

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

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

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

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2014 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	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

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

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4317			Unemployment Insurance	1/16/14	Department of Employment and Workforce
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/04/14	Board of Cosmetology
4313			Child Support Guidelines	2/15/14	Department of Social Services
4329			Cheese & Butter	2/18/14	Department of Agriculture
4342			Nurse Licensure Compact	3/04/14	Board of Nursing
4378			Office of State Fire Marshal	4/05/14	LLR-Office of State Fire Marshal
4379			Requirements of Licensure in Real Estate Appraisal	4/05/14	Real Estate Appraisers Board
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	4/07/14	South Carolina Criminal Justice Academy
4372			Certification	4/07/14	South Carolina Criminal Justice Academy
4374			Application for Issuance or Re-issuance of Certification	4/07/14	South Carolina Criminal Justice Academy
4368			Authority of Director	4/07/14	South Carolina Criminal Justice Academy
4370			Requirement of Good Character (E-911 Operators)	4/07/14	South Carolina Criminal Justice Academy
4376			Assignment of Costs for Agency Level Contested Case Hearings	4/07/14	South Carolina Criminal Justice Academy
4369			Allow E-911 Operators One Year to Attend Training at the Academy	4/07/14	South Carolina Criminal Justice Academy
4344			Adjudication of Misconduct Allegations (Contested Case Hearing Process)	4/07/14	South Carolina Criminal Justice Academy
4347			Law Enforcement Officer and E-911 Officer Training & Certification	4/07/14	South Carolina Criminal Justice Academy
4284			Limited Herbicide Applicators License	4/08/14	Clemson University-State Crop Pest Comm.
4316			Employer-Employee Relationship	5/14/14	Department of Employment and Workforce
4389			Requirements of Licensure in the Field of Speech-Language Pathology and Audiology	5/14/14	Board of Examiners in Speech-Language Pathology and Audiology
4411			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/14/14	Department of Natural Resources
4399			Lump Sum Payment	5/14/14	Workers' Compensation Commission
4407			South Carolina Virtual School Program	5/14/14	State Board of Education
4403			Displaying the Flag	5/14/14	State Board of Education
4409			Teacher Grants	5/14/14	State Board of Education
4392			Interscholastic Activities	5/14/14	State Board of Education
4401			Accreditation Standards Filed	5/14/14	State Board of Education
4396			Utilization of General Teacher Certifications	5/14/14	State Board of Education
4406			Requirements for Certification at the Advanced Level	5/14/14	State Board of Education
4404			Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	5/14/14	State Board of Education
4405			Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education	5/14/14	State Board of Education
4397			School Admission	5/14/14	State Board of Education
4400			Accreditation Criteria	5/14/14	State Board of Education
4391			School Superintendent Compensation and Benefits/Expenses	5/14/14	State Board of Education
4408			Student Attendance	5/14/14	State Board of Education
4420			Adult Education Program	5/14/14	State Board of Education
4419			Adult Education	5/14/14	State Board of Education
4414			Additional Requirements Applicable to Specific Properties	5/14/14	Department of Natural Resources
4388			Air Pollution Control Regulations and Standards	5/14/14	Department of Health and Envir Control
4422			Requirements for Additional Areas of Certification	5/14/14	State Board of Education
4386			Coastal Division Regulations	5/14/14	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4368	Authority of Director	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship		
4389	Requirements of Licensure in the Field of Speech-Language Pathology and Audiology		
4411	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas		
4399	Lump Sum Payment		
4407	South Carolina Virtual School Program		
4403	Displaying the Flag		
4409	Teacher Grants		
4392	Interscholastic Activities		
4401	Accreditation Standards Filed		
4396	Utilization of General Teacher Certification		
4406	Requirements for Certification at the Advanced Level		
4404	Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts		
4405	Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education		
4397	School Admission		
4400	Accreditation Criteria		
4391	School Superintendent Compensation and Benefits/Expenses		
4408	Student Attendance		
4420	Adult Education Program		
4419	Adult Education		
4414	Additional Requirements Applicable to Specific Properties		
4388	Air Pollution Control Regulations and Standards		
4422	Requirements for Additional Areas of Certification		
4386	Coastal Division Regulations		

Executive Order No. 2014-01

WHEREAS, a declaration of emergency exists in the State of West Virginia due to the contamination of water; and

WHEREAS, the State of West Virginia has requested the State of South Carolina to waive certain commercial transportation requirements to ensure an uninterrupted supply of emergency water to West Virginia residents through South Carolina; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq., limit the hours operators of commercial motor vehicles may drive; and

WHEREAS, 49 CFR § 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency condition exists in the State of West Virginia and accordingly direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to suspend the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of emergency water to the State of West Virginia.

