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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal, or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices of 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:

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

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

**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 a proposed regulation.

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

**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.

## **2026 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 must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

To adopt, amend, or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and 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-ten days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the expiration of the one-hundred-ten-day review period, the regulation is approved on the one-hundred-tenth 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 laws 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 the legislative interim, the regulation may be refiled for one additional ninety-day period.

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5342	SR50-2		Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5319	SR50-2		Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370			Honey Bees	03/29/2026	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5371			Defined Program, Grades 9-12 and Graduation Requirements	05/02/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5373			General Retention Schedule for Data Processing Records of State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5374			General Retention Schedule for State Personnel Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5375			General Retention Schedules for County Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5376			General Retention Schedules for Municipal Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5377			General Retention Schedule for Electronic Records Common to Most State Agencies/Institutions	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5378			General Retention Schedule for State Administrative Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5379			General Retention Schedule for State Colleges and Universities	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5380			General Retention Schedule for State Financial Records	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5381			General Retention Schedules for School Districts	05/03/2026	SC Department of Archives and History	Regs, Admin. Proc., AI & CS	Judiciary
5402			Charter Schools	05/03/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5403			Test Security	05/03/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5393			Non-interest Bearing Negotiable Order of Withdrawal (NINOW) Accounts by State-chartered Savings and Loan Associations	05/03/2026	State Board of Financial Institutions	Regs, Admin. Proc., AI & CS	Banking and Insurance
5405			Palmetto Fellows Scholarship Program	05/03/2026	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5406			Use of the State Aviation Fund; Procedure for Protection of Public Investment in Airports	05/03/2026	South Carolina Aeronautics Commission	Regs, Admin. Proc., AI & CS	Transportation
5407			Standards for Licensing In-Home Care Providers	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5408			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	05/03/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affairs
5412			Parking and Transportation Services	05/03/2026	University of South Carolina	Regs, Admin. Proc., AI & CS	Education
5413			Regulations on Allocation of State Ceiling on Issuance of Private Activity Bonds	05/03/2026	State Fiscal Accountability Authority	Regs, Admin. Proc., AI & CS	Finance
5399			Fees for Licensure of Genetic Counselors	05/03/2026	LLR	Regs, Admin. Proc., AI & CS	Medical Affairs
5420			Board of Accountancy	05/03/2026	LLR-Board of Accountancy	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5423			South Carolina Auctioneers' Commission	05/03/2026	LLR-South Carolina Auctioneers' Commission	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5424			International Building Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5426			International Fire Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5427			International Fuel Gas Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5428			International Mechanical Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5416			International Plumbing Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5417			International Residential Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry

