SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the printed version of the State Register and not the on-line version is the official version and the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY THE LEGISLATIVE COUNCIL of the GENERAL ASSEMBLY

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

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

Published November 23, 2012

Volume 36 Issue No. 11

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

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Printed

The South Carolina State Register is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment. C------C South Carolina State Register **Subscription Order Form** Title Name Firm Mailing Address Billing Address (if different from mailing address) Contact Person(s) E-mail Address Phone Number Fax Number

Mail this form to:

Number of subscriptions: (Cost is \$100.00 per subscription. Checks payable to: Legislative Council)

South Carolina State Register
Deirdre Brevard-Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500

Fax: (803) 212-4501

TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

	Submitted to General Assembly	
	EXECUTIVE ORDERS	
Executive Order No. 2012-09	Establishing South Carolina Commission on Ethics Reform	
Executive Order No. 2012-10 Executive Order No. 2012-11	Reviewing IT Security	
	NOTICES	
AGRICULTURE, DEPARTMENT Cheese Manufacturing	r of	7
HEALTH AND ENVIRONMENT	AL CONTROL, DEPARTMENT OF	
		7
	ir Pollution Operating Permit for Fuel Combustion Operations	
	Operating Permit Petroleum Distribution Operations	
	nstruction Permit for Fuel Combustion Operations	
Underground Storage Tanks		12
	DRAFTING NOTICES	
HEALTH AND ENVIRONMENT	AL CONTROL, DEPARTMENT OF	
Solid Waste Management: Y	ard Trash and Land-Clearing Debris; and Compost	14
LABOR, LICENSING AND REG Dietetics, Panel for	ULATION, DEPARTMENT OF	
,	and 40-15 in Conformance with Current Legislation and Add	
	ing the Reporting of Disciplinary Actions	14
PUBLIC SAFETY, DEPARTMEN	VT OF ations	15
inghway ranoi wieckei Kol	auons	13
	OGY AND AUDIOLOGY, BOARD OF EXAMINERS IN	
Amend Regulations in Confo	ormance with its Practice Act	15

TABLE OF CONTENTS

PROPOSED REGULATIONS

CONSUMER AFFAIRS, DEPA	ARTMENT OF				
Document No. 4315	Pawnbroker Certificate of Authority	16			
EMPLOYMENT AND WORK	GFORCE, DEPARTMENT OF				
Document No. 4316	Employer-Employee Relationship	18			
Document No. 4317					
FUNERAL SERVICE, BOARI	OOF				
Document No. 4318	Requirements of Licensure for Funeral Service Providers (Amend				
	Regulations 57-01, 57-06.1, 57-09, 57-11, 57-14.3, and 57-14.4)	22			
INSURANCE, DEPARTMENT	OF				
Document No. 4319	Long Term Care Insurance	24			
LABOR, LICENSING AND RI Building Codes Council	EGULATION, DEPARTMENT OF				
Document No. 4320	International Building Code, International Fire Code, International Fuel Gas Code, and National Electrical Code	29			
Document No. 4321	International Residential Code	34			
SOCIAL SERVICES, DEPART	FMENT OF				
Document No. 4313	Child Support Guidelines	38			
TRANSPORTATION, DEPAR	TMENT OF				
Document No. 4314	Agritourism and Tourism-Oriented Directional Signing	41			
	FINAL REGULATIONS				
LAROD LICENSING AND DI	EGULATION, DEPARTMENT OF				
Occupational Safety and					
Document No. 4322	Revisions to Occupational Safety and Health Standards (Article 1,				
= : : : : : : : : : : : : : : : : : : :	Subarticles 6 & 7)	44			

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

Doc.	RAT. FINAL	SUBJECT	EXP. DATE	AGENCY
No.	No. Issue		DATE	
4210		Licensed Midwives	5/08/13	Department of Health and Envir Control
4259		South Carolina Immunization Registry	5/08/13	Department of Health and Envir Control
4261		Graduation Requirements	5/08/13	State Board of Education
4285		Transfers and Withdrawals	5/08/13	State Board of Education
4283		Oral Argument	5/08/13	Workers' Compensation Commission
4286		Mediation	5/08/13	Workers' Compensation Commission

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

Doc. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4210	Licensed Midwives		
4259 4261	South Carolina Immunization Registry Graduation Requirements	Education and Public Works	Education
4285 4283	Transfers and Withdrawals Oral Argument		
4286	Mediation	Labor, Commerce and Industry	Judiciary

Executive Order No. 2012-09

WHEREAS, having the highest levels of integrity and openness in government is the hallmark of a democratic government and the foundation for gaining the public's trust; and

WHEREAS, the General Assembly is poised to develop ethics reform legislation in the 2013 Legislative Session—an endeavor not attempted in over two decades—that will affect all state and local government for decades to come; and

WHEREAS, many groups, from public interest and citizens groups to public officials directly affected by ethics reform, including our Administration, the Attorney General and legislative committees, are studying and making recommendations to strengthen ethics and open records laws; and

WHEREAS, a comprehensive review and update of current ethics and open records laws by an independent, objective and bipartisan group of experienced individuals is a necessary component of the current ethics reform debate to achieve the public's trust in the development of ethics reform legislation.

NOW, THERFORE, I hereby establish the South Carolina Commission on Ethics Reform consisting of eleven members, eight members appointed by the Governor, and one member each to be appointed by the Attorney General, the Chairman of the Senate Ethics Committee and the Chairman of the House Ethics Committee. The Governor shall designate two co-chairmen. The commission members will have current or past experience with ethics and/or open records laws. The commission shall have the following duties and responsibilities:

1. **Mission**: To comprehensively review, update and strengthen state ethics and open records laws.

2. Duties and Responsibilities:

- a. The commission shall make recommendations to amend current ethics laws to include, *but not be limited to*:
 - i. Enforcement of ethics laws by state and legislative bodies
 - ii. Income disclosure for public officials
 - iii. Conflict of interest rules for public officials
 - iv. Other rules of conduct of public officials
 - v. Lobbying rules and restrictions
 - vi. Campaign practices, to include how campaign funds can be spent
 - vii. Rules regarding state and private plane usage by public officials
- b. The commission shall make recommendations to amend current open records laws to include, *but not be limited to*:
 - i. Response times for open records requests
 - ii. Costs charged for open records requests
 - iii. Enforcement and appellate review of open records requests
 - iv. Exemptions from public disclosure
 - v. Scope of public body and public records definitions
- c. The commission shall request and evaluate written recommendations from the public, to include citizens; public interest groups; state and local government agencies, officials, and employees; the State Ethics Commission; and the legislative ethics committees.
- d. The commission shall conduct a minimum of two public hearings and may conduct more as necessary.

4 EXECUTIVE ORDERS

- e. In making final recommendations, the commission must evaluate and consider all public testimony and written submissions.
- f. The commission will designate staff and legal support. The State Ethics Commission staff is requested to provide technical support and attend all meetings.
- 3. **Recommendations:** Final written recommendations must be submitted to the Governor and members of the General Assembly no later than January 28, 2013. The commission shall present its recommendations to the appropriate committees of each body of the General Assembly.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF OCTOBER, 2012.