This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 15 days or until the emergency condition ceases to exist, whichever is less.

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

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 10th DAY OF JANUARY, 2014.**

**NIKKI R. HALEY
Governor**

4 NOTICES

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

The South Carolina Department of Labor, Licensing, and Regulation (LLR) does hereby give notice under Section 41-15-220, S.C. Code of Laws, 1976, as amended, that a public hearing will be held on March 4, 2014 at 2:00 p.m. at the S.C. Department of LLR, 1st floor, room 105, 110 Centerview Drive, Columbia, S.C., at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the South Carolina Department of Labor, Licensing and Regulation will promulgate, revoke or modify Rules and Regulations pursuant to Section 41-15-210, South Carolina Code of Laws, 1976. The parts of the Occupational Safety and Health Rules and Regulations to be considered at the hearing are as follows:

In Subarticle 6 (General Industry and Public Sector Marine Terminals):

Revisions to Sections: 1910.6, 1910.97, 1910.145, 1910.217, and 1910.261.

In Subarticle 7 (Construction)

Revisions to Sections: 1926.6, 1926.200, 1926.201 and 1926.202.

Summary of changes: Corrections to previous amendments for incorporation by reference for accident prevention signs and tags. The effective date for updates to signage standards based on national consensus standards is being confirmed. The records requirements in the mechanical power presses standard are being amended.

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the S.C. Department of LLR during normal business hours by contacting the Occupational Safety and Health Administration office at (803) 896-5811.

Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than February 24, 2014. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views to the undersigned in writing on or before February 24, 2014.

Holly Pisarik
Director
SC Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

Document No. 4449
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on November 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on March 3, 2014 at 9:00 a.m. If no request is received by February 28, 2014 the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than February 28, 2014.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

6 PROPOSED REGULATIONS

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

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:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4450
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on November 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on March 3, 2014 at 9:00 a.m. If no request is received by February 28, 2014 the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than February 28, 2014.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30 and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

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.

8 PROPOSED REGULATIONS

Statement of Rationale:

None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4453
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-9-180

69-37. Annuity Mortality Tables For Use In Determining Reserve Liabilities For Annuities

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-37, Annuity Mortality Tables For Use In Determining Reserve Liabilities For Annuities. The amendments to Regulation 69-37 will recognize the 2012 Individual Annuity Reserve Table ("2012 IAR Table") for use in determining the minimum standard of valuation for annuity and pure endowment contracts issued on or after January 1, 2015.

Notice of Drafting for the proposed regulation was published in the *State Register* on October 25, 2013.

Section-by-Section Discussion

Table of Contents

Amends the heading for Section 5 to read "Application of the 2012 IAR Table" and rennumbers Sections 6 through 8. References to Appendices I through IV are added to the Table of Contents as follows: Appendix I. 2012 IAM Period Table, Female, Age Nearest Birthday; Appendix II. 2012 IAM Period Table, Male, Age Nearest Birthday; Appendix III. Projection Scale G2, Female, Age Nearest Birthday; Appendix IV. Projection Scale G2, Male, Age Nearest Birthday

69-37. Section 1. Authority

No changes

69-37. Section 2. Purpose

Adds a reference to the 2012 Individual Annuity Reserving (2012 IAR) Table.

69-37. Section 3. Definitions

Adds definitions for the terms: Period table, Generational Mortality table, 2012 IAR Table, 2012 Individual Annuity Mortality Period Life (2012 IAM Period) Table and Projection Scale G2 (Scale G2).

69-37. Section 4. Individual Annuity or Pure Endowment Contracts

Renumbers Sections D to E and adds as Section D the requirement that with certain exceptions, the 2012 IAR Mortality Table shall be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 2015.

69-37. Section 5. Application of the 2012 IAR Mortality Table

Sets forth the application of the 2012 IAR Mortality Table and replaces the existing text for this Section.

