumstances, and other purposes.

The Department also proposes amendments to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention. These include correcting form references and regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these amendments.

The Department published a Notice of Drafting in the June 26, 2020, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

Table of Contents – amended to reflect proposed changes in Text.

Part 50 – general definitions, adding, deleting, updating, clarifying, deleted codification throughout the definitions.

Section 100.10 – amended title and language throughout for clarity and consistency.

Section 100.20 – recodified to reflect proposed changes. Amended for clarity and consistency.

Section 100.30 – amended for clarity and consistency.

Section 100.40 – recodified to reflect proposed amendments and removed references to repealed regulations.

Section 100.50 – amended for clarity and consistency.

Section 100.60 – amended method and time requirements of public notice. Amended public hearing requirement. Amended for clarity and consistency.

Section 100.70 – recodified to reflect proposed changes. Amended for clarity and consistency and removed variability of setbacks for consistency throughout the regulations. Removed language for stayed permits.

Section 100.80 – recodified to reflect proposed changes. Re-organized for clarity and consistency.

Section 100.90 – amended for clarity and consistency.

Section 100.100 – amended for clarity and consistency. Added language for ease of use. Amended for clarity and consistency and removed variability of setbacks for consistency throughout the regulations.

Section 100.110 – amended for clarity and consistency.

Section 100.120 – amended for clarity and consistency.

Section 100.130 – added language for phasing out option for burial. Amended for clarity.

Section 100.140 – amended for clarity and consistency. Relocated 100.140.J to 100.100.B.23 for clarity and consistency.

Section 100.150 – removed limitations of odor interpretation. Amended for clarity and consistency. Recodified.

Section 100.160 – amended for clarity and consistency.

Section 100.170 – amended for clarity.

Section 100.180 – amended for consistency.

Section 100.190 – amended for clarity, consistency and content.

Section 100.200 – amended for consistency.

Section 200.10 – amended for clarity, consistency and content.

Section 200.20 – amended for consistency.

Section 200.30 – amended for clarity.

Section 200.40 – content removed due to statute. Amended for content and consistency. Recodified.

Section 200.50 – amended for clarity, consistency and content.

Section 200.60 – amended for clarity, consistency and content. Amended for cost savings.

Section 200.70 – amended due to statute. Amended for clarity, consistency and content. Removed language for stayed permits.

Section 200.80 – amended for clarity, consistency and content. Removed due to statute. Recodified.

Section 200.90 – amended for clarity, consistency and content.

Section 200.100 – amended for clarity, consistency and content.

Section 200.110 – amended for clarity.

Section 200.120 – amended for clarity and content.

Section 200.130 – amended for clarity and content. Recodified.

Section 200.140 – amended for consistency. Relocated 200.140.J to 200.100.B.23 for consistency.

Section 200.150 – amended for clarity, consistency and content. Recodified.

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Section 200.160 – amended for clarity, consistency and content.

Section 200.180 – amended for consistency.

Section 200.190 – amended due to statute. Amended clarity and consistency.

Section 300.30 – amended for consistency.

Section 300.40 – amended for clarity, consistency and content.

Section 300.50 – amended for clarity and consistency.

Section 400.10 – amended for clarity, consistency and content.

Section 400.20 – amended for clarity and consistency.

Section 400.30 – amended due to regulation no longer exist. Amended for content. Recodified.

Section 400.40 – amended for clarity, consistency and content.

Section 400.50 – amended for clarity, consistency and cost savings. Removed language for stayed permits.

Section 400.60 – amended for clarity, consistency and content. Recodified.

Section 400.70 – amended for consistency.

Section 400.80 – amended for clarity, consistency and content. Recodified.

Section 400.90 – amended for clarity and consistency.

Section 400.100 – amended for clarity, consistency and content.

Section 400.110 – amended for consistency.

Section 400.120 – amended for consistency and content. Recodified.

Section 500.10 – amended for content.

Section 500.20 – amended for content. Recodified.