NIKKI R. HALEY Governor

Executive Order No. 2012-10

WHEREAS, the State's information technology (IT) policy for governance of IT initiatives throughout state government, including security procedures and protocols, has been largely uncoordinated and outdated exposing the State to greater risks of internal and external cyber-attacks on IT infrastructure and records; and

WHEREAS, state government's fragmented approach to IT security makes South Carolina vulnerable to serious cyber and information breaches and requires immediate action to minimize cyber-attacks and protect personal information of our State's citizens; and

WHEREAS, Section 1-6-30 of the South Carolina Code of Laws authorizes the State Inspector General to "coordinate investigations" and "recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement . . . "; and

WHEREAS, Section 1-6-20(E) states, "Upon request of the State Inspector General for information or assistance, all agencies are directed to fully cooperate with and furnish the State Inspector General with all documents, reports, answers, records, accounts, papers, and other necessary data and documentary information to perform the mission of the State Inspector General[;]" and

WHEREAS, the State Inspector General is authorized to recommend policies to address holistic mismanagement of state government's information security policies and procedures and state agencies are required to fully cooperate with the State Inspector General to perform his mission.

NOW, THEREFORE, I hereby direct all cabinet agencies to immediately designate an information technology officer to cooperate with the State Inspector General who is authorized to make recommendations to improve information security policies and procedures in state agencies, on a comprehensive and holistic basis, pursuant to his authority under Chapter 6 of Title 1 of the South Carolina Code of Laws with the following additional guidance:

- 1. Collaborate with the Division of State Information Technology of the Budget and Control Board to identify weaknesses in current statewide cyber-security systems, to include vulnerabilities to internal and external cyber-attacks, and develop a holistic strategy to improve information security;
- 2. Consult with national cyber-security sources including, but not limited to, the Multi-State Information and Sharing Analysis Center;
- 3. Determine state agencies' current information security staffing and their specific duties, and work with agencies to identify designated information security officers (ISOs) and their duties at each agency where appropriate; and
- 4. Improve and increase training of ISOs and all state government employees on information security measures to include cyber-security and records protection.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 26th DAY OF OCTOBER, 2012.

NIKKI R. HALEY Governor

Executive Order No. 2012-11

WHEREAS, there exists a state of emergency in North Carolina due to the effects of Hurricane Sandy; and

WHEREAS, it is necessary to expedite the movement of vehicles and loads that are transporting emergency equipment, services, and supplies; and

WHEREAS, the State of South Carolina wishes to implement a companion policy authorizing the South Carolina Department of Transportation to waive certain restrictions concerning weight, length, and height of loads that are transporting materials as stated above, in coordination and cooperation with the South Carolina Department of Public Safety, Transport Police as needed.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby order the Department of Public Safety in conjunction with the Department of Transportation to waive certain size and weight restrictions and penalties under the provisions set out in 23 CFR 658.17(h) and S.C. Code Sections 57-3-130(B)(1) and 56-5-70(B).

FURTHER, such weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed the following:

(a) Maximum dimensions of 12' wide and 13.6' high and weights of 90,000 pounds is authorized continuous travel on interstate routes. Posted bridges may not be crossed. All vehicles must be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

6 EXECUTIVE ORDERS

- (b) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Oversized/Overweight Permit office. To order a permit, please call 803-737-6769 during normal business hours, 8:30am-5:00pm.
- (c) Transporters are responsible for ensuring they have the necessary signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF NOVEMBER, 2012.

NIKKI R. HALEY Governor

DEPARTMENT OF AGRICULTURE

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Department of Agriculture elected to terminate the promulgation process on Regulation Document No. 4295, relating to regulation of Cheese Manufacturing.

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 November 23, 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 Georgetown County

Renovation to create a new diagnostic cardiac catherization laboratory and purchase of replacement cardiac catherization equipment; the existing space and equipment will be converted to an angiography suite

Georgetown Memorial Hospital Georgetown, South Carolina Project Cost: \$3,982,344

Affecting Laurens County

Construction and renovation at Agape' Assisted Living of Laurens for the establishment of a sixteen (16) bed inpatient hospice facility, by the conversion of sixteen (16) existing assisted living beds

Agape' Hospice House of Laurens, Inc

Laurens, South Carolina Project Cost: \$2,064,183

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 November 23, 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 Aiken County

Construction for the establishment of an eighty (80) bed nursing care facility that does not participate in the Medicaid (Title XIX) program

CSRA Senior Living, Inc Graniteville, South Carolina Project Cost: \$25,500,000

8 NOTICES

Affecting Anderson County

Construction for the establishment of a one-hundred-twenty (120) bed nursing care facility that does not participate in the Medicaid (Title XIX) program

NHC Health & Rehab, Anderson Anderson, South Carolina Project Cost: \$21,400,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

(Bureau of Air Quality Public Notice #12-106-GCM-REVISION)

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

The South Carolina Department of Health and Environmental Control (DHEC or Department) is proposing to revise the General Conditional Major Air Pollution Operating Permit for Fuel Combustion Operations. Interested persons may review the materials drafted and maintained by DHEC for these permits and submit written comments by 5:00 p.m. on December 27, 2012, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at: leeka@dhec.sc.gov. This public notice is being published in the State Register on November 23, 2012, and may also be viewed, with the draft permit, through December 27. 2012. on DHEC's website http://www.scdhec.gov/BAOpublicnotices.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the *State Register* and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by December 27, 2012, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning the draft permit, please contact Charles Beam at (803) 898-9524. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

Synopsis:

The purpose of this revision to the general permit is to add the following: RICE-Spark Ignition to Part 4.A.7, NSPS 40 CFR 60 Subparts A, IIII, and JJJJ cover language, NESHAP 40 CFR 63 Subpart ZZZZ and JJJJJJ, and also make modifications to add language for General Synthetic Minor Construction Permit Fuel Combustion Operations for Non-PSD Facilities. The permit limits a facility's potential to emit below major source thresholds for the Title V permit program and New Source Review and contains conditions to assure that these facilities are operated as non-major sources.

DHEC has examined fuel combustion operations and has concluded that the general permit, as proposed, is consistent with state and federal air pollution regulations.

Fuel Combustion Operations, for purposes of this permit, are defined as facilities which are comprised of one or more fuel combustion sources (including boilers, emergency generators, and non-emergency generators) fired on natural gas, propane, virgin fuel oil and/or used spec. oil as defined in S.C. Regulation 61-62.1, Section I, fuel storage tanks, ethylene oxide sterilizers located at hospitals, or other sources approved by the Department.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

The South Carolina Department of Health and Environmental Control (SC DHEC), Bureau of Air Quality (BAQ), does hereby give notice of authorization being granted to the below listed sources who have requested coverage under the General Conditional Major Operating Permit Petroleum Distribution Operations. Interested persons may review the general permit and the individual facility information on our website at: http://www.scdhec.gov/environment/baq/Permitting/GeneralPermits/

The Petroleum Distribution Operations permit was previously open for a thirty (30) day public comment period starting on August 24, 2012, with issuance on October 1, 2012. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), SC DHEC may now grant coverage to any qualified sources seeking to operate under the terms and conditions of this general permit.