69-37. Section 6. Group Annuity or Pure Endowment Contracts

Previously numbered as Section 5, renumbered as Section 6. No other changes.

69-37. Section 7. Application of the 1994 GAR Table

Previously numbered as Section 6, renumbered as Section 7. No other changes.

69-37. Section 8. Separability

Previously numbered as Section 7, renumbered as Section 8. No other changes

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on March 13, 2014, at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 P.M. on February 24, 2014. The full text of the proposed regulation is available on the South Carolina General Assembly Home Page <http://www.scstatehouse.gov/regnsrch.php>. The full text may also be obtained from the promulgating agency.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Annuity Mortality Tables For Use In Determining Reserve Liabilities For Annuities.

Purpose: The proposed amendments to the regulation will require the use of an updated mortality table and a prescribed method of projecting future mortality rates for determining the minimum standard of valuation for annuity and pure endowment contracts issued on or after January 1, 2015.

Legal Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-9-180.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

10 PROPOSED REGULATIONS

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

The proposed amendments to the regulation are needed to ensure adequate and accurate reserving for annuity contracts. The “2012 IAR Table” is a generational mortality table developed by the Society of Actuaries Committee on Life Insurance Research which includes an updated mortality table and a prescribed method of projecting future mortality rates.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by setting forth updated mortality tables for use by insurers in setting reserves for annuity contracts.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The regulation contributes to the State’s efforts to ensure that adequate reserving methods are used by insurers in connection with annuity contracts.

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

Promulgation of this regulation is crucial to ensure that adequate reserving methods are used by insurers in connection with annuity contracts.

Statement of Rationale:

The amendments to the regulation are needed to set forth updated standards for setting reserves in connection with annuity contracts to ensure the adequacy and accuracy of reserves. The “2012 IAR Table” is a generational mortality table developed by the Society of Actuaries Committee on Life Insurance Research which includes an updated mortality table and a prescribed method of projecting future mortality rates. The National Association of Insurance Commissioners (NAIC) adopted revisions to the *NAIC Model Rule (Regulation) for Recognizing a New Annuity Table for Use in Determining Reserve Liabilities for Annuities* (#821) to incorporate the 2012 Individual Annuity Reserving Table. The proposed amendments to Regulation 69-37 will be based upon the amendments to the NAIC Model

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. 4452
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

93-50 through 93-260. Board of Long Term Health Care Administrators

Preamble:

To satisfy the requirements of licensure for long term health care administrators, the Board is updating its regulations in conformance with the Long Term Health Care Administrators Practice Act and current practice.

Section-by-Section Discussion:

93-50. General Definitions.

A. Revises for clarity.

B.-C. No changes.

D.-E. Revises for clarity.

F.-J. No changes.

K.-L. Revises for clarity.

M. No changes.

N. Deletes minimum hours; rewords for clarity.

O.-R. No changes.

S. Rewords for clarity; adds Independent Living Community.

T.-U. No changes.

V. Adds new definition for Community Residential Care Facility Administrator work experience.

W. Adds new definition for work experience in a health related field other than in a community residential care facility.

93-60. Board of Examiners; Officers and Duties.

No changes.

93-65. Operating a Facility Without a License.

No changes.

93-70. Pre-examination and Licensing Requirements.

A. Rewords for clarity.

(1)(a)-(c) No changes.

(d) Renumbers subsections 1.-3. as roman numerals i.-iii.; adds that a degree higher than a baccalaureate degree in health care administration or health care related degree is acceptable along with the required experience; replaces 3. with new iii. requiring a health related associate degree from an accredited college or university with three years of practical experience in nursing home administration.

(e)-(g) No substantive changes.

(2)(a)-(c) No changes.

(d) Deletes text and adds that a Community Residential Care Facility Administrator must have a Baccalaureate degree or higher with at least six months of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator; a health related Associate degree with at least nine months of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential

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care facility administrator; or a non-health related Associate degree or be a licensed practical nurse with at least one year of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator.

(e) New section; requires that an applicant submit a completed application which has been approved by the Board;

(f) New section; requires that an applicant successfully complete the community residential care facility administrator's examination; and

(g) New section; requires that an applicant pay the application, examination and licensing fees according to 93-100.

B. Adds words for clarity.

C.-D. No changes.