\*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

5418	National Electrical Code	05/03/2026	LLR-Building Codes Council	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5419	South Carolina Board of Long Term Health Care Administrators	05/03/2026	LLR-South Carolina Board of Long Term Health Care Administrators	Regs, Admin. Proc., AI & CS	Medical Affairs
5400	Massage Therapy Board	05/03/2026	LLR-Massage Therapy Board	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5401	Anesthesiologist's Assistants	05/03/2026	LLR-State Board of Medical Examiners	Regs, Admin. Proc., AI & CS	Medical Affairs
5421	State Board of Nursing	05/03/2026	LLR-State Board of Nursing	Regs, Admin. Proc., AI & CS	Medical Affairs
5422	State Board of Pharmacy	05/03/2026	LLR-State Board of Pharmacy	Regs, Admin. Proc., AI & CS	Medical Affairs
5425	Board of Examiners in Speech-Language Pathology and Audiology	05/03/2026	LLR-Board of Examiners in Speech/ Language Pathology and Audiology	Regs, Admin. Proc., AI & CS	Medical Affairs
5437	South Carolina Real Estate Commission	05/03/2026	LLR-South Carolina Real Estate Commission	Regs, Admin. Proc., AI & CS	Labor, Commerce and Industry
5432	Division for the Review of the Foster Care of Children	05/03/2026	Office of the Governor-Division for the Review of the Foster Care of Children	Regs, Admin. Proc., AI & CS	Family and Veterans' Services
5441	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5439	Shellfish Permit Applications	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5440	Verifiable Documentation	05/03/2026	Department of Natural Resources	Regs, Admin. Proc., AI & CS	Fish, Game and Forestry
5433	Parking and Traffic Regulations – Golf Carts	05/03/2026	Clemson University	Regs, Admin. Proc., AI & CS	Education
5431	Self-Insurers' Proof of Compliance, Irrevocable Letter of Credit	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5430	Filing a Claim	05/10/2026	SC Workers' Compensation Commission	Regs, Admin. Proc., AI & CS	Judiciary
5443	Determination of Rates of Tuition and Fees	01/27/2027	State Commission on Higher Education	Regs, Admin. Proc., AI & CS	Education
5436	Insurance Holding Company Systems	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5434	Closeout and Termination of the SCAAIP	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5447	Exempt Commercial Policies	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
5438	Uniform Class and Territory Plan – Motorcycles	02/25/2027	Department of Insurance	Regs, Admin. Proc., AI & CS	Banking and Insurance
<b>Agency Withdrawal</b>					
5199	R.45-9, Write-in Ballots, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5201	Emergency Election Procedures	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5202	Poll Worker Training; Candidate Withdrawals	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5203	Procedures for Electronic Petitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5192	R.45-1, Definitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5204	R.45-10, Retention and Disposition of Certain Voting Records	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5205	Reports to State Election Commission by County Boards of Voter Registration and Elections	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5193	R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5225	Retention and Storage of Election Records and Election Equipment	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5194	R.45-3, Tabulating Center Personnel	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5195	R.45-4, Certification of Program Instructions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5196	R.45-5, Ballot Envelopes and Fold Over Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5197	R.45-6, Defective Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5198	R.45-7, Ballot Cards, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary

\*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3**

**Committee Request Withdrawal**

5314	Regulations for the Licensing of Child Care Centers	Tolled	Department of Social Services	Regs, Admin. Proc., AI & CS Family and Veterans' Services
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**Permanently Withdrawn**

5366	Procedures and Standards for Review of Charter School Applications		State Board of Education	Regs, Admin. Proc., AI & CS Education
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\*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

#### 4 NOTICES

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

The Administrator of the Department of Consumer Affairs announces changes in dollar amounts pursuant to Sections 37-1-109 and 37-6-104(1)(e). Designated dollar amounts in the Consumer Protection Code are subject to change on July 1 of every even-numbered year based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for December of the preceding year. Due to the change between December 1976 CPI-W and December 2023 CPI-W, the designated dollar amounts will increase by 440% of the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2), which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1), respectively. The designated dollar amounts are found in Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-104(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-103(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 37-1-109(4), the Administrator is required to announce these changes by publication in the State Register by April 30 of each even-numbered year. The historical dollar amounts and additional information are available on the Department’s website at [consumer.sc.gov](http://consumer.sc.gov).

Section		Change Dollar Amount	
		From 7/1/2024 to 6/30/2026	To 7/1/2026 to 6/30/2028
2.104(1)(e)	Consumer Credit Sale	127,500.00	135,000.00
2.106(1)(b)	Consumer Lease	127,500.00	135,000.00
2.203(1)	Delinquency Charge – Sales	25.50	27.00
2.203(2)	Minimum Delinquency Charge	10.20	10.80
2.407(1)	Security Interest – Sales	5,100.00 1,530.00	5,400.00 1,620.00
2.705(1)(a)	Delinquency Charge – Rental Purchase	20.40	21.60
2.705(1)(b)	Delinquency Charge – Rental Purchase	10.20	10.80
3.104(d)	Consumer Loans	127,500.00	135,000.00
3.203(1)	Delinquency Charge – Loans	25.50	27.00
3.203(2)	Minimum Delinquency	10.20	10.80
3.510	Land as Security – Supervised Loans	5,100.00	5,400.00
3.511	Maximum Loan Term	5,100.00 1,530.00	5,400.00 1,620.00
3.514	Attorney’s Fees – Supervised Loans	5,100.00	5,400.00
5.103(2), (3) & (4)	Deficiency Judgment	7,650.00	8,100.00
10.103	Prepayment Penalty	765,000.00	810,000.00
23.80	Prepayment Penalty	765,000.00	810,000.00

