

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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STEPHEN T. DRAFFIN, DIRECTOR
DEIRDRE BREVARD-SMITH, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

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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.

2012 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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Deirdre Brevard-Smith, Editor
P.O. Box 11489
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Telephone: (803) 212-4500
Fax: (803) 212-4501

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In order by General Assembly review expiration date
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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163	SR36-2		Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161	SR36-2		Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162	SR36-2		Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4139	SR36-2		Environmental Protection Fees (Drinking Water Fees)	1/31/12	Department of Health and Envir Control
4174			Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175			Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176			Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180			Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4181			Certification of Need for Health Facilities and Services	5/07/12	Department of Health and Envir Control
4186			Soil Classifiers	5/09/12	LLR - Soil Classifiers Advisory Council
4187			Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	5/09/12	LLR - OSHA
4191			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/12	Department of Natural Resources
4198			Accreditation Criteria	5/09/12	Board of Education
4199			Adult Education Program	5/09/12	Board of Education
4200			End-of-Course Tests	5/09/12	Board of Education
4201			Gifted and Talented	5/09/12	Board of Education
4188			Maximum Allowable Payments to Medical Practitioners	5/09/12	Workers' Compensation Commission
4189			Financing Applications	5/09/12	Public Service Commission
4206			Credential Classification	5/09/12	Board of Education
4207			Requirements for Additional Areas of Certification	5/09/12	Board of Education
4208			At-Risk Students	5/09/12	Board of Education
4205			Physical Fitness Services Center - Certificate of Authority	5/09/12	Department of Consumer Affairs
4216			Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	5/09/12	Board of Accountancy
4217			Mixed Martial Arts	5/09/12	Athletic Commission
4218			Board of Cosmetology	5/09/12	Board of Cosmetology
4197			Access to Restricted Information	5/10/12	Department of Health and Envir Control
4193			Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	5/16/12	Department of Health and Envir Control
4256			Offers of Work	5/25/12	Department of Employment and Workforce
4212			Water Classifications and Standards; and Classified Waters	5/29/12	Department of Health and Envir Control
4257			Mortgage Lending	6/01/12	State Board of Financial Institutions - CFD
4223			Reinstatement and Continuing Professional Education	6/05/12	Board of Accountancy
4224			Requirements of Licensure in the Field of Architecture	6/05/12	Board of Architectural Examiners
4262			Fees	6/05/12	Athletic Commission
4263			Reporting of Continuing Education	6/05/12	Auctioneers' Commission
4264			Duplicate Wall or Pocket Card License	6/05/12	Auctioneers' Commission
4225			Requirements of Licensure in the Field of Barbering	6/05/12	Board of Barber Examiners
4265			Fees	6/05/12	Board of Barber Examiners
4226			Duties and Responsibilities of Department; Modular Buildings Construction	6/05/12	Building Codes Council
4228			Organization, Administration and Procedure	6/05/12	Board of Chiropractic Examiners
4267			Emergency Licensure	6/05/12	Contractors' Licensing Board
4229			Requirements of Licensure for Contractors	6/05/12	Contractors' Licensing Board
4230			Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	6/05/12	Board of Cosmetology
4231			Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	6/05/12	Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4232			Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	6/05/12	Board of Dentistry
4233			Requirements of Licensure for Engineers and Surveyors	6/05/12	Board of Registration for Professional Engineers and Surveyors
4234			Requirements of Licensure for Foresters	6/05/12	Board of Registration for Foresters
4235			General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	6/05/12	Board of Funeral Service

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4268	Fees	6/05/12	Board of Funeral Service
4269	Requirements of Licensure for Funeral Service Providers	6/05/12	Board of Funeral Service
4236	General Registration Provisions for Geologists-in-Training	6/05/12	Board of Registration for Geologists
4237	Definitions	6/05/12	LLR - Panel for Dietetics
4270	Special Inspectors	6/05/12	LLR - Office of Elevators and Amusement Rides
4238	Licensing and Permitting Fees; Licensing Requirements	6/05/12	LLR - Division of Labor
4222	Communications Services	6/06/12	Department of Revenue
4239	Qualification for Licensure	6/06/12	LLR - Massage/Bodywork Therapy Panel
4240	Requirements of Licensure for Soil Classifiers	6/06/12	LLR - Soil Classifiers Advisory Council
4241	Requirements of Licensure for Landscape Architects	6/06/12	Board of Landscape Architectural Examiners
4242	Requirements of Licensure for Long Term Health Care Admin.	6/06/12	Board of Long Term Health Care Administrators
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	6/06/12	Manufactured Housing Board
4244	Requirements of Licensure for Medical Professionals	6/06/12	Board of Medical Examiners
4271	Fees	6/06/12	Board of Medical Examiners
4245	Procedure for Disciplinary Hearings; Fees	6/06/12	Board of Nursing
4272	Fees and APRNs	6/06/12	Board of Nursing
4246	Definitions; Licensure by Endorsement; and Fees	6/06/12	Occupational Therapy Board
4247	Requirements of Licensure for Opticians	6/06/12	Board of Examiners in Opticianry
4227	Requirements of Licensure for Perpetual Care Cemeteries	6/06/12	Perpetual Care Cemetery Board
4248	Requirements of Licensure for Physical Therapists	6/06/12	Board of Physical Therapy Examiners
4249	Requirements of Licensure for Pilots	6/06/12	Commissioners of Pilotage
4250	Requirements of Licensure for Podiatrists	6/06/12	Board of Podiatry Examiners
4251	Continuing Education Credits	6/06/12	Board of Examiners in Psychology
4273	Insurance Required for Time Sharing Facilities and Accommodations	6/06/12	Real Estate Commission
4274	Provider, Course, and Instructor Fees; Fees	6/06/12	Real Estate Commission
4252	Residential Specialty Contractors License	6/06/12	Residential Builders Commission
4275	Emergency License and Registration	6/06/12	Residential Builders Commission
4253	Requirements of Licensure for Social Workers	6/06/12	Board of Social Work Examiners
4254	Requirements of Licensure for Speech-Language Pathologists and Audiologists	6/06/12	Board of Examiners in Speech-Language Pathology and Audiology
4255	Requirements of Licensure for Veterinary Medical Professionals	6/06/12	Board of Veterinary Medical Examiners
4276	Fees	6/06/12	Board of Veterinary Medical Examiners
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4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Tolled	Department of Health and Envir Control
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4164	Child Labor	Tolled	Division of Labor
4183	International Residential Code	Tolled	LLR-Building Codes Council
4184	Update of International and National Codes	Tolled	LLR-Building Codes Council
4168	Perpetual Care Cemetery Board	Tolled	SC Perpetual Care Cemetery Board
Agency Request Withdrawal			
4182	Licensure for the Savannah River	Tolled	Commissioners of Pilotage
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Tolled	Clemson University-State Crop Pest Comm.
Permanently Withdrawn			
4179	Electronic Equipment Collection and Recovery		Department of Health and Envir Control

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4186	Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4187	Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	Judiciary	Labor, Commerce and Industry
4191	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4198	Accreditation Criteria	Education and Public Works	Education
4199	Adult Education Program	Education and Public Works	Education
4200	End-of-Course Tests	Education and Public Works	Education
4201	Gifted and Talented	Education and Public Works	Education
4188	Maximum Allowable Payments to Medical Practitioners	Labor, Commerce and Industry	Judiciary
4189	Financing Applications	Labor, Commerce and Industry	Judiciary
4206	Credential Classification	Education and Public Works	Education
4207	Requirements for Additional Areas of Certification	Education and Public Works	Education
4208	At-Risk Students	Education and Public Works	Education
4205	Physical Fitness Services Center - Certificate of Authority	Medical, Military, Pub & Mun Affairs	Medical Affairs
4216	Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	Labor, Commerce and Industry	Labor, Commerce and Industry
4217	Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4218	Board of Cosmetology	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4197	Access to Restricted Information	Judiciary	Judiciary
4193	Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	Agriculture and Natural Resources	Agriculture and Natural Resources
4256	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4212	Water Classifications and Standards; and Classified Waters	Agriculture and Natural Resources	Agriculture and Natural Resources
4257	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4223	Reinstatement and Continuing Professional Education	Labor, Commerce and Industry	Labor, Commerce and Industry
4224	Requirements of Licensure in the Field of Architecture	Labor, Commerce and Industry	Labor, Commerce and Industry
4262	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4263	Reporting of Continuing Education	Labor, Commerce and Industry	Labor, Commerce and Industry
4264	Duplicate Wall or Pocket Card License; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4225	Requirements of Licensure in the Field of Barbering	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4265	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4226	Duties and Responsibilities of Department; Modular Buildings Construction	Labor, Commerce and Industry	Labor, Commerce and Industry
4228	Organization, Administration and Procedure	Medical, Military, Pub & Mun Affairs	Medical Affairs
4267	Emergency Licensure	Labor, Commerce and Industry	Labor, Commerce and Industry
4229	Requirements of Licensure for Contractors	Labor, Commerce and Industry	Labor, Commerce and Industry
4230	Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4231	Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4232	Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	Medical, Military, Pub & Mun Affairs	Medical Affairs
4233	Requirements of Licensure for Engineers and Surveyors	Labor, Commerce and Industry	Labor, Commerce and Industry
4234	Requirements of Licensure for Foresters	Agriculture and Natural Resources	Fish, Game and Forestry
4235	General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4268	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4269	Requirements of Licensure for Funeral Service Providers	Labor, Commerce and Industry	Labor, Commerce and Industry
4236	General Registration Provisions for Geologists-in-Training	Agriculture and Natural Resources	Labor, Commerce and Industry
4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4270	Special Inspectors	Labor, Commerce and Industry	Labor, Commerce and Industry
4238	Licensing and Permitting Fees; Licensing Requirements	Labor, Commerce and Industry	Labor, Commerce and Industry
4222	Communications Services	Ways and Means	Finance