Section 500.50 – amended for consistency and content.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendment to Chuck Williams of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; williacj@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 26, 2020, the close of the comment period.

The Board will conduct a public hearing on the proposed amendments during its December 10, 2020, 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/Agenda>.

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/>.

Preliminary Fiscal Impact Statement:

The proposed amendments have no substantial fiscal or economic impact on the state or its political subdivisions. There are no anticipated additional costs by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-43, Standards for the Permitting of Agricultural Animal Facilities.

Purpose: The Department proposes amending R.61-43 to incorporate statutory changes made by the General Assembly's passage of Act 139 of 2018 and to correct typographical errors, citation errors, and other errors and omissions. These amendments expand and clarify definitions applicable to agricultural animal facility regulations and standards, streamline permitting options, clarify reporting requirements, identify the Department's consistent noticing method, improve the regulation's organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-43.

Legal Authority: 1976 Code Sections 44-1-60, 44-1-65, 46-45-80, and 48-1-10 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information.

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

The Department proposes amending R.61-43 to adopt the changes of Act 139 that amended S.C. Code Sections 44-1-60 and 46-45-80 and added Section 44-1-65. S.C. Code Section 44-1-65 establishes specific requirements for review and appeal of decisions by the Department regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities, except for swine facilities. Section 44-1-60 sets procedures for reviewing permits for poultry and other animal facilities, except swine facilities, relating to appeals from Department decisions giving rise to contested cases. Section 46-45-80 includes provisions regarding setback distances for poultry and other animal facilities, except swine facilities, so as to prohibit requiring additional setback distances if established distances are achieved, allow waiver of the established setback distances in certain circumstances, and other purposes. Since the above-referenced statutory provisions added and removed requirements currently contained in R.61-43, the regulation is amended to reflect these changes.

The Department also proposes amendments to correct typographical errors, citation errors, and other errors and omissions that have come to the Department's attention. These include correcting form references and regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes.

The proposed amendments seek to simplify, clarify, and correct elements of the Department's agriculture animal facility permitting regulations while supporting the Department's goal of promoting and protecting the health of the public and the environment in an efficient and effective manner.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate an increase in costs to the state, its political subdivisions, or the regulated community resulting from these proposed revisions. Proposed changes to the public notice process will be a cost saving measure to the applicants and the Department, public notices will be available on the Department website, decreasing the cost of publishing the notices in the local newspapers. The proposed changes are meant to create a more usable and functional regulation that will assist the regulated community and the citizens of South Carolina.

UNCERTAINTIES OF ESTIMATES:

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

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EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These proposed amendments seek to provide continued state-focused protection of the environment and public health.

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

If these proposed revisions are not implemented, R.61-43 will not include the policy initiatives advanced by Act 139.

Statement of Rationale:

The Department proposes amending R.61-43, Standards for the Permitting of Agricultural Animal Facilities, to incorporate statutory changes made by the General Assembly's passage of Act 139 of 2018 and to correct typographical errors, citation errors, and other errors and omissions. These amendments expand and clarify definitions applicable to agricultural animal facility regulations and standards, streamline permitting options, clarify reporting requirements, identify the Department's consistent noticing method, improve the regulation's organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R.61-43.

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. 4995
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30
Statutory Authority: 1976 Code Sections 48-39-10 et seq.

30-1. Statement of Policy.

30-12. Specific Project Standards for Tidelands and Coastal Waters.

Preamble:

Pursuant to the S.C. Coastal Zone Management Act, S.C. Code Sections 48-39-10 et seq., the Department of Health and Environmental Control ("Department") proposes amending R.30-1 and R.30-12 to provide a definition and add project standards for living shorelines. Coastal property owners and other stakeholders in South Carolina have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance. Proposed new sections R.30-1.D(31) and R.30-12.Q will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. The proposed new sections will also help ensure a project's design will accomplish its intended goals.