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

The Administrator of the Department of Consumer Affairs announces changes in dollar amounts pursuant to Section 40-39-55. In 2016, the General Assembly passed Act No. 262, which amended the South Carolina Pawnbrokers Act (Act), Title 40, Chapter 39, to provide, *inter alia*, for periodic dollar amount adjustments.

Designated dollar amounts in the Act are subject to change every five years beginning July 1, 2021, based on the change in the Consumer Price Index for All Urban Consumers (CPI-U) for that five-year period, not to exceed 10%. Due to the change between January 2021 CPI-U and January 2026 CPI-U, the designated dollar amounts in Sections 40-39-50(A)(1) and 40-39-100(C) will increase by 10% from the previous amount. Pursuant to Section 40-39-55(B), the Administrator is required to announce these changes by publication in the State Register before May 1 of the year in which dollar amounts are to change. The historical dollar amounts and additional information are available on the Department’s website at [consumer.sc.gov](http://consumer.sc.gov).

Section	Description	Change Dollar Amount	
		From 7/1/2021 to 6/30/2026	To 7/1/2026 to 6/30/2031
40-39-50(A)(1)	Bond amount	16,275.00	17,900.00
40-39-100(C)	Maximum loan amount	16,275.00	17,900.00

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**NOTICE OF GENERAL PUBLIC INTEREST**

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

Stream and Wetlands Foundation

v.

The State of South Carolina

Case No.: 2023-CP-10-04230

Charleston County

The Complaint was filed on or about August 28, 2023. The Answer of the State of South Carolina was filed on September 26, 2023. A final Order was filed on July 29, 2025.

**DEPARTMENT OF PUBLIC HEALTH**

**NOTICE OF GENERAL PUBLIC INTEREST**

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **March 27, 2026**, 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 Certificate of Need Program, at (803) 545-4200, or by email at [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

**Affecting Charleston County**

**Trident Medical Center, LLC d/b/a HCA Healthcare Trident Hospital**

The change of classification of 4 medical/surgical beds to 4 inpatient rehabilitation beds for a total of 246 medical/surgical beds and 28 inpatient rehabilitation beds at a total project cost of \$374,488.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, 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 no earlier than 30 days, but no later than 90

## 6 NOTICES

days, from **March 27, 2026**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email [coninfo@dph.sc.gov](mailto:coninfo@dph.sc.gov).

**Affecting Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties**

### **TSI South, LLC d/b/a Vital Care of Charleston**

The establishment of a Specialty Home Health Agency limited to home infusion nursing services in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties at a total project cost of \$20,602.50.

### **Affecting Charleston County**

#### **Bon Secours St. Francis Xavier Hospital, Inc. d/b/a Bon Secours St. Francis Xavier Hospital**

The addition of nine (9) Level III neonatal care unit (NICU) bassinets and renovations at a total of \$8,057,378.00.

## **DEPARTMENT OF TRANSPORTATION**

### **NOTICE OF GENERAL PUBLIC INTEREST**

63-370. Private Driveway Entrances to Highways.

63-380. Erosion Control.

63-390 through 63-397. Tandem Trailer Combination and Other Larger Vehicle Access Control Act.

63-700 through 63-718. Disadvantaged Business Enterprises Program.

63-800 through 63-807. Bus Shelters.

The South Carolina Department of Transportation elected to terminate the promulgation process on Regulation Document No. 5445, relating to driveways, erosion control, tandem trailer combination and other larger vehicle access control, disadvantaged business enterprises program, and bus shelters regulations, due to a filing error. A revised proposed regulation, including R.63-390 through R.63-397 and R.63-700 through R.63-718, will be filed in the March State Register, along with a Notice of Drafting indicating the intent to make the previously recommended changes to R.63-370, R.63-380, and R.63-800 through 63-807, which will be subject to legislative review.