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4239	Qualification for Licensure	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4240	Requirements of Licensure for Soil Classifiers	Agriculture and Natural Resources	Agriculture and Natural Resources
4241	Requirements of Licensure for Landscape Architects	Labor, Commerce and Industry	Labor, Commerce and Industry
4242	Requirements of Licensure for Long Term Health Care Admin.	Medical, Military, Pub & Mun Affairs	Medical Affairs
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses		
4244	Requirements of Licensure for Medical Professionals	Labor, Commerce and Industry	Labor, Commerce and Industry
4271	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4245	Procedure for Disciplinary Hearings; Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4272	Fees and APRNs	Medical, Military, Pub & Mun Affairs	Medical Affairs
4246	Definitions; Licensure by Endorsement; and Fees	Labor, Commerce and Industry	Medical Affairs
4247	Requirements of Licensure for Opticians	Medical, Military, Pub & Mun Affairs	Medical Affairs
4227	Requirements of Licensure for Perpetual Care Cemeteries	Labor, Commerce and Industry	Labor, Commerce and Industry
4248	Requirements of Licensure for Physical Therapists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4249	Requirements of Licensure for Pilots	Labor, Commerce and Industry	Transportation
4250	Requirements of Licensure for Podiatrists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4251	Continuing Education Credits	Medical, Military, Pub & Mun Affairs	Medical Affairs
4273	Insurance Required for Time Sharing Facilities and Accommodations	Labor, Commerce and Industry	Labor, Commerce and Industry
4274	Provider, Course, and Instructor Fees; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4252	Residential Specialty Contractors License	Labor, Commerce and Industry	Labor, Commerce and Industry
4275	Emergency License and Registration	Labor, Commerce and Industry	Labor, Commerce and Industry
4253	Requirements of Licensure for Social Workers	Medical, Military, Pub & Mun Affairs	General
4254	Requirements of Licensure for Speech-Language Pathologists and Audiologists		
4255	Requirements of Licensure for Veterinary Medical Professionals	Medical, Military, Pub & Mun Affairs	Medical Affairs
4276	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
		Agriculture and Natural Resources	Agriculture and Natural Resources
Committee Request Assessment Report			
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
Committee Request Withdrawal			
4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
Agency Request Withdrawal			
4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources
Permanently Withdrawn			
4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs

Executive Order No. 2012-02

WHEREAS, this Administration is determined to cultivate economic opportunity, reduce the burden of unemployment taxes, and expose costly abuse of public benefits while ensuring that South Carolina workers continue to enjoy a right to work that cannot be denied or abridged; and

WHEREAS, South Carolina law prohibits striking union members from receiving unemployment benefits; and

WHEREAS, unemployment benefits can considerably exceed strike pay received by union members who walk off the job, creating a strong incentive for union members to wrongfully claim unemployment benefits; and

WHEREAS, the wrongdoing of a few jeopardizes opportunity for those hardworking South Carolinians who display a strong work ethic, value loyalty, and take pride in their work; and

WHEREAS, the South Carolina Department of Labor, Licensing and Regulation is charged with investigating, reporting, and resolving labor disputes, and the South Carolina Department of Employment and Workforce is charged with administering unemployment benefits in this state; and

WHEREAS, coordination between these agencies is essential to ensuring that state government remains efficient, avoids duplication, and consistently applies South Carolina law prohibiting unemployment benefits for workers participating in a labor dispute and providing an additional safeguard to South Carolina businesses as they attempt to keep their costs low and predictable.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby direct the South Carolina Department of Labor, Licensing and Regulation to immediately report all indications of labor disputes to the Department of Employment and Workforce to ensure the uniform and effective enforcement of Section 41-35-120 of the Code of Laws of South Carolina, which prohibits striking workers from receiving unemployment benefits.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24TH DAY OF JANUARY, 2012.**

NIKKI R. HALEY

6 NOTICES

BUDGET AND CONTROL BOARD BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on compensation for noneconomic damages on a medical malpractice claim. Pursuant to Section 15-32-220(F), the limit on civil liability for noneconomic damages on a medical malpractice claim is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2004. The 2004 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2011, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 18.6% from a value of 190.3 in December 2004 to 225.672 in December 2011. Therefore, the limit not to exceed \$350,000 would increase to \$415,055 against a single health care provider and a health care institution for each claimant for civil liability for noneconomic damages on medical malpractice claims when final judgment is rendered. Also, the limit not to exceed \$1,050,000 would increase to \$1,245,170 for all health care providers and all health care institutions for each claimant for civil liability for noneconomic damages on medical malpractice claims. The adjusted limitations on compensation for noneconomic damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

BUDGET AND CONTROL BOARD BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

We have calculated the increase in the limit on punitive damages awarded to each claimant that is entitled to an award. Pursuant to Section 15-32-530(D), the limit on punitive damage awards is adjusted each fiscal year based on the increase or decrease in the ratio of the Consumer Price Index for All Urban Consumers as of December 31 of the previous calendar year. The adjustment is a cumulative index using a base year 2011. The 2011 base year was adopted to be consistent with the timing of the enacting legislation. As of December 31, 2011, the Index published by the Bureau of Labor Statistics, *Monthly Labor Review*, Table 38, "Consumer Price Index for All Urban Consumers", increased by 3.0% from a value of 219.179 in December 2010 to 225.672 in December 2011. Therefore, the limit not to exceed \$500,000 would increase to \$514,800 to each claimant entitled to a punitive damage award. The adjusted limitations on an award for punitive damages become effective upon publication in the *State Register* pursuant to Section 1-23-40(2).

**BUDGET AND CONTROL BOARD
OFFICE OF RESEARCH AND STATISTICS**

NOTICE OF GENERAL PUBLIC INTEREST

Pursuant to the South Carolina Code of Laws, Section 15-41-30 requires the Economic Research Section of the Office of Research and Statistics of the State Budget and Control Board to adjust each dollar amount in subsection (A), items (1) through (14), by the change in the Southeastern Consumer Price Index, All Urban Consumers, as published by the U.S. Department of Labor Statistics, for the most recent year ending immediately before January first preceding July first. We computed the change in the index as the change in the average value of the index for the period from January 1, 2011 through December 31, 2011 compared to the average value of the index for the period from January 1, 2006 through December 31, 2006. This percentage change was 12.3 percent. Each dollar amount that represents this change has been rounded to the nearest twenty-five dollars as required by law. I have enclosed a table for you that represents the changes that should be made to each dollar amount in Section 15-41-30(A)(1) through (14).

Section 15-41-30. Property Exempt from Attachment, Levy, and Sales.

Subsection	Amount Specified as of May 22, 2008	Adjusted for Inflation 1/
1	\$50,000	\$56,150
	\$100,000	\$112,275
2	\$5,000	\$5,625
3	\$4,000	\$4,500
4	\$1,000	\$1,125
5	\$5,000	\$5,625
6	\$1,500	\$1,675
7	\$5,000	\$5,625
8	Unspecified	
9	\$4,000	\$4,500
10	Unspecified	
11	Unspecified	
12	Unspecified	
13	Unspecified	
14	Unspecified	

Notes: All calculations made by the Economic Research Section of the Office of Research and Statistics of the State Budget and Control Board.

1/ Dollar amounts are adjusted by the change in the Southeastern Consumer Price Index, All Urban Consumers, for the most recent year ending immediately before January first preceding July first, and rounded to the nearest twenty-five dollars (Section 15-41-30 (B)).

Sources: U.S. Department of Labor, Bureau of Labor Statistics; Legislative Printing and Information Technology Systems (Act 225 of 2007, H.B.3816).

8 NOTICES

BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2012 Edition of the International Building Code;
2012 Edition of the International Residential Code;
2012 Edition of the International Fire Code;
2012 Edition of the International Plumbing Code;
2012 Edition of the International Mechanical Code;
2012 Edition of the International Fuel Gas Code;
2012 Edition of the National Electrical Code.

Permissive codes include the:

2012 Edition of the International Property Maintenance Code;
2012 Edition of the International Existing Building Code;
2012 Edition of the International Performance Code for Buildings and Families.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Council Administrator, at P.O. Box 11329, Columbia, SC 29211-1329, on or before March 1, 2012.

BOARD OF CHIROPRACTIC EXAMINERS

NOTICE OF GENERAL PUBLIC INTEREST

The Board of Chiropractic Examiners elected to terminate the promulgation process on Regulation Document No. 4266, relating to requirements of licensure for chiropractors, pursuant to Section 1-23-111(C)(c).

STATE BOARD OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

The State Board of Education has elected to terminate the promulgation process on Regulation Document No. 4214, relating to Defined Program, Grades 9-12.