The Department developed the proposed new sections using scientific data and monitoring results from existing living shoreline installations in South Carolina and with input from state, local, and federal agencies, the Living Shoreline Working Group, and additional stakeholder engagement.

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

The Department had a Notice of Drafting published in the April 24, 2020, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

R.30-1.D(31). Add new definition to specify characteristics and functions associated with a living shoreline.

R.30-12.Q. Add new section to provide description of living shorelines and project standards to be evaluated.

R.30-12.Q(1). Add new subsection to specify that living shorelines must be associated with waterfront parcels or lots.

R.30-12.Q(2). Add new subsection to specify that living shorelines must be installed within extended property lines and provide for exceptions.

R.30-12.Q(3). Add new subsection to specify how living shorelines must be aligned.

R.30-12.Q(4). Add new subsection to specify minimum creek width requirements for installation.

R.30-12.Q(5). Add new subsection to specify what components and material may be used in the construction of a living shoreline.

R.30-12.Q(6). Add new subsection to specify living shorelines design and construction criteria.

R.30-12.Q(7). Add new subsection to clarify restrictions on tideland critical area impacts.

R.30-12.Q(8). Add new subsection to specify maintenance and monitoring for living shorelines.

R.30-12.Q(9). Add new subsection to provide criteria for when removal of a living shoreline may be required.

R.30-12.Q(10). Add new subsection to specify that living shorelines may be rebuilt if destroyed by a natural event.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Tara Maddock of the Office of Ocean and Coastal Resource Management; S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C. 29405; maddoct@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on October 26, 2020, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its December 10, 2020, 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/Agenda>.

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/>.

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Preliminary Fiscal Impact Statement:

The Department estimates no additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these proposed amendments. The Department will use existing staff and resources to implement these amendments.

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: 30-1, Statement of Policy; and 30-12, Specific Project Standards for Tidelands and Coastal Waters.

Purpose: These proposed amendments are based on interest from coastal property owners and other stakeholders in South Carolina who have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance. The proposed amendments will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. The proposed new sections will also help ensure a project's design will accomplish its intended goals.

Due to this citizen interest, the Department commenced a Living Shoreline initiative and worked in partnership with the South Carolina Department of Natural Resources and South Carolina's two National Estuarine Research Reserves to evaluate the performance of different living shoreline methods over time and under a range of environmental conditions. The Department developed the proposed amendments using scientific data and monitoring results from existing living shoreline installations in South Carolina and with input from state, local, and federal agencies, the Living Shoreline Working Group, and additional stakeholder engagement.

Legal Authority: 1976 Code Sections 48-39-10 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information.

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

The Department proposes adding new sections R.30-1.D(31) and R.30-12.Q to provide a definition and add project standards for living shorelines. Coastal property owners and other stakeholders in South Carolina have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance.

The proposed amendments are reasonable and necessary to manage the long-term health and sustainability of the state's tidelands critical area. The proposed amendments will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. By providing living shorelines as an alternative method of estuarine shoreline stabilization, additional benefits to water quality, tidal wetland resiliency, and oyster stock may also be realized.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate additional cost to the state resulting from administration of these proposed amendments. Benefits to the state would include improved management of coastal resources by providing standards for alternative natural shoreline stabilization approaches. The proposed amendments will allow for a more efficient authorization process for the state and the regulated public. The Department does not anticipate additional cost to the regulated community as a result of these proposed new regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments seeks to benefit the environment by providing more clarity to the Department's Coastal Division statutory directives to manage the state's tideland critical areas. Living shorelines benefit the state's tideland ecosystems by maintaining, restoring, or enhancing natural estuarine processes that improve water quality, reduce shoreline erosion, protect property, and enhance aquatic habitats.

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

There is no anticipated detrimental effect on the environment and/or public health associated with these proposed amendments. Not implementing these amendments will continue to result in longer permitting review times for proposed living shoreline installations and continued uncertainties about living shoreline project performance. The proposed amendments will allow for a more efficient authorization process to encourage the use of living shorelines as an alternative to traditional hardened erosion control structures.

