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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2024 PUBLICATION SCHEDULE**

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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## **PUBLIC INSPECTION OF 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.

## SUBSCRIPTIONS

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**REGULATIONS SUBMITTED TO GENEAL 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	HOUSE COMMITTEE	SENATE COMMITTEE
5145	SR48-2		Child Support Guidelines	01/13/2024	Dept of Social Services	Regs and Admin Procedures	Judiciary
5175			Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111			Campaign Practices and Reports	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5112			Contested Case Procedure	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5113			General	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5115			Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5114			Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5180			Definitions	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5182			Unclassified Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5179			License Requirement for Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5181			Day Programs for Persons with Intellectual Disability	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5183			Article 5, Sewerage Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5177			Article 3, Electric Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5191			Solid Waste Management Regulation (Solar Projects)	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5168			Article 8, Practice and Procedure	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5176		Displaying the Flag	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5184		Article 7, Water Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5195		R.45-4, Certification of Program Instructions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5196		R.45-5, Ballot Envelopes and Fold Over Ballot Cards	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5197		R.45-6, Defective Ballot Cards	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5192		R.45-1, Definitions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5193		R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5198		R.45-7, Ballot Cards, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5194		R.45-3, Tabulating Center Personnel	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5199		R.45-9, Write-in-Ballots, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5204		R.45-10, Retention and Disposition of Certain Voting Records	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5224		R.45-8, Defective and Duplicate Ballot Cards, Sealed After Tabulation	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary	
5222		Criteria for Entry into Programs of Special Education for Students with Disabilities	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5223		Operation of Public Student Transportation Services	05/08/2024	State Board of Education	Regs and Admin Procedures	Education	
5178		Article 4, Gas Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary	
5200		Statement of Policy; Applying for a Permit; General Guidelines for All Critical Areas; and Specific Project Standards for Beaches and the Beach/Dune System	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources	
5221		Billing Accounts	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5227		License Plates	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5228		Self-Insurers	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation	
5226		Transportation of Radioactive Waste Into or Within South Carolina	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Labor, Commerce and Industry	
5210		Borrower's Preference Re Attorney and Insurance	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	
5215		Home Improvement Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	
5216		Insurance and Fidelity Bond Protection	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance	

## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

5217	Investment of Surpluses	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5219	Limitations and Restrictions on Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5207	Mobile Home Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5208	Notice of Intention to Withdraw Shares	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5209	Participation in RFC Loans	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5213	Servicemen's Readjustment Act	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5201	Emergency Election Procedures	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5202	Poll Worker Training; Candidate Withdrawals	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5203	Procedures for Electronic Petitions	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5205	Reports to State Election Commission by County Boards of Voter Registrations and Elections	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5225	Retention and Storage of Election Records and Election Equipment	05/08/2024	State Election Commission	Regs and Admin Procedures	Judiciary
5249	Additional Regulations Applicable to Specific Properties	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5250	Rules and Regulations Governing the Issuance of Deer Depredation Permits	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5251	Wildlife Management Area Regulations	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5229	Family Day Care Homes	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5231	Residential Group Care Facilities for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5190	Parking Regulations	05/08/2024	Dept of Mental Health	Regs and Admin Procedures	Medical Affairs
5240	Pharmacy Benefits Managers	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5258	Recordkeeping	05/08/2024	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
5236	Compensation for the Occupational Health and Safety Review Board	05/08/2024	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
5257	State Board of Pharmacy	05/08/2024	LLR-State Board of Pharmacy	Regs and Admin Procedures	Medical Affairs
5247	Board of Podiatry Examiners	05/08/2024	LLR-Board of Podiatry Examiners	Regs and Admin Procedures	Medical Affairs
5235	Board of Physical Therapy Examiners	05/08/2024	LLR-Board of Physical Therapy Examiners	Regs and Admin Procedures	Medical Affairs
5256	State Board of Examiners in Psychology	05/08/2024	LLR-State Board of Ex. in Psychology	Regs and Admin Procedures	Medical Affairs
5253	Real Estate Commission	05/08/2024	LLR-Real Estate Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5238	Real Estate Commission (Residential Property Condition Disclosure Statement Form)	05/08/2024	LLR-Real Estate Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5243	Fee Schedule for the Building Codes Council	05/08/2024	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5252	State Board of Social Work Examiners	05/08/2024	LLR-State Board of Social Work Exam.	Regs and Admin Procedures	Family and Veterans' Services
5237	Board of Examiners in Speech/Language Pathology and Audiology	05/08/2024	LLR-Ex. in Speech/Language Path & Aud	Regs and Admin Procedures	Medical Affairs
5233	Fee Schedule for the Board of Medical Examiners	05/08/2024	LLR	Regs and Admin Procedures	Medical Affairs
5248	Building Codes Council	05/08/2024	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5254	South Carolina Board of Chiropractic Examiners	05/08/2024	LLR-SC Board of Chiropractic Examiners	Regs and Admin Procedures	Medical Affairs
5244	State Licensing Board for Contractors	05/08/2024	LLR-State Licensing Board for Contractors	Regs and Admin Procedures	Labor, Commerce and Industry
5255	Office of Elevators and Amusement Rides	05/08/2024	LLR-Off of Elev and Amusement Rides	Regs and Admin Procedures	Labor, Commerce and Industry
5246	Professional Land Surveyor Licensure Requirements	05/08/2024	LLR-SC State Board of Registration for Prof Engineers and Land Surveyors	Regs and Admin Procedures	Labor, Commerce and Industry
5245	Environmental Certification Board	05/08/2024	LLR-SC Environmental Certification Board	Regs and Admin Procedures	Labor, Commerce and Industry
5187	Quorum	05/08/2024	LLR-State Board of Reg for Foresters	Regs and Admin Procedures	Fish, Game and Forestry
5234	Athletic Trainers	05/08/2024	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5241	Pharmacy Services Administrative Organizations	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5259	Turkey Hunting Rules and Seasons	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5260	Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5232	Wilderness Therapeutic Camps for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5263	Pesticide	01/21/2025	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5266	Payment of Compensation	02/04/2025	SC Workers' Compensation Commission	Regs and Admin Procedures	Judiciary



**REGULATIONS SUBMITTED TO GENEAL ASSEMBLY 3**

5269	School and Classroom Library Materials	03/01/2025	State Board of Education	Regs and Admin Procedures	Education
<b>Committee Request Withdrawal</b>					
5136	Certification of Need for Health Facilities and Services	Tolled	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs

## 4 EXECUTIVE ORDERS

### Executive Order No. 2024-05

**WHEREAS**, on January 12, 2024, certain portions of the State of South Carolina were forecasted to experience severe weather conditions, including dangerous thunderstorms with the potential for tornadoes and damaging winds and wind gusts; 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 one or more 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. Authorization of Leave with Pay Due to Severe Weather**

A. 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 county and on the following date:

##### **January 12, 2024:**

Abbreviated Schedule: Allendale County (closed at 12:00 p.m.), Bamberg County (closed at 1:00 p.m.), Fairfield County (closed at 3:00 p.m.), Orangeburg County (closed at 2:00 p.m.), Williamsburg County (closed at 3:00 p.m.).

B. 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 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 without the need for further Orders.

#### **Section 2. 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. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 16th DAY OF FEBRUARY, 2024.