93-80. Administrator-in-Training Program Requirements.

A.1. Rewords for clarity; adds "or a health care related degree" in (a).

2. Revises for clarity.

B. Corrects typographical error.

C. No changes.

D. Rewords and renumbers for clarity.

E. Rewords for clarity.

F.-L. No changes.

93-100. Fees [and Fee Schedule].

A.-B. No changes.

C. Rewords for clarity.

D.-E. No changes.

ATTACHMENT A. Adds \$50 late fees as currently charged and \$30 insufficient fund fee.

93-110. Examination; Scheduling and Grading.

A.-C. No changes.

D. Rewords for clarity.

E.-K. No changes.

93-120. Initial Licenses.

No changes.

93-130. Provisional Licenses.

No changes.

93-150. Inactive or Retired Status Licenses.

No changes.

93-160. Registration of Licenses.

No changes.

93-170. Display of Certificate and Normal Work Hours.

No changes.

93-200. Continuing Education for Relicensure.

No changes.

93-210. Reinstatement of Lapsed License.

No changes.

93-220. Complaints.

No changes.

93-230. Suspension and Revocation of License.

No changes.

93-240. Hearing Procedure.

No changes.

93-250. Conduct of Hearing.

No changes.

93-260. Applicability, Legal Effect and Severability of Regulations.

No changes.

The Notice of Drafting was published in the *State Register* on December 27, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court on March 3, 2014 at 10:00 a.m. Written comments may be directed to Lee Ann Bundrick, Administrator, South Carolina Board of Long Term Health Care Administrators, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 24, 2014. 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:

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

Statement of Need and Reasonableness:

These regulations are amended in accordance with S.C. Code Ann. §§40-1-70 and 40-35-60 regarding the promulgation of regulations. Reg. 93-50 N., the definition of practical experience in nursing home administration, is amended in conformance with S.C. Code Ann. §40-35-20(10). Reg. 93-50 V. and W., the

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definitions of community residential care facility administrator work experience and work experience in a health related field other than in a community residential care facility, are added in accordance with S.C. Code Ann. §40-35-40(B)(4)(a) and (b), respectively. Revisions made to licensure requirements in Reg. 93-70 are in compliance with S.C. Code Ann. §40-35-40. Reg. 93-100 establishes fees in regulation in accordance with S.C. Code Ann. §40-35-50.

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations in conformance with the Board's practice act and current practice.

Legal Authority: 1976 Code Sections 40-1-70 and 40-35-60.

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

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

The Board is updating the regulations in conformance with its practice act and current practice.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

These regulations are updated in conformance with the Board's practice act and current practice.

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.

Filed: December 23, 2013 3:50pm

Document No. 4448
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 1-23-130 and 48-1-10 et seq.

Emergency Situation:

Emergency Regulation for Management of Wastewater System Sludge, including Land Application of Sludge, Impacted by Illicit Discharges of Polychlorinated Biphenyls (PCB)

Introduction.

The Department was notified in July 2013 of polychlorinated biphenyls (PCB) contaminated material in three publicly owned treatment works (POTWs) located in upstate South Carolina. Because PCBs were banned in the United States over thirty years ago, they are not expected to be found in wastewater systems. The Department's investigation indicates the materials found in the POTWs were illicitly discharged into the systems and originated from unknown sources.

It was believed these illicit discharges were limited to upstate POTWs until September 2013 when PCB contaminated material was detected in a restaurant grease trap in Richland County. Therefore, the Department finds there is a significant risk that illicit discharges of PCBs may be occurring statewide, and it is appropriate to take immediate action to prohibit land application of PCB contaminated material. Additionally, because permits for wastewater systems in South Carolina do not address the discharge of PCBs to waters of the State, immediate action is necessary to ensure PCB contaminated sludges are properly handled by systems affected by these illicit discharges.

PCBs are chemicals that were used as coolants and lubricants in transformers, capacitors, and other electrical equipment before being banned by Congress in 1979 because of evidence that they build up in the environment and can cause adverse health effects. Once in the environment, PCBs do not readily break down and therefore remain in the environment for long periods of time cycling through the air, water, and soil. PCBs are taken up in small organisms and fish. PCBs can accumulate in leaves and the above-ground parts of plants and food crops.

Land Application of Sludge.