Statement of Rationale:

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

Coastal property owners and other stakeholders in South Carolina have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance.

The proposed amendments will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. This will help ensure a project's design will accomplish its intended goals. The Department developed the proposed amendments using scientific data and monitoring results from existing living shoreline installations in South Carolina and with input from state, local, and federal agencies, the Living Shoreline Working Group, and additional stakeholder engagement.

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.

44 PROPOSED REGULATIONS

Document No. 4993
SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 68
Statutory Authority: 1976 Code Section 41-43-90

68-10 through 68-65. South Carolina Jobs-Economic Development Authority.

Preamble:

The South Carolina Jobs-Economic Development Authority (JEDA) proposes to repeal Regulations 68-10 through 68-65 in its entirety. The Regulations are obsolete and, in some instances, not consistent with current state and federal laws.

A Notice of Drafting for the proposed changes to Regulation 68-10 through 68-65 was published in the *State Register* on February 28, 2020.

Section-by-Section Discussion

Repeal Regulations 68-10 through 68-65 in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 1201 Main Street, Suite 1600, Columbia, South Carolina on October 29, 2020, at 10:00 a.m. Written comments may be directed to Harry Huntley, Executive Director, South Carolina Jobs-Economic Development Authority, 1201 Main Street, Suite 1600, Columbia, South Carolina, 29201, no later than 5:00 p.m., October 26, 2020. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

JEDA does not anticipate additional costs to the State or its political subdivisions as a result of the proposed repeal of Regulation 68-10 through 68-65.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 68-10 through 68-65. South Carolina Jobs-Economic Development Authority.

Purpose: The South Carolina Jobs-Economic Development Authority (JEDA) proposes to repeal Regulations 68-10 through 68-65 in its entirety. The Regulations are obsolete and, in some instances, not consistent with current state and federal laws.

Legal Authority: Legislation to create the South Carolina Jobs-Economic Development Authority, and to provide for its duties and responsibilities, was introduced in the 105th Session of the South Carolina General Assembly on 4-21-1983 as Senate Bill 497; ratified on 6-14-1983, Ratification # 251, and became effective on 6-15-1983 as Act 145 of 1983. The JEDA enabling legislation clearly defines the functions, duties and powers of the authority. Since that time, JEDA's enabling legislation has been amended and updated to remain current with the mandates of the authority, to ensure its programs remain current and provide for the economic development needs of the businesses of South Carolina, while ensuring compliance and consistency with current state and federal laws and guidelines.

Plan for Implementation: After repeal of Regulations 68-10 through 68-65, JEDA will publish on its website a summary of the repeal. This information will also be communicated directly to all bond counsel by email instructing them to rely solely on the JEDA statutes for guidance.

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

The current regulations are obsolete, may create confusion, and in some instances, conflict with the JEDA statutes as amended. The JEDA statutes were adopted in 1983 and the regulations in 1984 as a response to recent recessions and job losses in the state. The regulations concentrate mainly on the Community Development Block Grant (CDBG) program and private lending, neither of which has been a focus of the authority for over twenty years. Federal tax law changes have led to JEDA becoming the statewide conduit issuer of tax-exempt and taxable bonds for nonprofit health care, educational, cultural, recreational, and charitable organizations, as well as small manufacturers, solid waste disposal, affordable housing, public private partnerships and other entities to lessen the burden of government. As a quasi-state agency, JEDA receives no state funding and is completely self-supporting through its bond issuing activities. The JEDA statutes have been amended numerous times to reflect federal tax and programmatic changes, without corresponding changes to the regulations. Repealing the regulations in their entirety will eliminate any ambiguities and confusion as to the purpose of JEDA's mission.

DETERMINATION OF COSTS AND BENEFITS:

JEDA anticipates no additional costs to the State will be created by the repeal of Regulation 68-10 through 68-65.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

If the regulations are not repealed, conduit borrowers as described above may incur additional costs.