## DEPARTMENT OF ENVIRONMENTAL SERVICES

## CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

**Notice of Drafting:**

The South Carolina Department of Environmental Services (Department) proposes amending R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons may submit comments on the proposed amendments to Marie Brown of the Air Regulation and Data Analysis Section, Bureau of Air Quality; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; or via email at [marie.brown@des.sc.gov](mailto:marie.brown@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2026, the close of the Notice of Drafting comment period.

**Synopsis:**

Pursuant to S.C. Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, the Department is authorized to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the state the benefits of federal air pollution control laws. The Department proposes amending R.61-62 and the SIP as follows:

- (1) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update provisions as appropriate to address outstanding matters related to previously submitted permit streamlining SIPs (U.S. EPA Docket No. EPA-R04-OAR-2024-0241).
- (2) The Department proposes amending R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to update transfer of ownership procedures, to update terminology and procedures to reflect the electronic submission of permit applications, notifications, and requests through the Department's e-Permitting system, and to make other select additions and clarifications to definitions and requirements.
- (3) The Department proposes amending R.61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to clarify opacity monitoring and reporting requirements for woodwaste boilers subject to Section IV.
- (4) The Department proposes amending R.61-62.5, Standard No. 4, Emissions from Process Industries, to clarify the applicability of Section VIII.
- (5) The Department proposes amending R.61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to clarify and update provisions as appropriate to address outstanding matters related to previously submitted NO<sub>x</sub> SIPs.

The Department may also propose other changes to R.61-62 that may include other definitional updates, clarifying changes, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text as necessary.

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

## 8 DRAFTING NOTICES

### DEPARTMENT OF ENVIRONMENTAL SERVICES

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-30 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### Notice of Drafting:

The Department of Environmental Services (Department) proposes amending R.61-79, Hazardous Waste Management Regulations. Interested persons may submit comment(s) on the proposed amendments to Joe Bowers of the Bureau of Land and Waste Management; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Joe.Bowers@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2026, the close of the Notice of Drafting comment period.

#### Synopsis:

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department has the authority to manage hazardous waste in the state of South Carolina. The Department proposes amending R.61-79, Hazardous Waste Management Regulations, to adopt six (6) rules published in the Federal Register by the United States Environmental Protection Agency (EPA). These rules are summarized as follows:

1. The Department proposes adopting the rule titled “Canada Import Export Recovery and Disposal Code Changes,” published by the EPA on October 1, 2021, at 86 FR 45381 - 45386. The rule makes conforming changes to remain consistent with import/export requirements for both the United States and Canada. The changes in this rule are due to Canada’s import-export recovery and disposal operations promulgated on March 17, 2021, which became effective October 31, 2021.

2. The Department proposes adopting the rule titled “Test Method for Standards to Control Organic Emissions,” published by the EPA on March 20, 2023, at 88 FR 16732 - 16774. This rule makes technical and editorial corrections to EPA’s Method 23 (Determination of Polychlorinated Dibenzop-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Hydrocarbons from Stationary Sources) and specifies it can be used instead of SW-846 method 0023A.

3. The Department proposes adopting the rule titled “Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule” published by the EPA on August 9, 2023, at 88 FR 54086 – 54115. This rule makes technical corrections to the three rules noted and clarifies specific provisions in existing hazardous waste regulations.

4. The Department proposes adopting the rule titled “Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports,” published by the EPA on July 26, 2024, at 89 FR 60692 - 60740 and October 31, 2024, at 89 FR 86758 - 86759. This rule makes changes to manifest requirements for the import and export of hazardous waste.

5. The Department proposes adopting the rule titled “Management of Certain Hydrofluorocarbons and Substitutes under the American Innovation and Manufacturing Act of 2020,” published by the EPA on October 11, 2024, at 89 FR 82682 - 82872. In this rule, the EPA established alternative Resource Conservation and Recovery Act (RCRA) standards for certain ignitable spent refrigerants being recycled for reuse.

