

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published November 22, 2013

Volume 37 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.

2013 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

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.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4317			Unemployment Insurance	1/16/14	Department of Employment and Workforce
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/04/14	Board of Cosmetology
4313			Child Support Guidelines	2/15/14	Department of Social Services
4329			Cheese & Butter	2/18/14	Department of Agriculture
4342			Nurse Licensure Compact	3/04/14	Board of Nursing
4378			Office of State Fire Marshal	4/05/14	LLR-Office of State Fire Marshal
4379			Requirements of Licensure in Real Estate Appraisal	4/05/14	Real Estate Appraisers Board
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	4/07/14	South Carolina Criminal Justice Academy
4372			Certification	4/07/14	South Carolina Criminal Justice Academy
4374			Application for Issuance or Re-issuance of Certification	4/07/14	South Carolina Criminal Justice Academy
4368			Authority of Director	4/07/14	South Carolina Criminal Justice Academy
4370			Requirement of Good Character (E-911 Operators)	4/07/14	South Carolina Criminal Justice Academy
4376			Assignment of Costs for Agency Level Contested Case Hearings	4/07/14	South Carolina Criminal Justice Academy
4369			Allow E-911 Operators One Year to Attend Training at the Academy	4/07/14	South Carolina Criminal Justice Academy
4344			Adjudication of Misconduct Allegations (Contested Case Hearing Process)	4/07/14	South Carolina Criminal Justice Academy
4347			Law Enforcement Officer and E-911 Officer Training & Certification	4/07/14	South Carolina Criminal Justice Academy
4284			Limited Herbicide Applicators License	4/08/14	Clemson University-State Crop Pest Comm.
4316			Employer-Employee Relationship	5/14/14	Department of Employment and Workforce

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4368	Authority of Director	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship		

Executive Order No. 2013-09

WHEREAS, state government does not adequately account for and manage real property assets owned by the State due to insufficient reporting of state-owned property by state agencies;

WHEREAS, centralized reporting of real property assets across state agencies is an essential task as it allows for uniform and comprehensive management of the State's real estate portfolio by identifying surplus and under-utilized property, containing maintenance and operation costs, encouraging higher occupancy rates, and performing regular strategic planning; and

WHEREAS, an effective centralized real property accounting system requires state agencies to provide accurate and complete reporting of state-owned real property assets to ensure best practices for asset management and certify that all state assets are accounted for by the State Comprehensive Annual Financing Report; and

WHEREAS, Section 1-11-58 of the South Carolina Code of Laws and Proviso 118.2 mandates each state agency to perform an annual inventory of real property and prepare a report of all surplus property to be submitted to the Budget and Control Board, and that the Board's Division of General Services shall determine the real property that is surplus to the State; and

WHEREAS, many state agencies have failed to comply with Section 1-11-58 and Proviso 118.2, which has resulted in fragmented, decentralized reporting of real property; and

WHEREAS, Article IV, Section 17 of the South Carolina Constitution and Section 1-3-10 of the South Carolina Code of Laws provide that "All State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give [her] information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions."

NOW, THEREFORE, pursuant to my authority under Article IV, Section 17 and Section 1-3-10, I hereby direct all state agencies to comply with South Carolina Code Section 1-11-58 and Proviso 118.2 by completing the following directives:

1) Executive agencies shall review documents containing property information provided to them by the Division of General Services of the Budget and Control Board.

2) Executive agencies shall completely and accurately provide to the Division of General Services all information available concerning all real estate property controlled by the agency, whether titled in the name of the State or the agency.

3) In addition to providing all information available, executive agencies shall identify to the Division of General Services any real estate property that is not currently being utilized for necessary agency operations. These properties shall be identified as surplus properties.

4) Pursuant to my authority under Article IV, Section 17 of the South Carolina Constitution, all executive agencies are directed to comply with South Carolina Code Section 1-11-58, notwithstanding the exemption authority provided in Proviso 118.2.

5) Executive agencies must complete the directives outlined herein no later December 15, 2013.