Statement of Rationale:

The South Carolina Jobs-Economic Development Authority (JEDA) proposes to repeal Regulations 68-10 through 68-65 in its entirety. The Regulations are obsolete and, in some instances, not consistent with current state and federal laws.

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.

46 PROPOSED REGULATIONS

Document No. 4992
OFFICE OF REGULATORY STAFF
CHAPTER 111

Statutory Authority: 1976 Code Sections 58-27-2620, 58-27-2630, 58-27-2640, and 58-27-2660

111-10 through 111-66. Lessors of Renewable Energy Facilities. (New)

Preamble:

The Office of Regulatory Staff proposes to add Chapter 111 to provide a consumer protection framework applicable to the lease of renewable energy generation facilities. South Carolina Code Section 58-27-2660(A)(1) provides that the Department of Consumer Affairs and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors.

Section-by-Section Discussion:

111-10 through 111-66. Adding new solar leasing regulations.

Notice of Drafting was published in the *State Register* on December 27, 2019.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons are invited to submit their views in writing to Andrew M. Bateman, General Counsel, South Carolina Office of Regulatory Staff, 1401 Main Street, Suite 900, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5 p.m. on Monday, October 26, 2020, the close of the comment period. Should a public hearing be requested, the hearing will be held at the Administrative Law Court on November 9, 2020 at 10:00 AM.

Preliminary Fiscal Impact Statement:

Staff time will need to be expended in the enforcement process. However, a finite amount is undetermined due to uncertainty in estimating the number of matters that might warrant intervention and the extent to which any litigation will ensue.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Solar Leasing Consumer Protections.

Purpose: The purpose is to develop consumer protection regulations pursuant to South Carolina Code Section 58-27-2660(A)(1).

Legal Authority: 1976 Code Sections 58-27-2620, 58-27-2630, 58-27-2640, and 58-27-2660.

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

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

The Office of Regulatory Staff proposes to promulgate Chapter 111 to provide a consumer protection framework applicable to the lease of renewable energy generation facilities. These are necessary regulations to govern the

practices of lessors in order to protect consumers, while ensuring due process when lessors are aggrieved by decisions made by the Office of Regulatory Staff.

DETERMINATION OF COSTS AND BENEFITS:

Staff time will need to be expended in the enforcement process. However, a finite amount is undetermined due to uncertainty in estimating the number of matters that might warrant intervention and the extent to which any litigation will ensue.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The creation of these regulations was mandated by South Carolina Code Section 58-27-2660 in order to govern the practices of lessors of renewable energy generation facilities and protect consumers.

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.

48 EMERGENCY REGULATIONS

Filed: August 27, 2020 2:45pm

Document No. 4990
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200, and 50-11-2210

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 5, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2020-21

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 5 - October 11, November 14 - November 28, December 25, 2020 - January 31, 2021.

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 5 – October 11).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field –1st season – Saturdays Only beginning Sept. 5. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 9, 23; Oct. 7.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays Only Beginning Sept. 5. Field Closed Oct. 3. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 5, 19; Oct. 10; Nov. 21. Sept. 12 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 5, 12; Oct. 10; Nov. 14; Jan. 16. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 5. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 5, then Wednesdays Only beginning Sept. 16. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Closed due to flooding during the planting season.

*SC Forestry Commission - Oak Lea WMA. Sept. 5, 12, 19, 26; Oct. 7; Dec. 30; Jan. 6.

COLLETON

DNR - Donnelley WMA. Sept. 5, 12; Oct. 10; Nov. 14.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 5, 19; Oct. 3, 10; Nov. 14.

GREENVILLE

Tall Pines – 1st season – Saturdays only beginning Sept. 5. 2nd and 3rd seasons – Saturdays Only.

HAMPTON

*DNR – Palachucola WMA. Sept. 5, 12, 23; Oct 10; Nov. 14.