6. The Department proposes adopting the rule titled “Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceutical Rule, and the Definition of Solid Waste Rule; Technical Corrections,” published by the EPA on December 11, 2024, at FR 99727 – 99732. This rule makes technical corrections and clarifies specific provisions in these rules.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

**CHAPTER 65**

Statutory Authority: 1976 Code Sections 1-13-10 et seq.

**Notice of Drafting:**

The South Carolina Human Affairs Commission proposes to comprehensively revise and modernize its employment discrimination regulations in Chapter 65 of the South Carolina Code of Regulations. This regulatory modernization initiative addresses critical compliance deficiencies, implements structural improvements required by the 2025 Standards Manual for Drafting and Filing Regulations, and aligns Commission procedures with federal Equal Employment Opportunity Commission practices and contemporary administrative law standards. Interested persons may submit written comments on the proposed amendments to E.B. “Trey” McLeod, General Counsel, South Carolina Human Affairs Commission, 1026 Sumter Street, Columbia, SC 29201, or by email at [tmcleod@schac.sc.gov](mailto:tmcleod@schac.sc.gov).

**Synopsis:**

The General Assembly enacted the South Carolina Human Affairs Law (Sections 1-13-10 et seq.), which established a state-administered program for the prevention and elimination of unlawful discriminatory practices in employment. The law authorizes the South Carolina Human Affairs Commission to receive, investigate, and conciliate complaints of discrimination and to promulgate regulations necessary to carry out those functions. The Act requires the Commission to administer complaint processing procedures, investigative protocols, conciliation processes, and related enforcement mechanisms in a manner consistent with state and federal civil rights frameworks.

The proposed regulations will address procedural and administrative improvements to Chapter 65 of the South Carolina Code of Regulations. Amendments to Regulations 65-1, 65-2, 65-3, 65-5, 65-7, 65-8, and 65-9, and new Regulation 65-14, will provide for updated definitions, complaint filing and processing procedures, investigative and evidentiary standards, conciliation requirements, reconsideration procedures, hearing procedures, civil action procedures, and confidentiality protections.

Legislative review of these proposals will be required.

**DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 60**

Statutory Authority: 1976 Code Sections 44-33-310 et seq.

**Notice of Drafting:**

The Department of Public Health (Department) proposes new Regulation 60-9, Sickle Cell Disease Voluntary Patient Registry, to implement the provisions of the Rena Grant Sickle Cell Disease Voluntary Patient Registry Act (“Act”) (2022 Act No. 206 (H.3166)), as set forth in S.C. Code Sections 44-33-310 et seq. The Act requires the Department to develop and maintain a voluntary patient registry for residents of this State who have been diagnosed with sickle cell disease and authorizes the Department to promulgate regulations necessary to carry out its provisions. Interested persons may submit comments on the proposed new regulation to the Sickle Cell

## 10 DRAFTING NOTICES

Registry Team; S.C. Department of Public Health, P.O. Box 2046, West Columbia, SC 29171; [sicklecellregistry@dph.sc.gov](mailto:sicklecellregistry@dph.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2026, the close of the Notice of Drafting comment period.

### Synopsis:

The Department intends to promulgate new Regulation 60-9 to establish the framework for administration and operation of the Sick Cell Disease Voluntary Patient Registry. The new regulation will address registry participation requirements, registration procedures for healthcare providers and authorized users, data elements to be collected, permissible uses and disclosures of confidential registry information, and compliance standards and anything else necessary to implement the Act.

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

**DEPARTMENT OF TRANSPORTATION**  
**CHAPTER 63**  
Statutory Authority: 1976 Code Section 57-3-110

### Notice of Drafting:

The South Carolina Department of Transportation is considering repealing or amending existing regulations which govern, to the extent authorized by S. C. Code, Title 57, regulations concerning driveways, erosion control, and bus shelters permitting.

Interested parties should submit written comments to Barbara M. Wessinger, Chief Counsel, South Carolina Department of Transportation, 955 Park Street, Columbia, SC 29202.