HENRY MCMASTER  
Governor

**Executive Order No. 2024-06**

**WHEREAS**, on December 14, 2021, the undersigned issued Executive Order No. 2021-42, suspending Charles B. Lemon from the office of Sheriff of Marlboro County, pursuant to article VI, section 8 of the South Carolina Constitution, after a Grand Jury convened in Marlboro County returned two Indictments charging him with one count of Assault and Battery of a High and Aggravated Nature, in violation of section 16-3-600(B)(1) of the South Carolina Code of Laws, as amended, and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

**WHEREAS**, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2021-42 stated that the undersigned’s suspension of Charles B. Lemon was effective immediately and “until such time as he shall be formally acquitted or convicted”; and

**WHEREAS**, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed Larry McNeil, of Bennettsville, South Carolina, “to serve as Sheriff of Marlboro County until Charles B. Lemon is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first”; and

**WHEREAS**, on or about January 24, 2024, a federal Grand Jury convened in the Florence Division of the United States District Court for the District of South Carolina returned an Indictment charging Charles B. Lemon with one count of Deprivation of Rights Under Color of Law, in violation of 18 U.S.C. § 242 and 18 U.S.C. § 2; and

**WHEREAS**, upon consideration of the circumstances presented, to include the particularized facts alleged in the federal Indictment and the statutory definition and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Charles B. Lemon with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, see, e.g., *Koon v. United States*, 518 U.S. 81, 110 (1996) (“As noted above, 18 U.S.C. § 242 offenses may take a variety of forms, but they must involve willful violations of rights under color of law. . . . [W]e must conclude it is not unusual for a public official who is convicted of using his governmental authority to violate a person’s rights to lose his or her job and to be barred from future work in that field. . . . Public officials convicted of violating § 242 have done more than engage in serious criminal conduct; they have done so under color of the law they have sworn to uphold.”).

**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 Charles B. Lemon shall remain suspended until such time as he shall be formally acquitted with respect to all pending charges or convicted of one or more of the above-referenced charges, or all of the aforementioned indictments are otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever occurs first. This action in no manner addresses the guilt or innocence of Charles B. Lemon and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**6 EXECUTIVE ORDERS**

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1st DAY OF MARCH, 2024.**

**HENRY MCMASTER  
Governor**

**DEPARTMENT OF CONSUMER AFFAIRS**  
**NOTICE OF GENERAL PUBLIC INTEREST**  
**CHANGES IN DOLLAR AMOUNTS**

The Administrator of the Department of Consumer Affairs announces changes in dollar amounts pursuant to Sections 37-1-109 and 37-6-104(1)(e). Designated dollar amounts in the Consumer Protection Code are subject to change on July 1 of every even-numbered year based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI) for December of the preceding year. Due to the change between December 1976 CPI and December 2023 CPI, the designated dollar amounts will increase by 410% of the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2), which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1), respectively. The designated dollar amounts are found in Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-104(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-103(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 37-1-109(4), the Administrator is required to announce these changes by publication in the State Register by April 30 of each even-numbered year. The historical dollar amounts and additional information are available on the Department’s website at [consumer.sc.gov](http://consumer.sc.gov).

Section		Change Dollar Amount	
		From 7/1/2022 to 6/30/2024	To 7/1/2024 to 6/30/2026
2.104(1)(e)	Consumer Credit Sale	115,000.00	127,500.00
2.106(1)(b)	Consumer Lease	115,000.00	127,500.00
2.203(1)	Delinquency Charge – Sales	23.00	25.50
2.203(2)	Minimum Delinquency Charge	9.20	10.20
2.407(1)	Security Interest – Sales	4,600.00	5,100.00
		1,380.00	1,530.00
2.705(1)(a)	Delinquency Charge – Rental Purchase	18.40	20.40
2.705(1)(b)	Delinquency Charge – Rental Purchase	9.20	10.20
3.104(d)	Consumer Loans	115,000.00	127,500.00
3.203(1)	Delinquency Charge – Loans	23.00	25.50
3.203(2)	Minimum Delinquency	9.20	10.20
3.510	Land as Security – Supervised Loans	4,600.00	5,100.00
3.511	Maximum Loan Term	4,600.00	5,100.00
		1,380.00	1,530.00
3.514	Attorney’s Fees – Supervised Loans	4,600.00	5,100.00
5.103(2), (3) & (4)	Deficiency Judgment	6,900.00	7,650.00
10.103	Prepayment Penalty	690,000.00	765,000.00
23.80	Prepayment Penalty	690,000.00	765,000.00

## 8 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

##### SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

Former Greenwood Mills Liner Plant Site LWM File #51326

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Cost Recovery Settlement Agreement (“Settlement”) with Ginger Properties, LLC (“Ginger”).