DEPARTMENT OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Public School Facilities Committee, authorized by 1976 Code Section 59-23-210 (Supp.2010), approved the *2012 South Carolina Minimum Specifications Guide for Relocatable Classrooms (2012 Relocatable Guide)* on January 12, 2012. The *2012 Relocatable Guide* will be effective April 2, 2012. The document can be found on the Web site of the Office of School Facilities (OSF), South Carolina Department of Education: <http://ed.sc.gov/agency/os/School-Facilities/>.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN

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

South Carolina Air Quality Implementation Plan:

The Department of Health and Environmental Control (Department) proposes to amend the South Carolina Air Quality Implementation Plan, also known as the State Implementation Plan, or SIP. Interested persons are invited to present their views in writing to Alan M. Hancock, Division of Air Assessment, Innovations and Regulation, Bureau of Air Quality, 2600 Bull St., Columbia, SC 29201. Comments may also be submitted by email to hancocam@dhec.sc.gov or by facsimile at (803) 898-4487. To be considered, comments must be received no later than 5:00 p.m. on March 26, 2012, the close of the comment period. The Department is also providing the public with the opportunity to request a public hearing on the proposed SIP amendment. The Department has scheduled a public hearing for April 2, 2012, at 10:00 a.m., in the Wallace Room (3141), Sims-Aycock Building, 2600 Bull St., Columbia, SC. The public is invited to attend. However, pursuant to 40 C.F.R. Section 51.102 (2011), if the Department does not receive a request for a public hearing by the close of the comment period (March 26, 2012), the Department will cancel the hearing. If the Department cancels the public hearing, then the Department will notify the public at least one week prior to the scheduled hearing on the SIP Public Hearings webpage at: http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/public_hearings.asp. Interested parties are also encouraged to contact Alan M. Hancock at (803) 898-4139 or hancocam@dhec.sc.gov for more information or to determine if the Department has cancelled the public hearing.

Synopsis:

The United States Environmental Protection Agency (EPA) has recently informed the Department of the need to address two matters before it can approve certain previously submitted SIP amendments. First, the EPA is requiring public notice of a clarification letter that the Department submitted to the EPA on November 3, 2009, to address one element of the “infrastructure” SIPs required under Clean Air Act (CAA) Section 110(a)(1) and (2) (42 U.S.C. Section 7410 (2010)) for the 1997 and 2006 PM_{2.5} (particulate matter 2.5 microns and smaller) National Ambient Air Quality Standards (NAAQS). These infrastructure SIPs, provide for the implementation, maintenance, and enforcement of the NAAQS. On March 14, 2008, the Department submitted the infrastructure SIP for the 1997 PM_{2.5} NAAQS to the EPA. On September 18, 2009, the Department submitted the infrastructure SIP for the 2006 PM_{2.5} NAAQS to the EPA. On September 24, 2009, the EPA submitted a letter to the Department stating that it had no comments on the 1997 and 2006 PM_{2.5} infrastructure SIPs. Following further discussions with the EPA, the Department submitted the aforementioned letter to the EPA on November 3, 2009. Based on the EPA memorandum entitled Emergency Episode Plan Requirements, dated March 24, 2008, this letter certified that the Department is not required to adopt an emergency episode plan for PM_{2.5} because no area of South Carolina has exceeded 140µg/m³, which is the threshold for such a plan. In accordance with CAA Section 110(k), in order to act on the Department’s infrastructure SIP amendments addressing the requirements of CAA Section 110(a)(1) and (2) for the 1997 and 2006 PM_{2.5} NAAQS, the EPA is requiring that the Department provide the public with the ability to comment on this certification.

Second, the EPA is requiring states to address Section 128 of the CAA (42 U.S.C. Section 7428 (2010)) by amending SIPs to include conflict of interest provisions for state boards that oversee CAA permits and enforcement orders. The EPA has made this request based on comments that it has received on other states’ SIP submittals. To address this request, the Department is proposing that the Ethics, Government Accountability and Campaign Reform Act of 1991 (S.C. Code Ann. Section 8-13-700 et seq. (2011)) meets the requirements of Section 128.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication February 24, 2012, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Renovation for the addition of a pediatric cardiac hybrid catheterization laboratory at the Children's Hospital Medical University of South Carolina Medical Center
Charleston, South Carolina
Project Cost: \$4,706,541

Consolidation of diagnostic services (including MRI, CT, and Bone Density testing) from three existing locations to a new diagnostic center in James Island. The site is adjacent to the Roper Hospital Ambulatory Surgery & Pain Management- James Island Ambulatory Surgical Facility
Roper Hospital Diagnostics- James Island
Charleston, South Carolina
Project Cost: \$5,855,776

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from February 24, 2012. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Edgefield County

Establishment of a home health agency restricted to serve Edgefield County
Community Health Inc.
Edgefield, South Carolina
Project Cost: \$78,981

Establishment of a home health agency restricted to serve Edgefield County
Liberty Homecare of Edgefield County
Aiken, South Carolina
Project Cost: \$57,200

Establishment of a home health agency restricted to serve Edgefield County
NHC/ OP, L.P. d/b/a NHC HomeCare, Edgefield
Edgefield, South Carolina
Project Cost: \$3,000

Affecting Greenville County

Addition of five (5) psychiatric beds and eight (8) inpatient alcohol and drug treatment beds, resulting in a total bed capacity of twenty-one (21) substance abuse beds and one hundred four (104) psychiatric beds
 UHS of Greenville Inc. d/b/a The Carolina Center for Behavioral Health
 Greer, South Carolina
 Project Cost: \$3,547,039

Affecting Horry County

Establishment of a hospice facility with ten (10) private rooms and eight (8) semi-private rooms, resulting in a total bed capacity of twenty-six (26) inpatient hospice beds
 Agape' Hospice of the Grand Strand, Inc.
 Conway, South Carolina
 Project Cost: \$6,226,213

Affecting York County

Renovation and expansion of the existing Emergency Department (ED)
 Amisub of South Carolina d/b/a Piedmont Medical Center
 Rock Hill, South Carolina
 Project Cost: \$19,899,346

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**ERRATA**

February 24, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the regulations pertaining to 61-62.2, 61-62.3, and 61-62.4. These corrections do not create new regulatory requirements; the corrections are nonsubstantive and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

R.61-62.2. Prohibition of Open Burning

State Register Doc. 2872, June 25, 2004

At R.61-62.2(I), Title, reformat the title "SECTION I – Exceptions" by making it bold for consistency throughout the regulations to read:

SECTION I - Exceptions

At R.61-62.2(I)(D)(1), strike the word "and" after the word "practices" to move it to the appropriate place within the list for list consistency to read:

1. Prescribed burning of forest lands for specific management practices;

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At **R.61-62.2(I)(D)(2)**, strike the period after the word “purposes” and replace with “; and” for list consistency to read:

2. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes; and

At **R.61-62.2(I)(D)(3)**, add a serial comma after the word “grass” for consistency to read:

3. Open burning of trees, brush, grass, and other vegetable matter for game management purposes.

At **R.61-62.2(I)(E)(1)**, amend punctuation by striking the comma after the word “feet” and striking the period after the word “conducted” and replacing it with a semicolon to provide list consistency and clarity to read:

1. The location of the burning must be a sufficient distance but not less than 1000 feet from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted;

At **R.61-62.2(I)(E)(2)**, amend punctuation by striking the period after the word “site” and replacing it with a semicolon to provide list consistency and clarity to read:

2. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public roadway or a residential, commercial, or industrial site;

At **R.61-62.2(I)(E)(7)**, replace the shorthand measurement symbol for feet (') by writing out the measurement for clarity and to avoid future software conversion errors, to read:

7. No more than two piles 30 feet by 30 feet or equivalent may be burned within a six-acre area at one time; and

At **R.61-62.2(I)(G)(5)**, strike unnecessary semicolon after the time “3:00 p.m.” for punctuational correctness to read:

5. The burning is conducted only between the hours of 9:00 a.m. and 3:00 p.m.

At **R.61-62.2(II), Title**, reformat the title “SECTION II – General” by making it bold for consistency throughout the regulations to read:

SECTION II – General

At **R.61-62.2(II)(C)**, strike the unnecessary comma after the word “above” for punctuational correctness to read:

C. The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above whenever in the judgment of the Department such is necessary to realize the purpose of this Regulation.

R.61-62.3. Air Pollution Episodes

State Register Doc. 4130, May 27, 2011

At R.61-62.3(II)(Table 2)(Part B)(3), add a serial comma after the word “paper” for consistency to read:

3. Industrial sources including petroleum refining, chemical, primary metals, glass, paper, and allied products which require considerable lead time for shut-down:

At R.61-62.3(II)(Table 2)(Part B)(3)(b), add a serial comma after the word “vapors” for consistency to read:

b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors, or any malodorous substances.