Company Name	Permit Number	County	Physical Location	Permit
77: 1) /	0000 0051	4 *1	221 X 1 X 1 D :	Type
Kinder Morgan	0080-0051	Aiken	221 Laurel Lake Drive,	Petroleum
Southeast			North Augusta, SC 29860	Distribution
Terminals, LLC				Operations
Marathon	0200-0052	Anderson	14315 Hwy. 20,	Petroleum
Petroleum			Belton, SC 29627	Distribution
Company, LP –				Operations
Belton Terminal				
Buckeye	0200-0056	Anderson	14300 Hwy. 20 North,	Petroleum
Partners LP -			Belton, SC 29627	Distribution
Belton Terminal				Operations
TransMontaigne	0200-0057	Anderson	14033 Hwy. 20 North,	Petroleum
Operating			Belton, SC 29627	Distribution
Company, LP –				Operations
Belton Terminal				_
Hess	0560-0022	Charleston	5150 Virginia Ave.,	Petroleum
Corporation-			Charleston, SC 29405	Distribution
Charleston			ŕ	Operations
North Terminal				_
Kinder Morgan	0980-0005	Edgefield	205 Sweetwater Rd.,	Petroleum
Southeast			North Augusta, SC 29841	Distribution
Terminals, LLC				Operations
Buckeye	0980-0014	Edgefield	221 Sweetwater Rd.,	Petroleum
Partners LP –			North Augusta, SC 29841	Distribution
North Augusta				Operations
Terminal				1
Kinder Morgan	2060-0056	Spartanburg	200 Nebo St.,	Petroleum
Southeast	2000 0000	Sparamoung	Spartanburg, SC 29302	Distribution
Terminals, LLC			~p	Operations
Motiva	2060-0097	Spartanburg	300 Delmar Rd.,	Petroleum
Enterprises,		Sparamourg	Spartanburg, SC 29302	Distribution
LLC -			Sparamouig, 50 27302	Operations
Spartanburg				perations
Terminal				
Tommai				

10 NOTICES

Company Name	Permit Number	County	Physical Location	Permit Type
TransMontaigne Operating Company, LP – Spartanburg Terminal	2060-0098	Spartanburg	2300 Southport Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
CITGO Petroleum Corporation – Spartanburg Terminal	2060-0101	Spartanburg	2590 Southport Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Buckeye Partners LP – Spartanburg Terminal	2060-0134	Spartanburg	680 Delmar Rd., Spartanburg, SC 29302	Petroleum Distribution Operations

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

(Bureau of Air Quality Notice #12-107-SM-GCM)

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

The South Carolina Department of Health and Environmental Control (DHEC or Department) is proposing a General Synthetic Minor Construction Permit for Fuel Combustion Operations. Interested persons may review the materials drafted and maintained by DHEC for these permits and submit written comments by 5:00 p.m. on December 27, 2012, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at: leeka@dhec.sc.gov. This public notice is being published in the *State Register* on November 23, 2012, and may also be viewed, along with the draft permit, through December 27, 2012, on DHEC's website at: http://www.scdhec.gov/BAQpublicnotices.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the *State Register* and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by December 27, 2012, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning the draft permit, please contact Charles Beam at (803) 898-9524. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

Synopsis:

The Department has developed this General Synthetic Minor Construction Permit for Fuel Combustion Operations for non-prevention of significant deterioration (PSD) facilities. Developed permits shall specify compliance requirements applicable to the construction or operation of that specific category of stationary sources and shall identify criteria by which sources may qualify for the General Synthetic Minor Construction Permit. General Synthetic Minor Construction Permits will be developed only for specific stationary source

groups with uncontrolled potential to emit less than the threshold for major source groups in accordance with S.C. Regulation 61-62.70, Title V Operating Permit Program; S.C. Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; S.C. Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review; and where equipment similarities and simplicity remove the need for an in-depth site specific review. A facility may elect to apply for coverage under the General Synthetic Minor Construction Permit for Fuel Combustion Operations if constructed in accordance with and meeting the specified criteria listed below.

Criteria for the General Synthetic Minor Construction Permit for Fuel Combustion Operations:

1. This construction permit is to be used for the following sources: boilers, generators (emergency and non-emergency*), storage tanks, ethylene oxide sterilizers (if located at a hospital), and sources exempt as outlined in S.C. Regulation 61-62.1, Sections II(A)(1)(b) and II(B).

*Peak shaving generators are considered non-emergency generators.

2. The maximum size for a single boiler burning fuels is limited to 100 million Btu/hr heat input capacity. If this facility will qualify for the General Conditional Major Operating Permit for Fuel Combustion Operations, the total maximum heat input for all boilers is limited to 100 million Btu/hr.

<u>Rationale</u>: The limit on the total capacity for boilers will limit regulatory applicability as outlined in the applicability section below.

3. Sources can only be fired on natural gas, propane, virgin No. 2 fuel oil, virgin diesel, used specification oil as defined below, and Biodiesel that meets ASTM D6751. The use of any other fuels is not allowed under this permit.

Constituents for used specification oil shall not exceed those defined below:

- i. Arsenic 5 ppm maximum
- ii. Cadmium 2 ppm maximum
- iii. Chromium 10 ppm maximum
- iv. Lead 100 ppm maximum
- v. Nickel 120 ppm maximum
- vi. Total halogens 1,000 ppm maximum (non-hazardous waste)
- vii. Flash Point 100 °F (37.8 °C) minimum

<u>Rationale</u>: Sources burning any other types of fuels with higher sulfur content will have SO₂ emissions greater than 100 TPY. For Biodiesel, see guidance document entitled "P ermitting Exemption for Biodiesel as a Fuel to a Permitted Fuel Burning Unit" dated November 7, 2006.

4. Sulfur content of any fuel burned shall be less than or equal to 0.5% by weight.

<u>Rationale</u>: This requirement was done to clarify that a boiler can burn virgin fuel with a lower sulfur content than the permitted limit. In most cases, the only oil that is available for purchase now is ultra-low sulfur diesel containing 0.0015% sulfur by weight. The facility is required to keep and maintain records of fuel oil certification to ensure compliance with this established criterion.

5. The non-emergency generators are certified by the manufacturer to meet EPA's nonroad diesel engine emission standards/tiers.

<u>Rationale</u>: Generators that do not meet these requirements will not meet the limits under S.C. Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_X).

12 NOTICES

6. To be exempt from modeling, non-emergency generators are limited to operating 500 hours per year.

<u>Rationale:</u> Generators that are used for emergency purposes as well as peak shaving can be considered exempt from modeling if they operate less than 500 hours per year.

7. Operational restrictions will limit the facility's potential to emit (PTE) to below major source thresholds for Title V and Prevention of Significant Deterioration (PSD).

<u>Rationale</u>: General Synthetic Minor Construction permits will be developed only for specific stationary source groups with controlled potential to emit less than the threshold for major source groups in accordance with S. C. Regulation 61-62.70, Title V Operating Permit Program and S. C. Regulation 61-62.5, Standard 7, Prevention of Significant Deterioration.

8. Facilities are limited to a nameplate capacity of < 25 MWe.

<u>Rationale</u>: Limitation placed on power output to avoid S. C. Regulation 61-62.72, Acid Rain, and S.C. Regulation 61-62.96, Nitrogen Oxides (NO_X) and Sulfur Dioxide (SO_2) Budget Trading Program, applicability.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than December 24, 2012 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Hulsey McCormick & Wallace, Inc. Attn: Claude Wesley Hulsey 106 Clair Drive Piedmont, SC 29673

14 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-96-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control is proposing to amend R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost. This Notice of Drafting supersedes the Notice of Drafting last published in South Carolina State Register Vol. 35, Issue 5 on May 27, 2011.

Interested persons may submit their views by writing to Kent Coleman at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Monday, December 31, 2012, the close of the drafting comment period.

Synopsis:

The proposed amendment of R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost will amend the applicability of the regulation, update the rules for siting, design, operation, and closure of wood grinding and composting facilities, and include standards for management and composting of a variety of organic materials, including food residuals.

Other changes that will be considered include, but are not limited to, regulatory exemptions for specific activities, quality assurance standards for compost production and penalties for failure to comply with the regulation.