*DNR - Webb Wildlife Center. Sept. 5, 12, 23; Oct. 10; Nov. 14.

LAURENS

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 5 & 23; Oct. 14; Nov. 25; Dec. 30; Jan. 13 & 27; Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons – Open Mon. - Sat.

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US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 5. Dove Hunting Only.

DNR Belfast WMA. Sept. 5, 12, 19, 26; Oct. 3; Nov. 28. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only Beginning Sept. 5. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract. In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. 1st season – Saturdays Only Beginning Sept. 5. 2nd season – Open November 14 & 21 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 5 is Adult/Youth Only. Sept. 12, 26; Nov. 14; Dec. 26.

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 5. Dove hunting only.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesday Only, Beginning Sept. 16. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 5. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Sept. 5, 12, 19, 26. 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 5 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 12. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A –1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 5 is Adult/Youth Only. 1st season – Saturdays Only Beginning Sept. 12. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 5. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL ADULT/YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply: (1) Adult must remain in the field and closely supervise participating youth at all times. (2) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (3) Adults are allowed to shoot. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ANDERSON COUNTY YOUTH HUNT

Fant’s Grove WMA Adult/Youth Field— Sept. 5, 12.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA - September 5, 12; October 10; November 14, January 16.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 5.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract - Field 1 near Wedgefield - September 5.

UNION COUNTY YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 5.

YORK COUNTY YOUTH HUNT

SCDNR - Draper WMA - September 5.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 5, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

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Document No. 4958
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 13-7-70

61-63. Radioactive Materials (Title A).

Synopsis:

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. *Id.* To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“Department”) amends R.61-63 for compliance with the Commission’s federal regulatory updates. The amendments add clarifications or corrections to Part II of the regulation. Additionally, the amendments authorize the Department to review their general licensees’ quality assurance program for the use of Commission-approved Type B packaging for transportation of radioactive material as required in NRC Regulation Title 10, Code of Federal Regulation (“CFR”) Part 71.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department promulgates these amendments for compliance with federal law.

The Department had a Notice of Drafting published in the October 25, 2019, *South Carolina State Register*.

Instructions:

Amend R.61-63 pursuant to each individual instruction provided with the text of the amendments below.

Text:

61-63. Radioactive Materials (Title A).

(Statutory Authority: Section 13-7-40 et seq., as amended, of the 1976 Code, namely the Atomic Energy and Radiation Control Act)

Add 2.22.5 and subparagraphs 2.22.5.1 through 2.22.5.5 as shown.

2.22.5 General License: NRC-approved package.

2.22.5.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the NRC.

2.22.5.2 This general license applies only to a licensee who has a quality assurance program approved by the Department as satisfying the provisions of subpart H of 10 CFR 71.

2.22.5.3 Each licensee issued a general license under 2.22.5.1 of this section shall:

2.22.5.3.1 Maintain a copy of the NRC-issued CoC, or other approval of the package, and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

2.22.5.3.2 Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of subparts A, G, and H of 10 CFR 71; and

2.22.5.3.3 Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportations, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(a), the licensee's name and license number, and the package identification number specified in the package approval.

2.22.5.4 This general license applies only when the package approval authorizes use of the package under this general license.

2.22.5.5 For a Type B package or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of 10 CFR 71.19.

Add 2.22.6 and subparagraphs 2.22.6.1 through 2.22.6.4.2 as shown.

2.22.6 General License: Use of foreign-approved package.

2.22.6.1 A general license is issued to any licensee of the Department to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.

2.22.6.2 Except as otherwise provided in this section, the general license applies only to a licensee having a quality assurance program approved by the Department as satisfying the applicable provisions of subpart H of 10 CFR 71.

2.22.6.3 This general license applies only to shipments made to or from locations outside the United States.

2.22.6.4 Each licensee issued a general license under 2.22.6.1 of this section shall:

2.22.6.4.1 Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the CoC, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

2.22.6.4.2 Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of 10 CFR 71.