Upon execution, the Settlement provides for the reimbursement of \$27,296.23 of the Department’s past response costs. The Settlement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended).

The Settlement relates to costs incurred by the Department in responding to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the former Greenwood Mills Liner Plant Site located in Orangeburg, South Carolina (“the Site”). In consideration of the obligation of payments to DHEC, the Settlement shall provide Ginger with contribution protection and certain contribution rights against any non-settlers pursuant to CERCLA 42 U.S.C. Section 9613.

A notice of settlement, contribution protection, and comment period will also be provided to other potentially responsible parties. The Settlement is available:

- (1) On-line at <https://apps.dhec.sc.gov/Environment/PublicNotices> or
- (2) By contacting Tim Wilbur at 803-898-0840 or [wilburtd@dhec.sc.gov](mailto:wilburtd@dhec.sc.gov).

Any comments to the Settlement must be submitted in writing, postmarked no later than Monday, April 22, 2024, and addressed to: Tim Wilbur, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

UPON THE EFFECTIVE DATE OF THE SETTLEMENT AGREEMENT ALL CLAIMS BY ANY AND ALL PERSONS AGAINST GINGER PROPERTIES, LLC SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

The Office of the Attorney General has notified the South Carolina Department of Health and Environmental Control of legal proceedings involving a determination of real property interest in tidelands. Pursuant to S.C. Code Ann. § 48-39-220 (Supp. 2006), the Department is providing notice to the public of the following legal action(s):

Howard B. Sherman

v.

South Carolina Department of Health and Environmental Control and David McQueeney

2015-CP-10-5761

Charleston County

The Complaint was filed on or about October 26, 2015. The Answer of the South Carolina Department of Health and Environmental Control was filed on November 30, 2015. An Order of Dismissal was filed on December 12, 2016.

Calhoun D. Cunningham and Sheila C. Cunningham

v.

Romain Retreat Homeowners Association; Equity Trust Company, Custodian, FBO Calhoun D. Cunningham IRA; and South Carolina Department of Health and Environmental Control

Case No.: 2017-CP-10-1495

The Complaint was filed on or about March 23, 2017. A Consent Order was filed on or about February 6, 2018.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and Matt Leonhard

Case No. 2018-CP-26-00120

The Complaint was filed on January 10, 2018. The State's Answer was filed on February 9, 2018. The case is currently pending before the South Carolina Court of Appeals.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and Blue Chair Properties, LLC

Case No. 2020-CP-26-00878

Horry County

The Complaint was filed on or about February 6, 2020. The State of South Carolina filed an Answer to that suit on or about July 23, 2020. A Stipulation of Dismissal Without Prejudice was filed on February 8, 2021.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and John K. Kelly

Case No.: 2020-C-26-02703

Horry County

The Complaint was filed on or about April 28, 2020. An Order of Dismissal was filed on January 15, 2021.

Lisa R. and Rick M. Roberts

v.

State of South Carolina

Case No.: 2020-CP-10-05152

Charleston County

The Complaint was filed on or about November 20, 2020. The Answer of the State was filed January 22, 2021. An Order granting Intervenor's Motion for Summary Judgment was filed February 10, 2022.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina and Patrick Chambers

2021-CP-26-01476

Horry County

The Complaint was filed on or before March 9, 2021. The Amended Answer of the State was filed on September 21, 2021. A Stipulation of Dismissal was filed May 12, 2022.

East Cherry Grove Realty Co., LLC; and Ray & Nixon, LLC

v.

State of South Carolina and Richard Loomer

## 10 NOTICES

2021-CP-26-02400

Horry County

The Complaint was filed on April 16, 2021. The Answer of the State of South Carolina was filed on September 20, 2021. A Consent Stipulation of Dismissal was filed on May 26, 2022.