The name of the regulation may change to reflect the change in scope of the regulation.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION PANEL FOR DIETETICS

CHAPTER 40

Statutory Authority: 1976 Code Section 40-20-50

Notice of Drafting:

The South Carolina Panel for Dietetics proposes to amend Regulations 40-11 and 40-15 in conformance with current legislation and add Regulation 40-17 regarding the reporting of disciplinary actions. Interested persons may submit comments to Angie Combs, Administrator, State Panel for Dietetics, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Panel for Dietetics proposes to amend Regulations 40-11 and 40-15, and add Regulation 40-17.

Legislative review of this amendment is required.

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-6-20 and 23-6-400

Notice of Drafting:

The Department of Public Safety proposes to amend Regulation 38-600 relating to regulations for Highway Patrol Wrecker Rotations.

Synopsis:

The changes will update existing regulations to enhance the administration of the Department's Wrecker Rotation List by clarifying duties of wreckers regarding signage at wrecker locations, adding a requirement for background checks for drivers and owners, adding automatic disqualifiers for certain convictions for drivers and owners, adding a requirement for companies to accept credit cards for department tows, adding training requirements for Class C (heavy duty) wreckers, and adding a requirement for wreckers to authorize the Department to contact insurance companies to verify insurance.

Legislative review is required.

BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-90

Notice of Drafting:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Veronica Reynolds, Administrator, State Board of Examiners in Speech-Language Pathology and Audiology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to amend its regulations.

Legislative review of this amendment is required.

Document No. 4315 DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Sections 40-39-10 et seq., Particularly Section 40-39-20

28-200. Pawnbroker Certificate of Authority

Preamble:

The Department proposes to amend R.28-200, Pawnbroker Certificate of Authority. The proposed amendments will address, but not be limited to the following: update and clarify the requirements for obtaining and revoking pawnbroker certificates of authority, administrative action against pawnbrokers that violate state or federal law, and liability insurance requirements for pawnbrokers.

Section 40-39-20 allows the Department to promulgate regulations necessary to effectuate the purposes of the Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 24, 2012. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

28-200(A)	Updated definition.
28-200(B)	Updated and clarified the requirements for initial and renewal pawnbroker certificate of authority. Added procedures for disciplinary actions against pawnbrokers that violate state or federal law including denial or revocation of certificate of authority or renewal and/or administrative fines. Updated requirements for liability insurance.
28-200(C)	Updated and clarified record keeping to include description information required on pawn tickets.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Charles M. Knight, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by December 28, 2012. Should a public hearing be requested, the hearing will be held at the Department on January 8, 2013 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29204.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 28-200. Pawnbroker Certificate of Authority.

Purpose: R.28-200 was promulgated with an initial effective date of April 27, 1990 and was last amended April 22, 1994. The purposes of the amendment are to revise the regulation to: update and clarify the requirements for obtaining, denying and revoking pawnbroker certificates of authority; administrative action against pawnbrokers that violate state or federal law; liability insurance requirements for pawnbrokers; and description of pledged and purchased goods.

Legal Authority: 1976 Code Sections 40-39-10 et seq., particularly Section 40-39-20.

Plan for Implementation: Administrative.

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

The proposed regulation directly addresses issues that have come to the attention of the Department staff during the time since the regulation was last amended.

DETERMINATION OF COSTS AND BENEFITS:

Certificate of Authority fees assessed are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the certificate of authority fees set in S.C. Code Section 40-39-10 et seq., impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina Pawnbroker Statutes specifically provide for the Department to promulgate regulations necessary to effectuate the purposes of the Statutes. The Statutes also permit and/or contemplate the drafting of requirements for administrative actions against pawnbrokers for violations of the Statutes and state or federal law.

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. 4316

DEPARTMENT OF EMPLOYMENT AND WORKFORCE

CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

47-8. Employer-Employee Relationship

Preamble:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-8 to factors that are used to determine whether a claimant is an employee or an independent contractor. The Notice of Drafting regarding these regulations was published on October 26, 2012 in the *State Register*.

Section-by-Section Discussion

47-8. This regulation is being amended to clarify the factors used to determine whether an employer-employee relationship exists.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Maura Dawson, Assistant General Counsel, South Carolina Department of Employment and Workforce, P.O. Box 8597, Columbia, South Carolina 29202. To be considered, comments must be received no later than January 3, 2013 at 5:00 p.m. A public hearing is scheduled for January 3, 2013, at 10:00 a.m. at the Administrative Law Court in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 47-8. Employer-Employee Relationship.

Purpose: The purpose of amending 47-8 is to clarify the factors used in determining whether an employer-employee relationship exists.

Legal Authority: South Carolina Code Annotated Section 41-29-110.

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

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

The proposed regulation will clarify for claimants and employing units what factors are considered when the Department determines whether a claimant is an employee or an independent contractor.

DETERMINATION OF COSTS AND BENEFITS:

There will be no change in costs to the Department. The benefits of these proposed regulations are clarification and understanding for the public, especially for employing units and claimants.

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:

The regulations will have no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

The purpose of amending Regulation 47-8 is to clarify the regulation. There was no scientific or technical basis relied upon in the development of this regulation.

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. 4317 **DEPARTMENT OF EMPLOYMENT AND WORKFORCE**CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

- 47-100. Cause Other Than Misconduct
- 47-101. Substandard Performance Due to Inefficiency, Inability, or Incapacity
- 47-103. Waiver of Non-Fraudulent or No-Fault Overpayments

Preamble:

The South Carolina Department of Employment and Workforce proposes to add regulations in Article IV. Unemployment Insurance. Regulation 47-100 and 47-101 to is to clarify legislative changes made by the General Assembly during the 2012 session. Regulation 47-103 is to provide guidance for waivers of non-fraudulent or no fault overpayments under South Carolina Code Section 41-41-40(b)(2).

South Carolina Code Section 41-29-110 authorizes the Department to promulgate regulations necessary to carry out the provisions of Chapters 27 through 41 of Title 41.

The proposed regulations will require legislative review.

Notice of Drafting regarding these regulations was published on October 26, 2012 in the State Register.

Section-by-Section Discussion

47-100. Cause other than Misconduct. This regulation is being added to explain "cause other than misconduct" for the purposes of South Carolina Code Annotated Section 41-35-120(2)(b).

47-101. Substandard Performance due to inefficiency, inability, or incapacity. This regulation is being added to explain "substandard performance due to inefficiency, inability, or incapacity" for the purposes of South Carolina Code Annotated Section 41-35-120(2)(b).

47-103. Waiver of non-fraudulent or no fault overpayments. This regulation is being added to outline the factors used when the Department determines whether to waive a non-fraudulent/no-fault overpayment under South Carolina Code Annotated Section 41-41-40(B)(2).

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Maura Dawson, Assistant General Counsel, South Carolina Department of Employment and Workforce, P.O. Box 8597, Columbia, South Carolina 29202. To be considered, comments must be received no later than January 3, 2013, at 5:00 p.m. A public hearing is scheduled for January 3, 2013, at 10:00 a.m. at the Administrative Law Court in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

SC Code of Regulations 47-100. Cause Other Than Misconduct.

SC Code of Regulations 47-101. Substandard Performance Due to Inefficiency, Inability, or Incapacity.

SC Code of Regulations 47-103. Waiver of Non-Fraudulent or No-Fault Overpayments.

Purpose: The purpose of adding Regulations 47-100 and 47-101 is to clarify the legislative changes made in South Carolina Code Annotated Section 41-35-120(2)(b). The purpose of adding 47-103 is to provide guidance on how the Department determines waiver of certain overpayments under South Carolina Code Annotated Section 41-41-40(B)(2).

Legal Authority: S.C. Code Ann. Section 41-29-110.

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

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

The proposed Regulations 47-100 and 47-101 will help clarify the terms in the amendment to South Carolina Code Annotated Section 41-35-120(2)(b).