Add 2.22.7 and subparagraphs 2.22.7.1 through 2.22.7.2 as shown.

2.22.7 Records.

2.22.7.1 The licensee shall make available to the Department for inspections, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.

2.22.7.2 The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by 10 CFR 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for three (3) years after the life of the packaging to which they apply.

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Add 2.22.8 and subparagraphs 2.22.8.1 through 2.22.8.3 as shown.

2.22.8 Quality assurance requirements.

2.22.8.1 Purpose. This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, "Quality Assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality Assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.

2.22.8.2 Establishment of program. Each licensee shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of 10 CFR 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee shall execute the applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety.

2.22.8.3 Approval of program. Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Department approval of its quality assurance program. Each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: South Carolina Department of Health and Environmental Control, Division of Waste Management, 2600 Bull Street, Columbia, South Carolina 29201.

Add 2.22.9 and subparagraph 2.22.9.1.

2.22.9 Quality assurance organization.

2.22.9.1 The licensee shall be responsible for the establishment and execution of the quality assurance program. The licensee may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.

Add 2.22.10 and subparagraphs 2.22.10.1 through 2.22.10.3 as shown.

2.22.10 Changes to quality assurance program.

2.22.10.1 Each quality assurance program approval holder shall submit a description of a proposed change to its Department-approved quality assurance program that will reduce commitments in the program description as approved by the Department. The quality assurance program approval holder shall not implement the change before receiving Department approval.

2.22.10.1.1 The description of a proposed change to the Department-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of 10 CFR 71.

2.22.10.1.2 Reserved.

2.22.10.2 Each quality assurance program approval holder may change a previously approved quality assurance program without prior Department approval, if the change does not reduce the commitments in the quality assurance program previously approved by the Department. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the Department every twenty-four (24) months. In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:

2.22.10.2.1 The use of a quality assurance standard approved by the Department that is more recent than the quality assurance standard in the licensee's current quality assurance program at the time of the change;

2.22.10.2.2 The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles, provided that there is no substantive change to either the functions of the position or reporting responsibilities;

2.22.10.2.3 The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or alternatively, the use of descriptive text, provided that there is no substantive change to the functional relationships, authorities, or responsibilities;

2.22.10.2.4 The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the quality assurance program approval holder has committed to on record; and

2.22.10.2.5 Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.

2.22.10.3 Each quality assurance program approval holder shall maintain records of quality assurance program changes.

Add 2.22.11 and subparagraph 2.22.11.1 as shown.

2.22.11 Quality assurance records.

2.22.11.1 The licensee shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by 2.22.10 of this part, the instructions, procedures, and drawings required by 10 CFR 71.111 to prescribe quality assurance activities, and closely related specifications such as required qualifications or personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee shall retain these records for three (3) years beyond the date when the licensee last engaged in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures, or instructions is superseded, the licensee shall retain the superseded material for three (3) years after it is superseded.

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: 61-63, Radioactive Materials (Title A).

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Purpose: The Department amends R.61-63 for compliance with federal regulatory updates to 10 CFR Part 71. The Department promulgates these amendments in order to renew South Carolina's ongoing agreement with the Commission.

Legal Authority: 1976 Code Section 13-7-70.

Plan for Implementation: Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office.

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

The Department amends R.61-63 for compliance with the Commission's federal regulatory updates. The federal Atomic Energy Act of 1954 enables the Commission to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear material. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. The amendments are needed in order to renew South Carolina's ongoing agreement with the Commission. The amendments are beneficial in that they ensure state oversight of required standards.

DETERMINATION OF COSTS AND BENEFITS:

Neither the state nor its political subdivisions will incur additional cost through implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. The amendment will not create any significant additional cost to the regulated community since requirements or changes to the regulations will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These amendments seek to ensure an effective regulatory program for radioactive material users under state jurisdiction and protection of the public and worker from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The amendments eliminate possible duplicative or redundant requirements.