At R.61-62.3(II)(Table 2)(Part B)(4), add a serial comma after the word “printing” for consistency to read:

4. Industrial sources including primary metals, chemical, mineral processing, grain, surface coating, bulk gasoline terminals, petroleum storage plants, degreasing operations, printing, and tire manufacturing which require relatively short lead times for shut-down:

At R.61-62.3(II)(Table 3)(Part A)(1), add a serial comma after the word “refuse” for consistency to read:

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

At R.61-62.3(II)(Table 3)(Part A)(3)(d), replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity. Also, add a serial comma after the word “supplies” for consistency to read:

d. All wholesale trade establishments, that is, places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies, and food.

At R.61-62.3(II)(Table 3)(Part A)(3)(e), add serial commas after the words “county” and “meetings” for consistency to read and lower case the word “State” to read:

e. All offices of local, county, and state government including authorities, joint meetings, and other public bodies except such agencies which are determined by the chief administrative officer of local, county, or state government, authorities, joint meetings, and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

At R.61-62.3(II)(Table 3)(Part A)(3)(h), add a serial comma after the word “services” for consistency to read:

h. Wholesale and retail laundries, laundry services, and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

At R.61-62.3(II)(Table 3)(Part A)(3)(i), add a serial comma after the word “list” for consistency to read:

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list, and stenographic services; equipment rental services, commercial testing laboratories.

R.61-62.4. Hazardous Air Pollutions Conditions

State Register Doc. 457, May 24, 1985

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At **R.61-62.4(D)**, add serial commas after the words “vapors” and “immediately” for consistency to read:

D. EMERGENCY ACTIONS

In the event that releases of dust, fumes, smoke, gases, mists, vapors, or other substances occur in such quantity as to create imminently hazardous levels, the owner or operator of the source shall take all necessary emergency acts to cause the release to cease, to notify nearby residents and occupants, to assist in evacuation if deemed necessary, to notify the Department immediately, and to take such other action as responsible officials deem advisable.

At **R.61-62.4(F)**, add a serial comma after the word “devices” for consistency to read:

F. NOTIFICATION

The affected public, the Department, the South Carolina Disaster Preparedness Agency, and all law enforcement officials having jurisdiction shall be notified promptly by the owner or operator of the source in the event of releases of material which may cause imminently hazardous levels. If traffic hazards are created, notification shall be made to appropriate state or local agencies of the possible existence of such a condition and of the corresponding need for posting of appropriate signs, warning devices, or flagmen. When the concentrations of materials are reduced sufficiently as to no longer present an imminent hazard, public announcement will be made, and normal operations may resume.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-19-90(10) (2004), 59-63-30 (2004), 59-63-420 (2004), 59-63-470 (2004), 59-63-480 (2004), 59-63-490 (2004), 59-63-500 (2004), 59-63-510 (2004), 59-63-520 (2004), 59-63-530 (2004), 59-65-30 (2004), 59-65-90 (2004), and 20 U.S.C. 7165 (2002)

Notice of Drafting:

The State Board of Education is considering amendments to R.43-273, Transfers and Withdrawals. Interested parties should submit written comments to Mark Bounds, Deputy Superintendent, Division of School Effectiveness, SC Department of Education, 1429 Senate Street, Room 606A, Columbia, SC 29201, or email them to mbounds@leaders.ed.sc.gov. To be considered comments must be received no later than March 26, 2012, at 5:00 pm.

Synopsis:

Amendments to Regulation 43-273 will expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

Legislative review of this proposal will be required.

WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Sections 42-9-10 and 42-9-30(21)

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to draft a new regulation, R.67-1801, to establish a defined mechanism to resolve disputes without the necessity of a hearing. Interested persons may submit written comments to Gary Cannon, Executive Director, South Carolina Workers' Compensation Commission, 1333 Main Street, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, all comments must be received no later than 5:00 p.m. March 26, 2012, the close of the drafting comment period.

Synopsis:

The proposed regulation would not create a mandatory system for mediations but would authorize the Commission to order mediations for certain cases in the workers' compensation system. Cases requiring mediation include admitted cases under Section 42-9-10, 42-9-30 (21), occupational disease cases, third party lien reduction claims, contested death claims, mental/mental injury cases, and cases of concurrent jurisdiction under the South Carolina Workers' Compensation Act and the Federal Longshore and Harbor Workers' Compensation Act. Claims involving multiple employees arising out of employment with the same Employer, whether or not compensability has been admitted, shall be subject to a scheduling order and shall be mediated prior to a hearing.

Legislative review of this amendment is required.

16 PROPOSED REGULATIONS

Document No. 4281
STATE BUDGET AND CONTROL BOARD
CHAPTER 19
Statutory Authority: 1976 Code Section 10-1-30

19-480. Use of State House, State House Grounds, State Buildings and State Grounds.

Preamble:

Section 10-1-30 of the South Carolina Code of Laws authorizes the State Budget and Control Board to promulgate regulations concerning the use of the State House lobbies, the State House steps and grounds, and other public buildings and grounds. The State Budget and Control Board and its Division of General Services proposes to draft regulations addressing the use of these areas.

Section-by-Section Discussion

19-480. Use of State House, State House Grounds, State Buildings and State Grounds.

- A. Defines State House grounds.
- B. Prohibits the use of the State House grounds and all buildings located on the grounds for camping, sleeping or any living accommodation purposes.

A Notice of Drafting was published in the *State Register* on January 27, 2012.

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 29, 2012, at 4:00 p.m. in Room 252, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201. 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 cancelled.

Written comments, requests for information relating to the proposed regulation, and any requests for a public hearing shall be submitted to Carla Griffin, Deputy Director, Division of General Services, State Budget and Control Board, 1200 Senate Street, Suite 460, Wade Hampton Building, Columbia, South Carolina 29201 no later than 4:00 p.m. on March 26, 2012.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The regulation is proposed to prohibit the use of the State House grounds and all buildings located on the grounds for camping, sleeping, or any living accommodation purposes. This prohibition is inclusive of sleeping, making preparations to sleep (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making any fire, using any camping tents, using other structures for sleeping, doing any digging or earth breaking and carrying on cooking activities supportive of camping and living accommodation purposes.

Legal Authority: 1976 Code Section 10-1-30.

Plan for Implementation: The proposed regulation will take effect upon approval of the General Assembly and publication in the *State Register*. The proposed regulation will be posted on the agency's web site.

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

This regulation is needed to make clear that the use of the State House grounds and all buildings located on the grounds for camping, sleeping, or any living accommodation purposes is strictly prohibited. This regulation is necessary to address issues related to the public health and safety and public liability.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional 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:

This regulation will have no effect on the environment of the State. The public health will be enhanced by ensuring that the State House grounds are not used for camping, sleeping, or any living accommodation purposes.

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

There will be a detrimental impact on the public health if this regulation is not implemented. The State House grounds are not designed to be used for camping, sleeping, or any living accommodation purposes and cannot support such uses. The continuous storage of food items and the preparation of food multiple times per day for extended periods of time raises health and safety issues and further has the effect of attracting wildlife to the grounds. In addition, the grounds and surrounding areas do not provide appropriate, sanitary bathroom facilities on a 24 hours a day basis.

Statement of Rationale:

The purpose of the proposed regulation is to define the "State House grounds" and make clear that the use of the State House grounds and all buildings located on the grounds for camping, sleeping, or any living accommodation purposes is strictly prohibited. This prohibition is inclusive of sleeping, making preparations to sleep (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making any fire, using any camping tents, using other structures for sleeping, doing any digging or earth breaking and carrying on cooking activities supportive of camping and living accommodation purposes. This prohibition is strictly applicable regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

Text:

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

18 PROPOSED REGULATIONS

Document No. 4282

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Preamble:

To satisfy the requirements of licensure for chiropractors, Regulations 25-1 through 25-9 must be updated in conformance with the current Board of Chiropractic Examiners Practice Act.

Section-by-Section Discussion:

25-1. Organization, Administration and Procedure.

No changes.

25-2. Application for Licensure.

A. Deletes “prior to taking the Board examination” in the last sentence before (1).

(1)-(2) No changes.

(3) Deletes last sentence.

(a) Adds “/or” after “and”; deletes “practical”; adds a comma after 1987.

(b) Adds a comma after 1997.

(c) No changes.

(4) Corrects Board name; adds Ethics and Jurisprudence Examination; clarifies language; deletes last sentence regarding retake limits.

(5) No changes.

(6) Adds hyphen between “passport” and “size”.

(7) Changes “Fees” to “Fee schedule” and adds sentence regarding statutory authority for currently charged fees.

B. No changes

25-3. Licensure by Endorsement.

A. No changes.

B. Adds a comma after 1987.

C. Adds a comma after 1987.

(1)-(2) No changes.

D. No changes.

E. Clarifies language; adds Ethics and Jurisprudence Examination; deletes third and fourth sentences.

F. Adds ‘the’ before “initial application date”. This language was part of “E” above.

25-4. Waiver of Fees and Special Volunteer License.

Changes title from “Waiver of Fees and Special Volunteer License” to “Licensure Under Special Circumstances”.

A. Renumbers former B.; Deletes “special” before “volunteer license”.

(1) Deletes “special” before “volunteer license”.

(2)-(4) No changes.

(5)-(6) Deletes in their entirety.

(7) Renumbers as (5); deletes “special” before “volunteer license”.

Former A. renumbered as (6); changes “Waiver of Fees” to “Needy and Indigent Care”.