Regulation 47-103 is to provide guidance on how the Department determines waivers of non-fraudulent or no-fault overpayments where recovery of the overpayment would be contrary to equity and good conscience.

DETERMINATION OF COSTS AND BENEFITS:

There will be no change in costs to the Department.

The benefits include adding regulations that provide clarification to statutes.

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:

The regulations will have no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

South Carolina Code Section 41-29-110 provides for the Department to promulgate regulations as necessary to effectuate the purposes of Title 41, and these proposed Regulations 47-100 through 47-103 are being made to clarify statutory law.

There was no scientific or technical basis relied upon in the development of this regulation.

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. 4318

BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

- 57-01. Definitions
- 57-06.1. Apprenticeship Requirements
- 57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses
- 57-11. Continuing Education Requirements for Embalmers and Funeral Directors
- 57-14.3. Training of Crematory Operators
- 57-14.4. Training of Certified Crematory Trainer/Preceptors

Preamble:

To satisfy the requirements of licensure for funeral service providers, Regulations 57-01, 57-06.1, 57-09, 57-11, 57-14.3 through 57-14.4 must be amended in conformance with the current Board of Funeral Service Practice Act.

The Notice of Drafting was published in the State Register on October 26, 2012.

Section-by-Section Discussion

57-01. Definitions.

- (A) Adds "on the premises and readily available" to the end of the second sentence.
- (B)-(H) No changes.

57-06.1. Apprenticeship Requirements.

- (1)-(2) No changes.
- (3) Changes ten days to thirty days, and deadline to quarter's end.
- (4) Deletes "direct" before "supervision" in the first sentence.
- (5)-(9) No changes.
- (10) New section; adds that apprentice may serve under one preceptor per license type.

57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses.

Changes "Annual" to "Biennial" in the section title.

- (A) Changes one year to two years.
- (B) Adds "even" before "year" in the first sentence.
- (C)-(E) No changes.

57-11. Continuing Education Requirements for Embalmers and Funeral Directors.

- (A)-(B) No changes.
- (C) Deletes first sentence; updates language in last sentence for clarity.

57-14.3. Training of Crematory Operators.

- (A) No change.
- (B) Deletes in its entirety.
- (C) Renumbers as (B) for clarity; no substantive change.

57-14.4. Training of Certified Crematory Trainer/Preceptors.

- (A)-(B) No changes.
- (C) Deletes in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 16, 2013. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Funeral Service, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 24, 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 Funeral 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 40-19-5 et seq.

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 Funeral Practice Act.

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. 4319 **DEPARTMENT OF INSURANCE**CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, 38-72-60 and 38-72-70

69-44. Long Term Care Insurance

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-44, Long Term Care Insurance. The amendments to Regulation 69-44 will make changes to the types of long term care policies that may be offered for sale in South Carolina and rate increases that may be implemented on policies.

Notice of drafting for the proposed regulation was published in the *State Register* on May 25, 2012.

Section-by-Section Discussion

The proposed amendments to the regulation shall include the following sections:

SECTION CITATION: 69-44, Section 6 H.	SECTION Policy Provisions	Practices and	EXPLANATION The amendments will add subsection H. to provide that long term care policies issued in South Carolina after July 1, 2013 must be noncancellable or premiums may not be increased after ten years from the date issued and that over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium.
69-44, Section 8 A.(3)	Required Provisions	Disclosure	Amendments to this section add subsection A.(3) to provide that policies issued on or after July 1, 2013 where the insurer has the right

to change the premium must include a statement that premiums may not be

increased after ten years from the date issued and over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium.

69-44, Section 9 B.(1)

Required Disclosure
Rating Practices
Consumers

Amendments to this section add language to subsection B.(1) to provide that policies issued after July 1, 2013 must include a statement that premiums may not be increased after ten years from the date issued and over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium.

69-44, Section 19 D. Loss Ratio

Subsection D. is added to Section 19 to provide that for policies issued prior to the effective date of Section 20, premium rates may not be increased if the cumulative increase of the annual premium exceeds 100% of the insured's initial premium amount, or if the policy has been inforce for twenty years or more, except upon a finding of the Director that not permitting the requested rate increase will place the company in hazardous financial condition. Any such finding shall be made by order of the Director.

69-44, Section 20 A.(3) Premium Rate Schedule Increases

Subitem (3) is added to Subsection A. to provide that for policies issued on or after the effective date of this section and prior to July 1, 2013 premium rates may not be increased if the cumulative increase of the annual premium, exceeds 100% of the initial annual premium or if the policy has been in force for twenty years or more, except upon a finding of the Director that not permitting the requested rate increase will place the company in hazardous financial condition. Any such finding shall be made by order of the Director.

69-44, Section 20 A.(4)	Premium Rate Schedule Increases	Subitem (4) is added to Subsection A. to provide that for policies issued on or after July 1, 2013 that are not non-cancellable, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium nor may premium rates be; increased after ten years from the date of issuance of the policy.
69-44, Section 20 E.	Premium Rate Schedule Increases	This subsection is deleted from the regulation because other amendments to the regulation limit premium increases to less than 200%.
69-44, Section 21 B.	Filing Requirement	This section is renumbered to add subsection B that provides that policies issued on or after July 1, 2013 must not be filed or have been filed through the Interstate Compact provided for in Chapter 95 or Title 38.
69-44, Section 28	Nonforfeiture Benefit Requirement	The amendments make changes to the triggers for a substantial premium increase table for policies issued prior to July 1, 2013 and adds a table of triggers for those policies issued after July 1, 2013. The amendments add the disclosure requirements that insurers must use when policies issued on or after July 1, 2013 where the insurer does have the right to change the premium.
69-44, Section 31 E.5.	Standard Format Outline of Coverage	Amendments add language to the disclosure requirements to provide that policies issued on or after July 1, 2013 where the insurer has the right to change the premium must include a statement that premiums may not be increased after ten years from the date issued and over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium. Amendments are also made to the table of allowed

premium increases.

Appendix B

Long-term Care Insurance Personal Worksheet Amendments add language to the disclosure requirements to provide that policies issued on or after July 1, 2013 where the insurer has the right to change the premium must include a statement that premiums may not be increased after ten years from the date issued and over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium. Amendments are also made to the table of allowed premium increases.

Appendix F

Potential rate increase disclosure form instructions

Amendments add language to the disclosure requirements to provide that policies issued on or after July 1, 2013 where the insurer has the right to change the premium must include a statement that premiums may not be increased after ten years from the date issued and over the life of the policy, the cumulative increase of the annual premium cannot exceed 50% of the initial annual premium. Amendments are also made to the table of allowed premium increases.

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 February 28, 2013 at 10:00 a.m. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 p.m. on December 27, 2012. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-44. Long Term Care Insurance.

Purpose: The proposed amendments to the regulation will provide additional safeguards regarding cancellation of policies and rate increase requests for consumers who may purchase long term care insurance products.

Legal Authority: 1976 S.C. Code Ann. Sections 1-23-110 et seq., 38-3-110(2), 38-72-60 and 38-72-70.

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

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

The proposed regulation is needed to provide additional safeguards for consumers purchasing long term care insurance products and to provide stability in premium rates for those products.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by making changes to the types of long term care policies that may be offered for sale in South Carolina and rate increases that may be implemented on policies.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include providing for stability in rates for long term care insurance policies and limitations on the reasons for which an insurer may cancel a long term care insurance policy.

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

Promulgation of this regulation is crucial to protecting South Carolina consumers by limiting the reasons for cancellation of a long term care policy and placing limitations on the amount of future rate increases.