### Synopsis:

The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 4, Subarticle 5 entitled "Private Driveway Entrances to Highways." This regulation was promulgated in 1983. The residential driveway provisions are already codified in Section 57-5-1140 (including widths and culvert-cost responsibilities), and SCDOT's exclusive authority under Section 57-3-110 is implemented through the ARMS manual and Engineering Directives, which govern driveway design and the encroachment-permit process.

The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 4, Subarticle 6 entitled "Erosion Control." This regulation has been replaced by Regulation 72-405 through 72-445 standards for Stormwater Management and Sediment Reduction, 1976 Code Section 48-18-70 (4) as amended).

The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 9 entitled "Bus Shelters." This Article was intended to regulate the placement of bus shelter, with commercial advertisement, on state right of way.

Legislative review of this regulation is required.

Document No. 5451  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**  
 CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

61-58. State Primary Drinking Water Regulations.

**Preamble:**

Pursuant to S.C. Code Section 44-55-10 et seq. and 2023 Act No. 60, the Department is authorized to promulgate regulations governing the design, construction, operation, and maintenance of public water systems in the State. The Department proposes amending S.C. Code Ann. Regs. 61-58, State Primary Drinking Water Regulations (R.61-58), to adopt federal regulations commonly referred to as the Revised Consumer Confidence Report Rule.

The United States Environmental Protection Agency (EPA) promulgated the Revised Consumer Confidence Report Rule on May 24, 2024. This rule revised applicable portions of the Code of Federal Regulations (CFR), at 40 CFR Parts 141 and 142, to establish updated minimum requirements related to Consumer Confidence Reports (CCRs) that community water systems must provide to their customers.

Pursuant to 40 CFR Part 142, States are required to adopt drinking water regulations no less stringent than federally promulgated national primary drinking water regulations in order to maintain State primary enforcement responsibility for public water systems. Accordingly, the Department proposes to amend R.61-58 to adopt the requirements of the Revised Consumer Confidence Report Rule.

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

The Department had a Notice of Drafting published in the January 23, 2026, South Carolina State Register.

Section-by-Section Discussion:

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
R.61-58.12.A	Revision	Revised the applicability standards for the regulation.
R.61-58.12.B	Revision	Adds effective dates for the requirements in the Consumer Confidence Report Rule Revisions.
R.61-58.12.C	Revision	Adds new requirements for the content of CCRs and revises some existing content requirements.
R.61-58.12.D	Revision	Adds new additional health information to be included in CCRs and revises existing additional health information to be included in CCRs.
R.61-58.12.E	Revision	Revises CCR report delivery, reporting criteria and recordkeeping requirements
R.61-58.12.F	Addition	Adds requirements for summary of report contents to be included in CCRs.
R.61-58.12, Appendix D	Revision	Revised to eliminate language that is no longer relevant.

## **12 PROPOSED REGULATIONS**

### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments on the proposed amendments to Doug Kinard of the Bureau of Water, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, South Carolina 29201; or via email at [Doug.Kinard@des.sc.gov](mailto:Doug.Kinard@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, April 27, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Tuesday, May 12, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, SC 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, April 27, 2026, the hearing will be cancelled.

### **Statement of Need and Reasonableness:**

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

DESCRIPTION OF REGULATION: R.61-58, State Primary Drinking Water Regulations.

Purpose: The Department proposes amending R.61-58 to adopt federal regulations commonly referred to as the Consumer Confidence Report Rule Revisions to maintain consistency with federal regulations and maintain primary enforcement authority for the Safe Drinking Water Act in the State.

Legal Authority: 1976 Code Sections 44-55-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024.

Plan for Implementation: The amendments will take legal effect upon publication of a Notice of Final Regulation in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments.

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

The adoption of these proposed amendments will allow the Department to maintain primary enforcement authority for the Safe Drinking Water Act in the State. The proposed amendments will comply with Title 40, Parts 141 and 142 of the Code of Federal Regulations (40 CFR 141 and 142). These proposed amendments update several aspects of the requirements for the distribution and content of Consumer Confidence Reports for the purpose of informing customers of public water systems about the quality of drinking water provided to them by their public water system.