B. New section regarding emergency licenses; adds (1)-(3) detailing requirements of emergency licenses.

C. New section regarding special event licenses; adds (1)-(3) detailing requirements of special event licenses.

25-5. Professional Practices.

A. Deletes in its entirety.

B. Deletes in its entirety.

(1) Deletes in its entirety.

(2) Renumbers as A.(1); clarifies language.

(3) Renumbers as A.(2); adds that chiropractor with expired license for 3 years or longer must take and pass the SPEC examination or meet requirements in effect at time of the new application.

C. Renumbers as B.; adds that no more than half the continuing education hours taken may be online and only four hours per licensing cycle may be in rules and regulations of the Board.

(1) No changes.

(2) New section; adds that continuing education may be granted by administering Part IV of the National Board of Chiropractic Examination, attendance at FCLB/NBCE meetings, teaching a course at an accredited college, or, if an out-of-state licensee, meeting his or her home state's continuing education requirements. Also adds that teaching an approved continuing education seminar may provide the number of continuing education hours equal to the number of hours taught in the course, limited to 18 hours per renewal period.

(3) Renumbers from (2) for clarity; adds PACE-approved within the scope of chiropractic practice; adds SC Chiropractic Association, Palmetto State Chiropractic Association, or other associations approved by the board.

(a) Clarifies language.

(b)-(c) No changes.

(d) New section; adds that no sales promotions may be presented during the continuing education seminar or presentation.

(4) Renumbers from (3) for clarity; adds (h) stating that course approval is valid for 2 renewal periods.

(5) Renumbers from (4) for clarity.

(6) Renumbers from (5) for clarity; corrects typographical error.

(7) Renumber from (6) for clarity; spells out numeral.

D. Renumbers as C.; Changes 3 to 4.

E. Renumbers as D.; No changes.

F. Renumbers as E.; Corrects typographical error.

(1) No changes.

(a)-(e) No changes.

(f) Adds cold laser and intense pulse light (IPL) therapy.

(g) Renumbers from (f) for clarity; adds "or are in use in accredited chiropractic schools".

(2) No changes.

(a)-(f) No changes.

(g) New section; adds "manipulation under anesthesia".

(3) No changes.

(4) Adds "as approved by the Board in its discretion" to the end of the sentence.

(5) Deletes text and replaces with text regarding spinal manipulation and musculoskeletal manipulation of animals.

G. Renumbers as F.; No changes.

(1) No changes.

(2) Deletes "in any fashion".

G. New section; adds provision for licensees who fail to meet continuing education requirements; adds (1) and (2) for sanctions imposed.

25-6. Professional Conduct.

A. No changes.

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B. No changes.

(1) Adds “written” before “request” and “and to receive these records within fourteen (14) calendar days of the date of request” to the last sentence.

(2)-(3) No changes.

(4) Adds “not to exceed those found in statute”.

C. New section regarding closing of or departure from a chiropractic practice.

D. New section regarding termination of the chiropractor-patient relationship.

E. Renumbers C.; adds “other than those for which they have received certification for that specialty” after “activity”.

(1) No changes.

(2) Changes “college” to “school”.

(3) No changes.

F. Renumbers D.; clarifies language.

G. Renumbers E.; no substantive changes.

25-7. Code of Ethics.

A. No changes.

B. No changes.

C. No changes.

D. No changes.

E. Deletes “on controversial subjects” from the end of the first sentence.

F. No changes.

25-8. Advertising and Solicitation.

No changes.

25-9. Disciplinary Actions and Procedures.

A. Deletes “of misconduct” after “complaint”.

(1) New section regarding initial complaints and temporary suspension orders.

B. No changes.

C. No changes.

D. No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on April 5, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Chiropractic Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., March 28, 2012. 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.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Chiropractic Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-9-30.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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 current Chiropractic Practice Act.

Text:

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

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Document No. 4162
ENVIRONMENTAL CERTIFICATION BOARD
CHAPTER 51

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40-23-305

- 51-1. Applications for Certification
- 51-4. Renewal of License and Permit, Continuing Education
- 51-5. Operator-in-Training Licenses

Synopsis:

The Environmental Certification Board is promulgating regulations to implement 2008 Act 223 and to reflect other developments in environmental regulation since 2005.

The Notice of Drafting was published in the *State Register* on August 27, 2010.

Instructions:

- 51-1. Applications for Certification.
Replace text as printed below
- 51-4. Renewal of License and Permit, Continuing Education.
Replace text as printed below
- 51-5. Operator-in-Training Licenses.
Replace text as printed below

Text:

- 51-1. Applications for Certification.

Any person who desires to become certified by the Board must make application on the proper form. The Board on request will furnish this form. The application for initial certification must be accompanied by a nonrefundable fee as specified in 51-6. An application for Well Driller that is not acted upon by the applicant within twelve (12) months of receipt by the Board shall become inactive.

- 51-4. Renewal of License and Permit, Continuing Education.

A. Each license issued by the Board shall be renewed annually or biennially on or before June 30. Any license not renewed within three hundred sixty-five (365) days of the date on which the license expired shall be considered lapsed and declared nonrenewable.

B. The Board shall charge a renewal fee, the amount of such fee to be fixed by the Board, in accordance with 51-6, at a meeting prior to July of each year. Renewal applications received between July 1 and June 30 of the following year shall be subject to a reinstatement fee of two hundred dollars (\$200.00).

C. A person who practices while a license is lapsed may be fined up to five hundred dollars (\$500.00).

D. [Reserved]

E. A certificate revoked for cause by the Board may be reinstated only by action of the Board.

F. Each applicant applying for renewal of any license must provide evidence of having completed twelve (12) hours of relevant continuing education every two (2) years. Alternatively, in accordance with 40-23-230(C)(3), a licensee may demonstrate he complies with the current continuing education requirements after the department renews the license, provided he does not engage in licensed activity until he has completed the continuing education requirement. Continuing education credit shall be in accordance with Continuing

Education Guidelines as approved by the Board. In lieu of continuing education, the applicant may take and pass the appropriate examination for his/her license grade.

51-5. Operator-in-Training Licenses.

Biological Wastewater Operators, Physical/Chemical Wastewater Operators, Water Treatment Operators, and Water Distribution Operators.

A. For biological wastewater treatment operators, physical/chemical wastewater treatment operators, water treatment operators, and water distribution operators the Board shall issue “trainee” licenses that are valid for two (2) years for new personnel with qualifications as stated in 51-3. Operation under this license shall always be under the direct supervision of a legally licensed operator of the proper grade. All applications must be endorsed by the applicant’s chief operator, or operator-in-charge.

Application for Trainee Licenses.

A. Trainee licenses will be valid only for the two (2) year period and will not be renewed except when an examination for a graded certificate has been passed or there are extenuating circumstances acceptable to the Board.

Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Rationale:

The regulations are amended to conform to 2008 Act 223.

Document No. 4139

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 48-2-10 et seq.

61-30. Environmental Protection Fees

Synopsis:

These regulations will amend R.61-30 to adjust the Safe Drinking Water Act fee structure to ensure adequate funds are available to cover costs associated with new federal drinking water regulations. The regulations will allow the South Carolina Department of Health and Environmental Control (Department) to continue to provide monitoring and compliance services for recently promulgated federal drinking water regulations. See Statement of Need and Reasonableness herein.

A Notice of Drafting for this amendment was published in the *State Register* on May 28, 2010.

Discussion of Revisions:

(2) DHEC: Safe Drinking Water Act

At R.61-30.G.2(a)(i) - Community and Non-Transient Non-Community Water Systems fees for the following fee schedules are revised:

Program Administration Component;

Distribution Monitoring Component;

Program Administration Component of Fee (Base Amount + Rate Per Tap); and

Distribution and Source Monitoring Components of Fee.

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The fee schedule on Source Monitoring Component remains the same.

At R.61-30.G.2(a)(ii), the fee schedule for Other Public Water Systems is revised.

Instructions:

Amend R.61-30 pursuant to each individual instruction provided with the text below.