East Cherry Grove Realty Co., LLC; and Ray & Nixon, LLC

v. State of South Carolina and Tex Taylor

2021-CP-26-01472

Horry County

The Complaint was filed on March 9, 2021. The State of South Carolina filed its Answer on September 1, 2021. A Stipulation of Dismissal was filed on May 12, 2022.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

##### NOTICE OF PUBLIC COMMENT PERIOD FOR TERMINATION REQUEST FOR 2010 1-HOUR SO<sub>2</sub> NAAQS ONGOING DATA REQUIREMENTS ANNUAL REPORT

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed termination request to the U.S. Environmental Protection Agency (EPA) for the annual assessment as required under 40 CFR 51.1205(b) for a facility that demonstrated attainment with the 1-hr Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) as part of the Data Requirements Rule (DRR) using modeled emission rates that were less than the maximum permit allowable rates. The proposed termination request is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2024, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the proposed termination request. If requested, the Department will hold a public hearing on April 29, 2024, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on April 22, 2024, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact R. Scott Bigleman, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-0561; or email at [biglemrs@dhec.sc.gov](mailto:biglemrs@dhec.sc.gov) for more information or to find out if the Department will hold the public hearing. A copy of the proposed termination request is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

#### Synopsis:

On June 2, 2010, the EPA revised the primary NAAQS for SO<sub>2</sub> by establishing a 1-hour standard at a level of 75 parts per billion. In 2017, the Department submitted SO<sub>2</sub> designation modeling for certain facilities in Berkeley, Richland, and York Counties to demonstrate these counties should be designated as attainment. These facilities included Santee Cooper Cross Generating Station, New-Indy Catawba (formerly Resolute Industries), Sylvamo Eastover Mill (formerly International Paper – Eastover), and Dominion Wateree Station (formerly SCE&G Wateree Station). In January 2018, EPA designated each county in South Carolina as



attainment/unclassifiable for the 2010 SO<sub>2</sub> standard. Under 40 CFR 51.1205(b), for areas designated as attaining the standard based on modeling of actual emissions, the Department is required to submit an annual report that documents the annual SO<sub>2</sub> emissions of these sources, an assessment of any emissions increase from the prior year, and a recommendation whether further modeling is warranted.

The Department has updated the dispersion modeling for Santee Cooper Cross Generating Station using maximum allowable emissions rather than actual emissions. In addition, the Department used time-sensitive updated data, including meteorological data, NED (National Elevation Data), SO<sub>2</sub> background data, and version of the AERMOD modeling system. The result of the modeling run demonstrated that the concentration was well below the 1-hour SO<sub>2</sub> NAAQS. Therefore, the Department is proposing a termination request for the annual reporting requirement under the EPA's DRR for the 2010 1-Hour SO<sub>2</sub> NAAQS for Santee Cooper Cross Generating Station.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 59904  
Central Wire, Inc. Site

### NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Central Wire, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Central Wire, Inc. facility located in Lancaster County at 1552 Cedar Pines Lake Road, Lancaster, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

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

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than April 22, 2024, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code

## 12 NOTICES

Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

**COMMISSION FOR MINORITY AFFAIRS**  
CHAPTER 139  
Statutory Authority: 1976 Code Section 1-31-40(A)(10)

**Notice of Drafting:**

The South Carolina Commission for Minority Affairs proposes to amend Regulations 139-101, 139-102, 139-105, and 139-109 regarding Native American Special Interest Organization. Interested persons may submit comments no later than 5:00 p.m. on April 11, 2024, to Brenton Brown, Chief of Staff, at 246 Stoneridge Drive, Suite 250, Columbia SC 29210.

**Synopsis:**

The South Carolina Commission for Minority Affairs proposes to amend its regulations following its five-year review conducted in accordance with S.C. Code Section 1-23-20(J). As such it requests that all references pertaining to “Native American Special Interest Organization,” or “Special Interest Organization” be omitted from its state Code of Regulations.

Legislative review of this amendment is required.