Statement of Rationale:

Proposed amendments to Regulation 69-44, Long Term Care Insurance promote the public interest by limiting reasons for which an insurer may cancel a long term care insurance policy and providing limitations on the total amount of rate increases permissible over the life of the policy.

Regulation 69-44 is modified as provided below.

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. 4320

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 6-9-63(E)

Article 8. International Building Code Article 9. International Fire Code Article 10. International Fuel Gas Code Article 11. National Electrical Code

Preamble:

The South Carolina Building Codes Council will amend its regulations by adding Article 8, based upon the International Building Code, 2012 Edition; by adding Article 9, based upon the International Fire Code, 2012 Edition; by adding Article 10, based upon the International Fuel Gas Code, 2012 Edition; and by adding Article 11, based upon the National Electrical Code, 2011 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, including proposed modifications.

The Notice of Drafting was published in the State Register on September 28, 2012.

Copies of the referenced codes can be found at http://publicecodes.citation.com/icod/IC-P-2012-000019.htm.

Section-by-Section Discussion

The following is a section-by-section discussion of the amendments proposed by the Building Codes Council:

8-800. International Building Code.

New article title; code is identical to the 2012 edition of the International Building Code except for modifications listed in the subsequent sections.

8-801. IBC Section 403.2.1 Reduction in fire-resistance rating.

New section; deletes 403.2.1.

8-802. IBC Section 706.3 Materials.

New section; deletes the exception in 706.3.

8-803. IBC Table 706.4 Fire Wall Fire-Resistance Ratings.

New section; deletes footnote a) in 706.4 and renumbers footnote b) as footnote a).

8-804. IBC Section 1014.2. Egress through intervening spaces.

New section; deletes 1014.2 and replaces text with new language.

8-805. IBC Section Appendix H Signs.

New section; adopts Appendix H.

8-900. International Fire Code.

New article title; code is identical to the 2012 edition of the International Fire Code except for modifications listed in the subsequent sections.

8-901. IFC Section 202 General definitions.

New section; adds "sky lanterns" to the definition of recreational fire in 202.

8-902. IFC Section 202 General definitions.

New section; adds definition of sky lanterns in 202.

8-903. IFC Section 307.5. Attendance.

New section; adds new subsection 307.5.1 in 307.5 to restrict the use of sky lanterns.

8-904. IFC Section 503.2.1 Dimensions.

New section; deletes "exclusive of shoulders" from text in 503.2.1.

8-905. IFC Section 507.1 Required water supply.

New section; deletes 507.1 and replaces text with new language.

8-906. IFC Section 905.3 Required installations.

New section; adds exception 2 to 905.3.

8-907. IFC Section 906.1(1) Where required.

New section; deletes the exception in 906.1(1).

8-908. IFC Section 2307.2.2 Listed equipment.

New section; deletes "be *listed*" and adds "comply with the requirements of NFPA 58" regarding connections and equipment used for LP gas in 2307.2.2.

8-909. IFC Section 2307.4 Location of dispensing operations and equipment.

New section; provides modification of 2307.4 in compliance with NFPA 58.

8-910. IFC Section 2307.5.3 Vehicle impact protection.

New section; adds an exception to 2307.5.3 to allow an alternative method for protection for vehicular impact to be approved by the authority having jurisdiction.

8-911. IFC Section 2307.6 Private fueling of motor vehicles.

New section; deletes text in the first sentence of 2307.6 to allow portable propane cylinders to be refilled at self service refueling stations.

8-912. IFC Section 6101.1 Scope.

New section; changes the word Appendix to Annex in 6101.1 to show the proper reference.

8-913. IFC Section 6103.2.1.1 Use in basement, pit or similar location.

New section; deletes 6103.2.1.1 and replaces text with new language to permit the use of LP gas powered equipment in below grade or underfloor spaces with adequate ventilation.

8-914. IFC Section 6103.2.1.6 Use with self-contained assemblies.

New section; increases the capacity of portable LP-gas containers in 6103.2.1.6 to be in compliance with NFPA 58.

8-915. IFC Section 6105.2 Release to the atmosphere.

New section; deletes "through an *approved* liquid level gauge or other *approved device*" and adds "as provided in NFPA 58 7.3.1" regarding allowable methods of venting LP gas in 6105.2.

8-916. IFC Section 6106.1 Attendants.

New section; adds text to the end of the sentence to require an attendant dispensing LP-gas to be qualified in part by NFPA 58 in 6106.1.

8-917. IFC Section 6106.2 Overfilling.

New section; modifies text in 6106.2 to include compliance with NFPA 58 and the manufacturer's specifications when filling or maintaining LP-gas containers.

8-918. IFC Section 6107.4 Protecting containers from vehicles.

New section; adds exception to 6107.4 to allow the authority having jurisdiction the ability to accept an alternate method of compliance through a variance.

8-919. IFC Section 6109.3 Position.

New section; increases the capacity of LP-gas containers to be in compliance with NFPA 58 for one pound cylinders in 6109.3.

8-920. IFC Section 6109.7 Storage in basement, pit or similar location.

New section; increases the capacity of LP-gas containers to be in compliance with NFPA 58 for one pound cylinders in 6109.7.

8-921. IFC Section 6109.9 Storage within buildings accessible to the public.

New section; increases the capacity of LP-gas self-contained hand torches to be in compliance with NFPA 58 for one pound cylinders in 6109.9.

8-922. IFC Section 6109.13 Protection of containers.

New section; adds text to the end of the section of 6109.13 to provide an alternate method of compliance.

8-923. IFC Section 6110.1 Temporarily out of service.

New section; changes the section heading of 6110.1 and modifies the text to reflect the original intent of the section.

8-924. IFC Section 6111.2.1 Near residential, educational and institutional occupancies and other high-risk areas.

New section; adds a second paragraph to the existing section in 6111.2.1 to allow the fire code official to authorize a reduction of the 500 foot requirement.

8-925. IFC Section 6111.3 Garaging.

New section; changes the reference in 6111.3 to reference the correct section in NFPA 58.

8-1000. International Fuel Gas Code.

New article title; code is identical to the 2012 edition of the International Fuel Gas Code except for modifications listed in the subsequent sections.

8-1001. IFGC Section 401.9 Identification.

New section; deletes Section 401.9.

8-1002. IFGC Section 401.10 Third-party testing and certification.

New section; deletes and adds text concerning third party testing of piping and fittings in 401.10 due to the requirement offering little or no protection of health, safety or welfare to the public.

8-1003 IFGC Section 412.4 Listed equipment.

New section; deletes the requirement in 412.4 for listed LP-gas equipment because no listed dispenser packages for LP-gas dispensers are available at this time.

8-1004. IFGC Section 412.6 Location.

New section; deletes and adds text in 412.6 to be in compliance with NFPA 58 with respect to distance between the point of transfer and exposures.

8-1005. IFGC Section 412.7.3 Vehicle impact protection.

New section; adds an exception in 412.7.3 to allow the authority having jurisdiction the ability to accept an alternate method of compliance through a variance.

8-1006. IFGC Section 412.8 Private fueling of motor vehicles.

New section; deletes the requirement in 412.8 for permanently mounted fuel containers to allow vehicles with removable containers from being refilled at self-service refueling stations.

8-1007. IFGC Section 505.1.1 Commercial cooking appliances vented by exhaust hoods.

New section; adds an exception in 505.1.1 to allow an interlock between cooking appliances and exhaust hood systems as an option when the appliances are of the manually operated type and are factory equipped with standing pilot burner ignition systems.