Some South Carolina wastewater treatment systems are permitted for the land application of their sludge. The Department's current regulations for land application, R.61-9.503 and 504, mirror the current federal sewage sludge regulations related to pollutant loading adopted in 40 CFR 503. The federal Toxic Substances Control Act (TSCA) regulates PCB levels in sludge at levels equal to or greater than 50 parts per million (ppm). Because PCBs were banned in the United States over thirty years ago, they are not expected to be found in wastewater systems. Therefore, there are currently no federal or state regulations to limit the land application of sludge below 50 ppm.

With the issuance of this emergency regulation, the Department is prohibiting the land application of sludge with quantifiable levels of PCBs from wastewater systems, including but not limited to municipal wastewater treatment facilities, industrial wastewater treatment facilities, and septage from septic tank management and grease trap waste from interceptor tanks serving facilities such as restaurants that have quantifiable levels of PCBs.

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Sludge Treatment at Wastewater Systems.

In wastewater systems impacted by illicit discharges of PCB contaminated waste, PCBs collect in the sludge of wastewater treatment systems. Sludge treatment by methods such as thickening, digestion and dewatering generates additional wastewater that must be managed by the wastewater treatment system. To protect public health and the environment related to the effluent discharge to surface waters and the land, the Department needs to establish restrictions for sludge treatment operations.

South Carolina has water quality standards that apply to dischargers (e.g., NPDES facilities). However, because they have been banned, PCBs are not typically identified in permit applications and unless PCBs are expected to be present. The NPDES permit process does not evaluate PCBs for discharge limitations in a permit. However, in the present circumstances, wastewater systems must manage PCBs that have accumulated in sludge. Since management of PCB contaminated sludge creates a new, but temporary wastestream, it is important to evaluate the return wastestream to determine if levels of PCBs are above detection (i.e., quantification levels).

The Department finds that this regulation is needed to immediately manage wastewater system sludge, including land application of sludge, impacted by illicit discharges. The Department further finds that this regulation is needed to protect the public health and the environment from the adverse effects of PCBs in the environment. The Department is a natural resources and health related agency, and finds that abnormal or unusual conditions exist that require immediate action to promulgate this emergency regulation.

Text:

Emergency Regulation for Management of Wastewater Treatment System Sludge, including Land Application of Sludge, Impacted by Illicit Discharges of Polychlorinated Biphenyls (PCB)

Section 1.

Polychlorinated Biphenyls (PCBs) Restriction Related to Land Application.

Land application pursuant to permits under Regulation 61-9 of sewage sludge (including domestic septage), industrial sludge, and/or grease trap waste (e.g., interceptor tanks for restaurants), of which for the purpose of this regulation is referred to as sludge, may not occur if levels of PCBs are quantifiable using EPA SW-846 Method 8082A, with sample preparation method #3550C ONLY.

Section 2.

Land Application of Sludge.

Land application permittees under Regulation 61-9 must collect representative sludge samples for PCB levels at least quarterly based on calendar year quarters to confirm compliance with Section 1. If a representative sample has not been taken within fifteen (15) days prior to the effective date of this regulation, the permittee shall cease land application until sampling has been completed to confirm compliance with Section 1. Data collected must be maintained by the permittee for five (5) years and submitted to the Department annually and should accompany other applicable annual reports. Any quantifiable level of PCBs in the sludge shall be reported to the Department in writing within five (5) calendar days of receipt of the results by the permittee.

Section 3.

Sludge Treatment at Wastewater Systems.

a) This section applies when a wastewater system is managing PCB contaminated sludge following illicit discharges of PCB waste to the system.

b) When operating sludge management systems (e.g., thickening, dewatering), where wastewater is generated that is feeding back in the wastewater treatment system (e.g., filtrate piped to the head of the treatment facility), if the returned wastewater is below levels of quantification as set by item “c” below, then such operation is deemed in compliance with state water quality regulations.

c) For the purposes of this regulation, the practical quantification level for the returned wastewater should be evaluated based on EPA Method 608 for PCBs in wastewater. The wastewater system owner must collect representative samples to confirm that the returned wastewater is below this level of quantification.

Section 4.

Implementation.