Text:

Revise R.61-30.G.2(a)(i) to amend fee schedules: Program Administration Component; Distribution Monitoring Component; Program Administration Component of Fee (Base Amount + Rate Per Tap), and Distribution and Source Monitoring Components of Fee. Fee schedule on Source Monitoring Component remains the same:

(i) Community and Non-Transient Non-Community Water Systems

Fee = Program Administration Component + Distribution Monitoring Component + Source Monitoring Component

Program Administration Component:

\$14.38 x (# Taps Up To 10) + \$9.60 x (# Taps From 11 To 25) + \$7.76 x (# Taps From 26 To 50) + \$5.75 x (# Taps From 51 To 100) + \$3.85 x (# Taps From 101 To 500) + \$2.88 x (# Taps From 501 To 1,000) + \$1.96 x (# Taps From 1,001 To 5,000) + \$1.44 x (# Taps From 5,001 To 10,000) + \$0.92 x (# Taps From 10,001 To 15,000) + \$0.46 x (# Taps From 15,001 To 25,000) + \$0.29 x (# Taps From 25,001 To 50,000) + \$0.17 x (# Taps From 50,001 To 100,000) + \$0.12 x (# Taps Greater Than 100,000)

Distribution Monitoring Component:

\$262.50 (Systems Serving Up To 100 Taps); Or,
 \$750.00 (Systems Serving 101 To 1,000 Taps); Or,
 \$3,750 (Systems Serving 1,001 To 15,000 Taps); Or,
 \$7,500 (Systems Serving Greater Than 15,000 Taps)

Source Monitoring Component:

[(\$250 x (#GW Sources)) + (\$500 x (#SW Sources))] (Up To 25 Taps); Or,
 [(\$450 x (#GW Sources)) + (\$800 x (#SW Sources))] (From 26 To 100 Taps);
 Or, [(\$1,250 x (#GW Sources)) + (\$1,800 x (#SW Sources))] (Greater Than 100 Taps); Or, [Maximum \$7,500]

Program Administration Component of Fee (Base Amount + Rate Per Tap)

<i>System Size</i>	<i>Base Amount</i>	<i>Rate Per Tap</i>
1 – 10	\$0	\$14.38 First 10 Taps
11 – 25	\$143.80	\$9.60 Taps 11 – 25
26 – 50	\$287.80	\$7.76 Taps 26 – 50
51 – 100	\$481.80	\$5.75 Taps 51 – 100
101 – 500	\$769.30	\$3.85 Taps 101 – 500
501 – 1000	\$2,309.30	\$2.88 Taps 501 – 1,000

1,001 – 5,000	\$3,749.30	\$1.96 Taps 1,001 – 5,000
5,000 – 10,000	\$11,589.30	\$1.44 Taps 5,001 – 10,000
10,001 – 15,000	\$18,789.30	\$0.92 Taps 10,001 – 15,000
15,001 – 25,000	\$23,389.30	\$0.46 Taps 15,001 – 25,000
25,001 – 50,000	\$27,989.30	\$0.29 Taps 25,001 – 50,000
50,001 – 100,000	\$35,239.30	\$0.17 Taps 50,001 – 100,000
100,001 and Above	\$43,739.30	\$0.12 Taps Over 100,000

Distribution and Source Monitoring Components of Fee

<i>System Size (Number Of Taps)</i>	<i>Distribution Monitoring (Fixed Rate)</i>	<i>Source Monitoring (Rate per Source)</i>	
		<i>Ground Water</i>	<i>Surface Water</i>
1 – 10	\$262.50	\$250	\$500
11 – 25	\$262.50	\$250	\$500
26 – 50	\$262.50	\$450	\$800
51 – 100	\$262.50	\$450	\$800
101 – 500	\$750	\$1,250	\$1,800
501 – 1000	\$750	\$1,250	\$1,800
1,001 – 5,000	\$3,750	\$1,250	\$1,800
5,000 – 10,000	\$3,750	\$1,250	\$1,800
10,001 – 15,000	\$3,750	\$1,250	\$1,800
15,001 – 25,000	\$7,500	\$1,250	\$1,800
25,001 – 50,000	\$7,500	\$1,250	\$1,800
50,001 – 100,000	\$7,500	\$1,250	\$1,800
100,001 And Above	\$7,500	\$1,250	\$1,800

Revise paragraph R.61-30.G.2(a)(ii) to read:

(ii) Other Public Water Systems

Transient Non-Community Syst	Fee = \$275
Systems Serving More Than 1 Tap But Less Than 15 Taps and Serving Less Than 25 People	Fee = \$175
Systems Serving 1 Tap and Serving Less Than 25 People	Fee = \$125
Vending Machines	Fee = \$75

Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments of R.61-30. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

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DESCRIPTION OF REGULATION:

Amendment to Regulation 61-30, Environmental Protection Fees.

Purpose: These amendments of R.61-30 will increase the Safe Drinking Water Act fees to adequately fund new monitoring and compliance requirements necessary to comply with the federal Safe Drinking Water Act.

Legal Authority: S.C. Code Ann. Sections 48-2-10 et seq., 48-2-30, and 48-2-50.

Plan for Implementation: The amendments will be incorporated within R.61-30 upon approval by the Board of Health and Environmental Control, the South Carolina General Assembly, and publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

The adoption of these regulations will allow the Department to continue to provide monitoring and compliance services for public water systems in the state to ensure that they maintain compliance with the federal Safe Drinking Water Act, the state Safe Drinking Water Act and the State Primary Drinking Water Regulations.

DETERMINATION OF COSTS AND BENEFITS:

Cost to State:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments.

Cost to Regulated Community:

The cost and benefit of these amendments will vary depending on system size and type. Costs will be limited to the amount of increase in the fee. Benefits will vary based on requirements of the new regulations and the cost of compliance with those regulations.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The amendments will promote public health through maintaining compliance with drinking water regulations.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There will be no detrimental effect on the environment if the amendments are not implemented. Public health may be compromised if public water systems are unable or unwilling to comply with requirements of complex drinking water regulations. The Department, under the current fee system, conducts most compliance monitoring for public water systems. As such, the state as a whole maintains a very high rate of compliance with drinking water regulations. These amendments will allow the Department to continue to conduct compliance monitoring for public water systems in the state. If the amendments are not implemented, public

water systems will be required to schedule and collect their own compliance monitoring and individually contract with and pay private laboratories to conduct the monitoring required under new federal regulations.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The proposed amendments to R.61-30 will allow the Department to continue to provide monitoring and compliance services for public water systems in the state to ensure that they maintain compliance with the federal Safe Drinking Water Act, the state Safe Drinking Water Act and the State Primary Drinking Water Regulations. See Statement of Need and Reasonableness.

Document No. 4161
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards

Synopsis:

The Department amended R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recently published numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department updated numeric criteria, removed fecal coliform (FC) as a bacterial indicator for recreational uses in specific marine waters of the State while continuing to protect existing shellfish harvesting uses in those waters, made the regulation consistent with recent changes to the S.C. Pollution Control Act (PCA), and revised text for corrections or clarifications for language in the current regulation. See also the Statement of Need and Reasonableness and Statement of Rationale herein. The amendments will be submitted to the General Assembly for review.

A Notice of Drafting for these amendments was published in the *State Register* on March 26, 2010, and a second Notice of Drafting with one additional issue was published in the *State Register* on April 23, 2010.

Section-by-Section Discussion of Amendments:

- (1) Revision of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

Section Citation and Explanation of Change

R.61-68. Appendix - Amendment of the Priority Toxic Pollutants Chart to revise criteria for the following pollutants: acrolein, arsenic, and phenol to reflect EPA's most recent recommendations and to add a footnote nn.

- (2) Revision of the applicability of the fecal coliform bacteriological indicator for protection of recreational and shellfish harvesting uses for tidal saltwaters.

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Section Citation and Explanation of Change

R.61-68.C.3. – The amended language assures that existing shellfish harvesting uses are protected and maintained.

R.61-68.C.7. and 8. – The amended language ensures that water quality sufficient to protect existing shellfish harvesting uses are protected in tidally-influenced areas of the State where the ebb and flow of tides create a situation where the waters move in multiple and opposing directions along with the tides.

R.61-68.E.14.c.8. – The amended added language ensures that existing shellfish harvesting uses found in Class SA and Class SB waters will be maintained and protected in permits issued by the Department.

R.61-68.E.14.c.9. – The amended language amends the regulation to exclude the use of fecal coliform permit limitations in Class SA and Class SB waters for protection of recreational uses only.

R.61-68.G.12.a. – i. – The Department is proposing to replace the existing column format and replace in tabular format to maintain data in place. No changes were made to a. through d.

R.61-68.G.12.e. – The Department is proposing to delete the fecal coliform bacteriological indicator for protection of recreational uses for Class SA waters.

R.61-68.G.12.i. – The amended added language will ensure that existing shellfish harvesting uses are protected and maintained in Class SA waters.

R.61-68.G.13.a. – i. – The Department is proposing to replace the existing column format and replace in tabular format to maintain data in place. No changes were made to a. through d.

R.61-68.G.13.e. – The Department is proposing to delete the fecal coliform bacteriological indicator for protection of recreational uses for Class SB waters.

R.61-68.G.13.i. – The amended added language will ensure that existing shellfish harvesting uses are protected and maintained in Class SB waters.

(3) Section 48-1-83 of the South Carolina Pollution Control Act (PCA) was recently amended by the South Carolina Legislature to change the amount of the dissolved oxygen (DO) depression that the Department may permit in waters of the State that have naturally low DO.

Section Citation and Explanation of Change

R.61-68.D.4.a.and b. – The amended language deletes the zero in the hundredth position from the 0.1 DO deficit allowance in waters with naturally low DO to make the regulation consistent with the State statute.

(4) Stylistic changes to correct readability, clarity, grammar, punctuation, typography, codification, references, consistency, and language style.

Section Citation and Explanation of Change

R.61-68.B.3. - The amended language adds a definition for 30Q5 that was not listed in the previous definitions, but is currently used in the text of the regulation. This is in response to a request made during the comment period. The Department believes the definition was previously omitted in error.

R.61-68.E.4.b. – The amended language deletes the name of a division of the Bureau of Water that has changed.

Instructions: Amend R.61-68 pursuant to each instruction provided with the text of the amendments below.

Text:

Amend R.61-68.B., Definitions, by adding the following definition as B.3 and renumber the remaining definitions 3 through 64 as 4 through 65.