8-1100. National Electrical Code.

New article title; code is identical to the 2011 edition of the National Electrical Code except for modifications listed in the subsequent sections.

8-1101. NEC Article 210.12(B) Arc-Fault Circuit-Interrupter Protection.

New section; adds an additional exception in Article 210.12(B) to omit arc-fault protection in bedrooms for circuits serving smoke detectors only.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 14, 2013. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Building Codes Council, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 24, 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:

The South Carolina Building Codes Council proposes to promulgate amended regulations which address applicable international and national codes.

DESCRIPTION OF REGULATION:

Purpose: To amend the code regulations with international and national codes.

Legal Authority: Statutory Authority: 1976 Code Sections 6-9-40 and 6-9-63(E).

Plan for Implementation: Administratively, the Department will see that these provisions are implemented by informing the public through written and oral communications, and posting all changes on its website.

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

These regulations need to be amended in order to update codes.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no direct effect on the environment. The public health and the business environment of this State will be enhanced by conforming the regulations to the applicable codes.

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

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

Statement of Rationale:

The science and technology supporting the development of these regulations can be found in the corresponding construction codes located at the website referenced in the preamble.

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. 4321

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 6-9-63(E)

Article 12. International Residential Code

Preamble:

The South Carolina Building Codes Council will amend its regulations by adding Article 12, based upon the International Residential Code, 2012 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, including proposed modifications.

The Notice of Drafting was published in the State Register on September 28, 2012.

A copy of the referenced code can be found at http://publicecodes.citation.com/icod/IC-P-2012-000019.htm.

Section-by-Section Discussion

The following is a section-by-section discussion of the amendments proposed by the Building Codes Council:

8-1200. International Residential Code.

New article title; code is identical to the 2012 edition of the International Residential Code except for modifications listed in the subsequent sections.

8-1201. IRC Section R202 Definitions.

New section; adds definition of "Accepted Engineering Practice" in R202.

8-1202. IRC Figure R302.1 Exterior walls.

New section; adds additional Exception 6 in R302.1.

8-1203. IRC Section R302.2 Townhouses.

New section; modifies the existing exception in R302.2 to allow for a fire rating reduction when a fire sprinkler system is installed.

8-1204. IRC Section R302.5.1 Opening protection.

New section; removes the self-closing device in R302.5.1.

8-1205. IRC Section R303.4 Mechanical ventilation.

New section; deletes Section R303.4.

8-1206. IRC Figure R307.2 Minimum Fixture Clearances.

New section; changes the minimum dimension on Figure R307.2 for the side clearance between bathtubs and water closets and bidets from 15 inches to 12 inches.

8-1207. IRC Section R311.7.5.1 Risers.

New section; adds riser height for masonry stairs in R311.7.5.1.

8-1208. IRC Section R312.1.1 Where required.

New section; modifies text to create a downward slope ratio in R312.1.1.

8-1209. IRC Section R312.2 Window fall protection.

New section; modifies text for window fall protection in R312.2.

8-1210. IRC Section R313.1 Townhouse Automatic Fire Sprinkler Systems.

New section; adds an exception in R313.1.

8-1211. IRC Section R313.2. One and two-family dwellings automatic fire sprinkler systems.

New section; deletes Section R313.2.

8-1212. IRC Section R317.1.1 Field treatment.

New section; adds text to end of R317.1.1 regarding preservative-treated wood product manufacturer's recommendations.

8-1213. IRC Section R404.1.9.2 Masonry piers supporting floor girders.

New section; modifies the text in R404.1.9.2 regarding masonry piers.

8-1214. IRC Section R502.11.4 Truss design drawings.

New section; modifies R502.11.4 to eliminate the requirement for roof truss design approval prior to installation.

8-1215. IRC Section R703.8 Flashing.

New section; modifies R703.8 concerning flashing.

8-1216. IRC Chapter 11 Energy Efficiency.

New section; deletes Chapter 11.

8-1217. IRC Section M1411.5 Insulation of refrigerant piping.

New section; reduces the thermal resistivity of the insulation around refrigerant vapor lines in M1411.5.

8-1218. IRC Section M1411.6 Locking access port caps.

New section; deletes Section M1411.6.

8-1219. IRC Section M1502.3 Duct termination.

New section; deletes the third sentence in M1502.3.

8-1220. IRC Section M1502.4.4 Duct length.

New section; modifies M1502.4.4 to increase the maximum dryer duct length to 35 feet.

8-1221. IRC Section G2418.2 Design and Installation.

New section; removes "metal" from the first sentence of G2418.2.

8-1222. IRC Section P2503.6 Shower Liner Test.

New section; deletes the requirement for a dam for the shower liner test in P2503.6.

8-1223. IRC Section P2904.1 General.

New section; adds text to the end of P2904.1 to require proper credentials for sprinkler installers.

8-1224. IRC Section E3901.12 HVAC outlet.

New section; adds text in the first sentence of E3901.12 to establish that the required convenience receptacle is to be installed when HVAC and refrigeration equipment is located in an attic or crawl space.

8-1225. IRC Section Appendix H Patio Covers.

New section; adopts Appendix H.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 14, 2013. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Building Codes Council, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 24, 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:

The South Carolina Building Codes Council proposes to promulgate amended regulations which address the International Residential Code.

DESCRIPTION OF REGULATION:

Purpose: To amend the code regulations with the International Residential Code.

Legal Authority: 1976 Code Sections 6-9-40 and 6-9-63(E).

Plan for Implementation: Administratively, the Department will see that these provisions are implemented by informing the public through written and oral communications, and posting all changes on its website.

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

These regulations need to be updated with the International Residential Code.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no direct effect on the environment. The public health and the business environment of this State will be enhanced by conforming the regulations to the applicable code.

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

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

Statement of Rationale:

The science and technology supporting the development of these regulations can be found in the corresponding code located at the website referenced in the preamble.

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. 4313 **DEPARTMENT OF SOCIAL SERVICES**CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(d) and 45 CFR 302.56

114-4710 – 114-4750. Child Support Guidelines

Preamble:

The Department of Social Services is required to perform a quadrennial review of the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following proposed regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the Legislature and Court Administration. Issues covered include the update of the support tables and charts themselves, deviation from the guidelines, periodic review, and an enhancement of the language concerning medical support. The latter two issues were prompted by the passage of the Deficit Reduction Act of 2005 and the revisions of the medical support provisions to the Federal Code, contained in 45 CFR §303.31(a)(1).

Notice of Drafting for the proposed amendments was published in the State Register on October 26, 2012.

Section-by-Section Discussion

Sec. 114-4710, A., A.1. There were no changes to this section, which covers the

general application of the Guidelines and addresses the

minimum support obligation.

Sec. 114-4710, A.2. As elsewhere in the document, the words "custodial

parent" and "noncustodial parent" are replaced with terms more appropriate. Most often, the terms "parent to whom support is owed" and "parent with the legal

duty to pay support" are used.

Sec. 114-4710, A.3. The combined household income covered by the tables

has been increased from \$240,000 per year to \$360,000

per year.

Sec. 114-4710, B., B.1.,

B.2., B.3., B.4.

There were no changes to these sections, which delineate

circumstances under which the court may deem it

appropriate to deviate from the Guidelines.