Definitions applicable to this regulation are specified in R.61-9 and the Pollution Control Act, South Carolina Code Section 48-1-10 et seq. This regulation is self-implementing, and is in addition to the requirements in permits issued pursuant to Regulation 61-9. This regulation is effective for ninety (90) days from the date of filing with the Legislative Council pursuant to South Carolina Code Section 1-23-130.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005):

DESCRIPTION OF REGULATION:

This regulation constitutes a refiling of the emergency regulation filed on September 25, 2013 and published in the *State Register* on October 25, 2013.

Purpose: This emergency regulation will regulate PCBs in sludge, which will be land applied for beneficial use, to help protect public health and the environment.

Legal Authority: 1976 Code Sections 1-23-130 and 48-1-10 et seq.

Plan for Implementation: This emergency regulation will be directly enforceable upon filing with the Legislative Council.

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

The regulation is important to properly regulate PCBs in sludge. The regulation will include a prohibition of land application of sludge where PCBs can be analytically quantified and a requirement to monitor PCBs in sludge quarterly. Requirements also include the need to properly treat wastewater generated by dewatering of PCB-contaminated sludge.

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DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the regulation, the Department identified that a significant portion of sludge generated in South Carolina is landfilled. In the situation where PCB levels prohibit land application, landfilling remains a viable option. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that typically PCBs are not found in sludge. The circumstances that led to the emergency regulation issued on September 25, 2013 were likely because of illegal dumping of PCB wastes into municipal sewer systems. Because these illegal activities don't occur often, the impact is not expected to be significant. However, in the event that they occur in the future, the regulation is needed to protect public health and the environment from the discharge of PCBs onto the land (e.g., private farm land).

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation will not compromise the protection of the environment or the health and safety of the citizenry of the State. The regulation will promote and protect the environment and human health by the regulation of pollutants onto land in South Carolina.

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

Failure by the Department to regulate PCB contaminated sludge would potentially result in instances of PCB contaminated soils on farm land (or other areas) where sludge is applied. This may result in the need for site remediation.

Filed: January 9, 2014 1:41pm

Document No. 4451

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-21-610 and 50-23-230

123- 60. Homemade Watercraft

Emergency Situation:

This regulation sets additional requirements that homemade watercraft must meet in order to be considered watercraft for the purposes of titling and registration. Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act which was intended to allow individuals a five (5) year period in which to use permitted water structures on public waters of the state after which time the structures would have to be removed. The five (5) year period established by Act 33 in 2007 expired in August of 2013 and the department has received requests from individuals to title and register some of these previously permitted structures as watercraft. In order to maintain the intent of the law, the department is filing these emergency regulations to establish minimum requirements for an operator's position and unobstructed visibility from that position on homemade watercraft. Because the five (5) year period expired in August, the department is filing these emergency regulations to handle any requests for titling and registration that do not meet the intent of the law.

Text:

123- 60. Homemade Watercraft.

To title and register a homemade watercraft, the vessel must first meet the definition of a watercraft and must have an operator's position from which the operator is afforded unobstructed forward visibility to each side of center line for at least seventy degrees and the operator must have unobstructed lateral visibility to each side of centerline at ninety degrees from the operator's position.

Any watercraft that is capable of being used as a homemade houseboat must also comply with any legal requirements for a marine toilet.

A floating dock cannot be titled or registered as a watercraft.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: 123-60, Homemade Watercraft.

Purpose: In order to maintain the intent of the Public Waters Nuisance Abatement Act No. 33 of 2007, this regulation sets additional requirements that homemade watercraft must meet in order to be considered watercraft for the purposes of titling and registration.

Legal Authority: Under Sections 50-21-610 and 50-23-230.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate the regulation in relative DNR boating use documents and the Boating section of the DNR web site. The public will be notified through the web and through news releases and other Department media outlets and publications.

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

Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act which was intended to allow individuals a five (5) year period in which to use permitted water structures on public waters of the state after which time the structures would have to be removed. The five (5) year period established by Act 33 in 2007 expired in August of 2013 and the department has received requests from individuals to title and register some of these previously permitted structures as watercraft. In order to maintain the intent of the law, the department is filing these regulations to establish minimum requirements for an operator's position and unobstructed visibility from that position on homemade watercraft, reaffirms existing statute that requires homemade houseboats to comply with marine toilet requirements and excludes floating docks from being titled or registered as a watercraft.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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