### **DETERMINATION OF COSTS AND BENEFITS:**

These proposed amendments may have some limited additional costs to the regulated community and the State in that CCRs would be required to be produced and delivered twice per year instead of once. However, some or all of that cost would be offset by the allowance for electronic delivery of the reports. There would also be a benefit to the public in being better informed of their drinking water quality and on a more frequent basis.

### **UNCERTAINTIES OF ESTIMATES:**

There are not significant uncertainties in the estimated costs and benefits.

### **EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

There are no anticipated effects on the environment from these proposed amendments. These proposed amendments provide an opportunity for enhanced public health protection by better informing the public about the quality of their drinking water.

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

There will be no detrimental effect on the environment if these proposed amendments are not adopted. If the proposed revisions are not adopted, the public will not be as well informed concerning the quality of their drinking water.

**Text:**

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

Document No. 5450  
**DEPARTMENT OF TRANSPORTATION**  
CHAPTER 63  
Statutory Authority: 1976 Code Section 57-3-110

63-390 through 63-397. Tandem Trailer Combination and Other Larger Vehicle Access Control Act.  
63-700 through 63-718. Disadvantaged Business Enterprise Program.

**Preamble:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 57. The regulations concern tandem trailer combinations and disadvantage business enterprise program, guidelines for selection of set aside projects,

Section-by-Section Discussion:

63-390 through 63-397. Tandem Trailer Combination and Other Larger Vehicle Access Control Act. The South Carolina Department of Transportation proposes to amend Chapter 63, Article 4, Subarticle 7 entitled "Tandem Trailer Combination and Other Larger Vehicle Access Control Act". This subarticle sets forth the regulations governing the operation of tandem trailer combination and other large vehicles within the State. In consultation with SC State Transport Police (STP), a Law Enforcement Division of South Carolina Department of Public Safety, STP has confirmed that they do not currently use these regulations. The South Carolina Department of Transportation proposes to retain Regulation 63-390 and strike the remaining provisions. The Department will comply with the National Network criteria as specified in the U.S. Code of Federal Regulations (23 CFR 658).

63-700 through 63-718. Disadvantaged Business Enterprise Program. The South Carolina Department of Transportation proposes to repeal Chapter 63, Article 8 entitled "Disadvantaged Business Enterprises Program". This article was promulgated to carry out the disadvantaged business enterprise program mandated by Section 12-28-2930 of the Code of Laws (1976) as amended, (hereinafter "State DBE Program") and to comply with 49 CFR Part 26 (hereinafter Federal DBE Program). The program requires participation by ethnic minority and female/women owned businesses. The federal program requires removal of minority and sex-based certification. The department, as recipient of federal-aid highway and transit funds, is required and intends to implement DBE Program in accordance with 49 CFR part 26 criteria.

## 14 PROPOSED REGULATIONS

The Notice of Drafting was published in the *State Register* on December 26, 2025.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Department of Transportation, 955 Park Street, Columbia, S.C. on April 28, 2026, at 9:00 a.m. If no request is received by April 27, 2026, the hearing will be canceled. Written comments may be directed to Barbara Wessinger, Chief Counsel, South Carolina Department of Transportation, 955 Park Street, Columbia, SC 29202 not later than April 27, 2026.

### **Preliminary Fiscal Impact Statement:**

No additional state funding is requested.

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

Purpose: To modernize, clarify and update the existing regulations which govern tandem trailer combinations and disadvantage business enterprise programs, guidelines for selection of set aside projects.

Legal Authority: 1976 Code Section 57-3-110.

Plan for Implementation: The implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

#### DETERMINATION OF COSTS AND BENEFITS:

None.

#### UNCERTAINTIES OF ESTIMATES:

None.

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

### **Statement of Rationale:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 57, tandem trailer combinations and disadvantage business enterprise program, guidelines for selection of set aside projects.

**Text:**

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