3. 30Q5 means the annual minimum thirty day average flow rate that occurs with an average frequency of once in five years as published or verified by the U.S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.

Amend R.61-68.C.3. to read.

3. Uses in all waters shall be protected, wherever attainable, regardless of flow and classification of waters.

Amend R.61-68.C.7. to read.

7. The existing and classified uses of downstream waters shall be maintained and protected and existing uses shall be protected regardless of the classification of the downstream waters. In tidally-influenced waters, the existing and classified uses of both upstream and downstream waters shall be maintained and protected and the existing uses shall be protected regardless of the classification of the upstream and downstream waters.

Amend R.61-68.C.8. to read.

8. Where surface waters are not classified by name (unlisted) in R.61-69, Classified Waters, the water quality standards of the class of the stream to which they are tributary shall apply, disregarding any site specific numeric criteria for the named waterbody. In tidal areas where an unlisted tributary may affect or flows between two differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric criteria of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric criteria for those waterbodies. This does not preclude the development of site-specific numeric criteria for unlisted tributaries.

Amend R.61-68.D.4.a. and b. to read.

a. For purposes of section D. of this regulation, the term “naturally low dissolved oxygen waterbody” is a waterbody that, between and including the months of March and October, has naturally low dissolved oxygen levels at some time and for which limits during those months shall be set based on a critical condition analysis. The term does not include the months of November through February unless low dissolved oxygen levels are known to exist during those months in the waterbody. For a naturally low dissolved oxygen waterbody, the quality of the surface waters shall not be cumulatively lowered more than 0.1 mg/l for dissolved oxygen from point sources and other activities; or

b. Where natural conditions alone create dissolved oxygen concentrations less than 110 percent of the applicable water quality standard established for that waterbody, the minimum acceptable concentration is 90 percent of the natural condition. Under these circumstances, an anthropogenic dissolved oxygen depression greater than 0.1 mg/l shall not be allowed unless it is demonstrated that resident aquatic species shall not be adversely affected pursuant to Section 48-1-83. The Department may modify permit conditions to require appropriate instream biological monitoring.

Amend R.61-68.E.4.b. to read.

b. When not specifically covered by permit reporting requirements, any unauthorized discharge into waters of the State which may cause or contribute to an excursion of a water quality standard must be reported by the responsible party to the Department orally within 24 hours of becoming aware of such conditions. Further,

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written notification must be provided to the Department (Bureau of Water) within five (5) days of becoming aware of such conditions and the written notice must include the following:

(1) A description of the discharge and cause;

(2) The duration of the discharge, including exact dates and times, and if not corrected, the time that the unauthorized discharge is expected to cease, and what steps are being taken to eliminate, minimize, and prevent recurrence of the discharge.

Amend R.61-68.E.14.c.8. to read.

(8) In order to protect for the consumption use of shellfish, for SFH waters and Class SA, Class SB, ORW, and ONRW waters with existing shellfish harvesting uses as described in Section C.7., the stated value of 14/100 ml for fecal coliform shall be used as a monthly average number for calculating permit effluent limitations and the stated value of 43/100ml for fecal coliform shall be used as daily maximum number for calculating permit effluent limitations.

Amend R.61-68.E.14.c.9. to read.

(9) In order to protect recreational uses for freshwaters of the State, the stated value of 200/100 ml for fecal coliform shall be used as a monthly average number for calculating permit effluent limitations and the stated value of 400/100ml for fecal coliform shall be used as daily maximum number for calculating permit effluent limitations. In order to protect recreational uses in Class SB saltwaters of the State, the stated value of 35/100 ml for enterococci shall be used as a monthly average number for permit effluent limitations and the stated value of 501/100 ml for enterococci shall be used as a daily maximum number for calculating permit effluent limitations. In order to protect recreational uses in all other saltwaters of the State, the stated value of 35/100 ml for enterococci shall be used as a monthly average number for permit effluent limitations and the stated value of 104/100 ml for enterococci shall be used as a daily maximum number for calculating permit effluent limitations.

Retain R.61-68.G.12. and amend R.61-68.G.12.a. through i. to reformat to a table and amend e. through i. to e. through h. and add new i. to read:

12. Class SA are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SA Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Dissolved oxygen.	Daily average not less than 5.0 mg/l with a low of 4.0 mg/l.
e. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site

	over a 30 day period; nor shall more than 10% of the samples exceed a single sample maximum of 104/100 ml during any 30 day period. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 ml.
f. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5
g. Temperature.	As prescribed in E.12. of this regulation.
h. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

i. The Department shall protect existing shellfish harvesting uses found in Class SA waters consistent with the Antidegradation Rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c.8. and Section G.11.e. of this regulation.

Retain R.61-68.G.13. and amend R.61-68.G.13.a. through i. to reformat to a table and amend e. through i. to e. through h. and add new i. to read:

13. Class SB are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

Quality Standards for Class SB Waters	
ITEMS	STANDARDS
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Dissolved oxygen.	Not less than 4.0 mg/l.
e. Enterococci.	Not to exceed a geometric mean of 35/100 ml based on at least four samples collected from a given sampling site over a 30 day period; nor shall more than 10% of the samples exceed a single sample maximum of 501/100 ml during any 30 day period. Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 501/100 ml.
f. pH.	Shall not vary more than one-half of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but not lower than 6.5 or above 8.5
g. Temperature.	As prescribed in E.12. of this regulation.

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h. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.
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i. The Department shall protect existing shellfish harvesting uses found in Class SB waters consistent with the Antidegradation Rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c.8. and Section G.11.e. of this regulation.

Amend R.61-68 Appendix: Priority Toxic Pollutants chart for Arsenic, Acrolein, and Phenol only; all other entries remain the same, to read:

**APPENDIX: WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF
AQUATIC LIFE AND HUMAN HEALTH**

PRIORITY TOXIC POLLUTANTS

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
2	Arsenic	7440382	340 A, D, K	150 A, D, K	69 A, D, Y	36 A, D, Y	10 C	10 C	10 C	65FR31682 57FR60848 SDWA
17	Acrolein	107028	3	3			6 ee, nn	9 ee, nn		74FR27535 74FR46587
54	Phenol	108952					10,000 T, ee, nn	860,000 T, ee, nn		74FR27535 74FR46587

R.61-68 Appendix Priority Toxic Pollutants chart, amend the footnotes to add a new footnote nn to read:

Footnotes:

nn. This criterion has been revised to reflect the EPA's cancer slope factor (CSF) or reference dose (RfD), as contained in the Integrated Risk Information System (IRIS) as of (Final FR Notice June 10, 2009). The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.

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Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-68, Water Classifications and Standards.

Purpose: Amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA).

Legal Authority: S.C. Code Sections 48-1-40, 48-1-60 and 48-1-80, implementing the CWA.

Plan for Implementation: The amendments would be incorporated within R.61-68 upon approval of the Board of Health and Environmental Control, the General Assembly and publication in the State Register. The amendments will be implemented in the same manner in which the present regulation is implemented.

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

The amendment to R.61-68 is required to comply with Federal requirements of Section 303(c)(2)(B) of the CWA. The amendments to R.61-68 include the following:

Revision and adoption of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

The changes to R.61-68 relating to criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes also reflect the EPA's most recent human health methodology for developing criteria and also replace the drinking water Maximum Contaminant Level (MCL) in all columns of the human health chart in the Appendix.

Revision of the applicability of the fecal coliform bacteriological indicator for protection of recreational and shellfish harvesting uses for tidal saltwaters.

The changes to R.61-68 remove the fecal coliform bacteriological indicator in Class SA and Class SB waters of the State. Due to the potential for existing shellfish harvesting uses being present in these types of waters of the State and also to ensure the protection of the existing shellfish harvesting uses of any nearby or downstream waters, the Department has added language to specific sections of the regulation to ensure that those existing uses be protected and maintained.

Section 48-1-83 of the South Carolina Pollution Control Act (PCA) was recently amended by the South Carolina Legislature to change the amount of the dissolved oxygen (DO) depression that the Department may permit in waters of the State that have naturally low DO.

The Department amended the current language of R.61-68 to reflect this recent change in the language of the PCA so that the regulation will be consistent with the State statute.

Stylistic changes to correct for: readability, grammar, punctuation, typography, codification, references, and language style.

The changes to R.61-68 include a new definition for text contained in the current regulation. This will improve the clarity and readability of the regulation. The changes to R.61-68 also include corrections due to typographic errors and punctuation.

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 amendments to R.61-68, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. 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 the existing standards would have incurred similar cost or the fact that the design standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-68 will promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna in the State as well as the citizens of South Carolina.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The first issue contained in the amendments of R.61-68 is a requirement of the CWA and is necessary for compliance with EPA's recommendations for the triennial review of the water quality standards to ensure consistency with the CWA. The second issue addresses an issue where the Department maintained two bacteriological indicator species for the protection of recreational swimming in marine waters during a transitional period as the Department collected data for the most recently adopted indicator species and while permits were issued with the new indicator species included. Sufficient time has passed and the amendment will remove the fecal coliform bacterial indicator species for protection of recreational uses in some saltwaters. Language is being added to ensure that fecal coliform is used to protect any existing shellfish harvesting uses found in waters of the State. The next amendment addresses the inconsistency of the current language found in

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the regulation to the PCA by revising the language which allows a depression deficit of dissolved oxygen (DO) in waters with naturally low DO. The remaining issue includes added language and corrections for clarity of the existing language in the regulation.