Sec. 114-4710, B.5.	The provision is clarified that a reason for deviation might include extraordinary expenses incurred as a result of travel pursuant to court-ordered visitation.
Sec. 114-4710, B.6. – B.9.	There were no changes in these sections.
Sec. 114-4710, B.10.	The language was modified to indicate that income disparity might occur on either side of the equation.
Sec. 114-4710, B.11., B.12.	This is reconciliation between the enumeration of previous editions of the Guidelines and the Regulations.
Sec. 114-4720, A.1.	These changes, found throughout the document, are pursuant to recommendations from the Federal Office of Child Support Enforcement (FOCSE). FOCSE has urged States to use language more appropriate throughout all child support situations.
Sec. 114-4720, A.2. – A.8.	There are no changes in these sections, which, among other issues, define income to be used in calculating support, appropriate forms of verification, and correct provisions for providing credit.
Sec. 114-4720, A.9., A.11.	These changes are a change in the terms used to distinguish between parents.
Sec. 114-4720, A.12.	Wording was added here to ensure compliance with the Federal OCSE's guidelines for Medical Rules, contained in 45 CFR §303.31(a)(1).
Sec. 114-4720, A.13.	These changes were made to recognize both the South Carolina and Federal tax credit given in situations where the parent receiving support and their earnings qualify them to also receive a tax credit for paid child care expenses.
Sec. 114-4720, A.14.	This section was removed. Research is inconclusive on this aspect of support.
Sec. 114-4720, A.15.	This section was renumbered as a result of the removal of number fourteen (14).
Sec. 114-4730, A.	This section's language was modified both to clarify the Guidelines' role in shared parenting and custody and to underscore judicial discretion.
Sec. 114-4730, A.3.	This section was added to minimize the disparity of support in sole custody and shared custody cases, creating a graduated support determination in cases where overnight visits just pass the threshold for using the shared parenting worksheet.

Sec. 114-4730, A.4. This section was renumbered and modified do to the

addition of subsection A. 3.

Sec. 114-4730, B. This section, defining split custody situations, was

rewritten to bring it into conformity with the

methodology behind the Guidelines.

Sec. 114-4740. This section was modified so that the State's Guidelines

are in conformity with the Federal Code, 42 U.S.C. Section 466(a)(10)(A)(a), which outlines the review requirements for orders on which there is an assignment under Title IV, part A or D, of the Social Security Act.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to South Carolina Department of Social Services, Child Support Enforcement Division, Attn: Steve Yarborough, PO Box 1469, Columbia, SC 29202-1469. Comments must be received by 5:00 PM on December 27, 2012. Should a hearing be requested, pursuant to Section 1-12-110(A)(3) of the S.C. Code, as amended, such hearing will be held on January 3, 2013 at the offices of the Administrative Law Court, 2nd Floor, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201 at 10:00 AM.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 4710 - 4750.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: 114-4710 – 114-4750. South Carolina Child Support Guidelines.

Purpose: Every four years, the Department of Social Services is required to review the Guidelines that are used to calculate child support amounts for support and review hearings.

Legal Authority: SC Code Sections 43-4-580(b), 63-17-470(d) and 45 CFR 302.56.

Plan for Implementation: The proposed amendments would be incorporated into Chapter 114 upon publication in the State Register as final regulations and will be implemented in the same manner as the existing regulations. The South Carolina Department of Social Services will make the new regulations available to its staff and to the judiciary.

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

The Guidelines were last updated in 2006. Changes in the cost of living, the IRS Tax Code related to child care tax credit, and Federal requirements that the Child Support Guidelines adequately address medical coverage and provisions for the review and adjustment of child support orders, have changed. These updated regulations will ensure that child support is calculated in an appropriate, reasonable and effective manner.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Enforcement Division to, "... ensure the safety and health of children ... and to assist those in need . ." The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formulae. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina.

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. 4314 **DEPARTMENT OF TRANSPORTATION**CHAPTER 63

Statutory Authority: 1976 Code Sections 57-25-800 through 57-25-830

63-339. Agritourism and Tourism-Oriented Directional Signing

Preamble:

The Department of Transportation proposes to add Regulation 63-339 to implement and administer the statewide Agritourism and Tourism-Oriented Signage Program.

Section-by-Section Discussion

63-339. Agritourism and Tourism-Oriented Directional Signing.

New text.

- A. Provides a description of the agritourism and tourism-oriented signing program.
- B. Explains the purpose of program which is to provide motorist with eligible business identification and directional information signs so as to eliminate illegal outdoor advertising signs.

- C. Provides the definition of Department, Highway, Agritourism activity, Rural activity, Rural area, Agritourism-oriented facility, Agritourism professional, Tourism-oriented facility, Restroom facilities, Drinking water, Public telephone, Driveway access, MUTCD, as used in the regulation and statute.
- D. Provides the design criteria for the sign assembly, sign supports, and business signs, which also includes the display of the official logos of the Department of Park, Recreation and Tourism and the Department of Agriculture and fabrication details.
 - E. Provides the lettering and numbering specification, including logo placement, on the business panels.
- F. Provides the measurements of the business panels on the sign assemblies and establishes the layout and priority placement of the business panels on the sign assemblies
 - G. Provides the location, setbacks and height specifications for the sign assemblies on the right of way.
- H. Provides eligibility criteria for selection of agritourism-oriented facilities to participate in the program including but not limited the type of services allowed, the location of the business, hours of operation, public amenities available, and other signage requirements.
- I. Provides eligibility criteria for selection of tourism-oriented facilities to participate in the program including but not limited the type of services allowed, the location of the business, hours of operation, public amenities available, and other signage requirements.
- J. Provides that the participating business is responsible for installation, participation, maintenance, and removal fees and costs and that the Department is responsible for installation and maintenance of the signs.
- K. Provides the application process, appeal procedures, termination criteria, and eligibility verification process.

A Notice of Drafting was published in the *State Register* on October 26, 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 1976 Code, as amended, such hearing will be conducted at 955 Park Street, Columbia, SC, on Thursday, January 3, 2013 at 10:00 am in room 306, third floor, Silas Pearman Building. Written comments may be directed to Barbara M. Wessinger, Esquire, Legal Office, Department of Transportation, Post Office Box 191, Columbia, SC 29202. Comments must be received no later than 5:00 pm on Thursday, December 27, 2012.

Preliminary Fiscal Impact Statement:

There will be no increased costs incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: 63-339. Agritourism and Tourism-Oriented Directional Signing.

Purpose: To provide for implementation and administration of the Agritourism and Tourism-Oriented Signage Program.

Legal Authority: 1976 Code Sections 57-25-800 et seq.

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

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

The proposed regulation is necessary in order to ensure compliance with statute requirements.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivisions.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effects on the environment and public health if the regulation is not implemented.

Statement of Rationale:

Regulation 63-339 is added to implement and administer the statewide Agritourism and Tourism-Oriented Signage Program.

Text:

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

44 FINAL REGULATIONS

Document No. 4322

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

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6 and Subarticle 7 Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgate the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry and Shipyard Employment):

Revisions to Sections 1910.6, 1910.134, 1910.135, and 1910.217, as amended in Federal Register Volume 77, Number 121, dated Friday, June 22, 2012, and Federal Register Volume 77, Number 152, page 46948, dated Tuesday, August 7, 2012.

In Subarticle 7 (Construction):

Revisions to Sections 1917.3, 1917.93, 1926.6, 1926.100, 1926.251, and paragraphs (z)(3) and (z)(5) of Appendix A to Subpart L of 1926, as amended in Federal Register Volume 77, Number 75, dated Wednesday, April 18, 2012; Federal Register Volume 77, Number 121, dated Friday, June 22, 2012; Federal Register Volume 77, Number 141, page 42988, dated Monday, July 23, 2012; Federal Register Volume 77, Number 152, page 46948, dated Tuesday, August 7, 2012; and Federal Register Volume 77, Number 160, dated Friday, August 17, 2012.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.