Document No. 4163
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
CHAPTER 76
Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

76-1 through 76-9. Board of Landscape Architectural Examiners

Synopsis:

The South Carolina Board of Landscape Architectural Examiners is promulgating regulations to conform to changes in S.C. Code Section 40-28-10 et seq., Act No. 249, effective June 11, 2010.

The Notice of Drafting was published in the *State Register* on August 27, 2010.

Instructions:

76-1 through 76-9

Insert new sections as printed below.

Text:

76-1. Definitions.

1. "ASLA" means American Society of Landscape Architects.
2. "Board" means the members of the Board of Landscape Architectural Examiners.
3. "CE Hour" means a minimum of fifty (50) minutes of instruction.
4. "CLARB" means the Council of Landscape Architect Registration Boards.
5. "Department" means the SC Department of Labor, Licensing and Regulation.
6. "LAAB" means the Landscape Architect Accreditation Board.
7. "LARE" means the Landscape Architect Registration Examination, prepared and graded by CLARB.
8. "LA CES" means Landscape Architectural Continuing Education System.
9. "Seals" means rubber stamps, rubber seals, impression seals, or digital seals.

76-2. Registration.

A. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.

B. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the board to consider the application. No application can be approved until it is complete and all fees are paid.

C. Experience must be documented by statement of employers or supervisors. It is the applicant's responsibility to provide names and current mailing addresses of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the board may consider additional evidence of experience.

D. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.

E. Successful completion of the examination must be documented by CLARB.

F. It is the responsibility of Applicants who are currently licensed in other states to provide verification from any state boards by which they are licensed.

76-3. Application for Licensure by Comity (Endorsement).

A. The applicant for licensure by comity is required to provide verification of licensure by examination by a jurisdiction which has requirements that are substantially equivalent to those in this state at the time of initial licensure.

B. It is the applicant's responsibility to ensure that verification forms or certification documents from CLARB are properly filed with the Department.

76-4. Seals.

A. Landscape Architect shall not affix, or permit to be affixed, his/her name or seal to any drawing, specification, or other document which was not prepared by him/her or under his/her personal supervision. No registrant shall affix his/her seal to any drawings, specification, or other document in physical or electronic format unless the licensee has assumed the responsibility for the accuracy of the contract documents involved.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and one and three quarter (1 ³/₄) inches in diameter.

2. Concentric with the outside of the seal there shall be a circle one and three sixteenths (1 ³/₁₆) inches in diameter.

3. For individual seals wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and the name of only one (1) licensee on the bottom. The words "Licensed Landscape Architect" and the license number of only one (1) individual shall be placed within the inner circle.

4. For the certificate of authorization seals the wording shall be as follows: In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "COA" on the bottom. The name and Certificate of Authorization number of only one (1) firm shall be placed within the inner circle.

76-5. License Expiration, Renewals and Reinstatement.

A. Licenses issued to individuals expire biennially on a date set by the Department. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall become invalid unless renewed.

B. Certificates of authorization issued to firms expire biennially on a date set by the Department. Certificates of authorization must be renewed for the following licensure period by payment of the renewal fee and shall become invalid unless renewed.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

76-6. Continuing Education.

A. Basic Requirements

1. Each licensee shall complete acceptable continuing education during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal. Effective January 31, 2013, completion of ten (10) hours will be required for license renewal. Effective January 31, 2015, and thereafter, completion of twenty (20) hours will be required for license renewal.

a. A minimum of fifteen (15) hours shall be earned by completing educational activities that directly address health, safety, and welfare. Examples include, but are not limited to, site design, environmental or land use analysis, life safety, landscape architectural programming, site and soil analysis, accessibility, barrier free design, structural systems considerations, lateral forces, building codes, storm water management, playground

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safety, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, building design, sustainable energy.

b. A maximum of five (5) hours may be completed in practice related topics that enhance and expand the skills, knowledge, and abilities of practicing landscape architects to remain current and render competent professional service to clients and the public.

2. Continuing education hours shall be earned as:

a. A minimum of twelve (12) hours may be structured educational activities as related to the profession.

b. A maximum of eight (8) hours may be earned in self directed study.

3. If a licensee exceeds the total continuing education required in any renewal period, the licensee may carry a maximum of ten (10) CE Hours forward into the next renewal period.

B. Approved Methods

1. Structured activities include but are not limited to technical presentations, workshops, or seminars on landscape architectural subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars. Landscape architectural activities such as those organized, sponsored, or approved by ASLA, CLARB, and LA CES are acceptable to the board.

2. Self directed study may include:

a. Public service activities that draw upon the Landscape Architect's expertise such as serving on design review boards, planning commissions, building code advisory boards, urban renewal boards, or code study committees.

b. Authoring papers, articles, or books.

c. Individualized seminars, tutorials, or video courses.

3. Teaching landscape architectural courses or seminars:

a. A maximum of five (5) continuing education hours may be claimed per course;

b. Licensees may not claim credit for teaching the same course or seminar more than once. Teaching credit does not apply to full-time faculty.

4. The board has final authority with respect to approval of courses, credit, continuing education hour value of courses, and other value of credit.

C. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements rests with the licensee and the licensee must retain for a period of four (4) years evidence to support fulfillment of the requirements. Such evidence shall include certificates of completion, course materials, or sign-in sheets that provide verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion.

2. Each licensee shall submit, on a form provided by the board, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The board may disallow claimed credit for continuing education hours. The licensee shall have one hundred eighty (180) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

5. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Landscape Architectural Registration Law.

D. Exemptions

1. Continuing education requirements may be waived for the following reasons:

a. New licensees shall be exempt for their first renewal period, not to exceed two (2) years.

b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished with any such exemption request made to the board.

d. Licensees who are approved for Emeritus Status shall be exempt from requirements for Continuing Education Hours.

76-7. Examination.

A. The Examination for Landscape Architecture shall be the LARE, or the examination offered by CLARB's successor.

B. The board may approve and administer all examinations or appoint qualified representatives to administer the examination.

C. The examination shall test the applicant's knowledge of landscape architecture as defined in Section 40-28-20(6).

D. To pass the examination an applicant must achieve a passing grade on each section. Scores from the individual sections cannot be averaged.

76-8. Practice of Firms.

A. A firm engaged in the practice of landscape architecture in South Carolina must employ one (1) or more persons registered to practice landscape architecture in South Carolina who are in full authority and responsible charge of the firm's landscape architectural practice. Persons in full authority and responsible charge shall mean full time employees in unrestricted, unchecked, and unqualified command of and legally accountable for the actions of such landscape architectural practice.

B. A landscape architect registered in South Carolina shall be responsible for complying with these regulations as they may apply to any association or joint venture with another landscape architect or landscape architects.

C. Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have a landscape architect duly registered with this board in full authority and responsible charge, having direct knowledge and supervisory control of such work.

D. Each firm shall provide and maintain the current mailing address and physical address of its main office and each office located in South Carolina.

E. Effective July 1, 2012, all firms offering to practice or practicing landscape architecture are required to have an active certificate of authorization.

76-9. Code of Ethics.

A. The Code of Ethics for Landscape Architects registered in this State is as follows:

1. The right to practice landscape architecture is a personal right based upon the qualifications of the individual evidenced by his/her license. He/she shall not undertake to perform professional services unless qualified by education and experience in the specific realm of landscape architecture services rendered or proposed to his client or employer. A landscape architect may accept an assignment requiring education or experience outside of his/her own field of competence to the extent that his/her services are restricted to aspects of the project in which he/she is qualified. All other aspects shall be performed by qualified associates, consultants or employees;

2. If his/her professional judgment reveals evidence whereby the health, safety, or welfare of the public could be endangered, he/she shall inform his client or employer of the possible consequences and notify such other proper authority of the situation as may be appropriate;

3. A landscape architect shall not undertake any activity or employment, have any significant financial or other interests or accept any contribution if it would reasonably appear that such activity, employment, interests or contribution would compromise his/her professional judgment or prevent him/her from serving the best interest of the client or employer. A landscape architect shall make full disclosure to his/her client or employer, at the earliest possible opportunity, of any financial interest which even remotely bears upon his/her services and/or the project for which the services are being rendered. A landscape architect shall not appear before any agency or group or issue any public opinion at the request of a client or employer without so stating the relationship with the client;

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4. A landscape architect shall not give, lend or promise anything of value to any public official in order to influence or attempt to influence the official's judgment or actions on letting of design contracts;

5. A landscape architect shall not attempt to obtain, offer to undertake, or accept a commission for which he/she knows another legally qualified individual or firm has been contracted until he/she has evidence that the latter agreement has been terminated;

6. A landscape architect shall not engage in exaggerated, misleading, or false advertising or publicity;

7. The landscape architect shall not knowingly associate with or permit the use of his/her name or firm in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of these rules and regulations;

8. If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he/she shall present such information to the Department in writing and shall cooperate with the Department in furnishing such further information or assistance as may be required.

B. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.

Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Rationale:

The regulations are added to conform to 2010 Act 249.