4 EXECUTIVE ORDERS

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF OCTOBER 2013.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2013-10

WHEREAS, on September 25, 2013, a fire destroyed several historic buildings along the 700 Block of Front Street in the City of Georgetown, causing debris to fall into the Sampit River in the Georgetown Harbor; and

WHEREAS, the City Council of Georgetown has requested the support of the South Carolina National Guard in removal of debris from the River and has agreed to use local funds to pay for all costs associated with this work; and

WHEREAS, the South Carolina National Guard is prepared to provide personnel and equipment necessary to assist in these recovery efforts.

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby permit the National Guard to be made available to the City of Georgetown for the removal of debris from the Sampit River in accordance with the request and financial commitment from the City of Georgetown.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF NOVEMBER, 2013.**

**NIKKI R. HALEY
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

UPDATED EXEMPTION LIST

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

In accordance with South Carolina (SC) Regulation 61-62.1, *Definitions and General Requirements*, Section (II)(B)(2), the South Carolina Department of Health and Environmental Control (Department or DHEC) has determined that no construction permits shall be required for the sources listed below unless otherwise specified by state or federal requirements. The exemption status may change upon the promulgation of new regulatory requirements applicable to these sources.

The Department is placing the exempt sources listed in Section II(B)(2) and other sources that have been determined will not interfere with attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. This list of exempt sources will be maintained by the Department and periodically published in the *South Carolina State Register*. Additionally, this list of exempt sources will be maintained on the DHEC website at: <http://www.scdhec.gov/environment/baq/permitting.asp>. If you have questions or comments, please contact Mareesa Singleton, Division of Engineering Services, at (803) 898-4123.

Disclaimer:

The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc. If needed, emission calculations and any other information necessary to document qualification for these exemptions must be maintained on-site. These emissions should be included in the facility wide potential to emit for the facility. The owner/operator must keep a list of all exempt activities and/or equipment on-site and provide the list to the Department upon request.

A. Combustion Sources

1. Stationary or portable combustion sources:

i. Burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

a. Natural gas boilers.

b. Oil-fired boilers of 50×10^6 British thermal unit per hour (Btu/hr) rated input capacity or smaller.

c. Coal-fired boilers of 20×10^6 Btu/hr rated input capacity or smaller.

ii. Boilers and space heaters of less than 1.5×10^6 Btu/hr rated input capacity, which burn only virgin liquid fuels or virgin solid fuels.

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iii. Boilers and space heaters of less than 10×10^6 Btu/hr rated input capacity which burn only virgin gas fuels.

iv. Temporary replacement boilers of the same size/capacity or smaller (including the same fuel if required) remaining on-site for 12 months or less, used in place of permanent boilers while the permanent boiler is not in operation for maintenance, malfunction, or similar reason and whose emissions do not exceed those of the permanent boiler or differ from the character of the permanent boiler's emissions and whose exhaust point is within close proximity to the permanent boiler's exhaust point.

If a temporary boiler triggers a regulation such as a New Source Performance Standard (NSPS), then a determination that the boiler met the applicable requirements of the NSPS must be kept on-site and provided to the Department upon request. The owner/operator shall also keep a record of the startup date and usage periods of the temporary boiler and provide them to the Department upon request.

v. Fuel oil boilers with a rated input capacity of less than 7 million Btu/hr burning oil with a sulfur content of less than 0.05 wt percent. These sources are subject to 5 year tune-up requirements per 40 CFR 63 Subpart JJJJJ.

vi. Fuel oil boilers equipped with low NOx burner(s) and a rated input capacity of less than 10 million Btu/hr, burning oil with a sulfur content of less than 0.05 wt percent. These sources are subject to 5 year tune-up requirements per 40 CFR 63 Subpart JJJJJ.

vii. Wood waste boilers with a capacity of less than 1.5 million Btu/hr burning clean wood only. These sources are subject to tune-up requirements per 40 CFR 63 Subpart JJJJJ.

2. Internal combustion engines

i. Emergency power generators as described below:

a. Generators of less than or equal to 150 kilowatt (kW) rated capacity.

b. Generators of greater than 150 kW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

ii. Temporary or portable generators that meet the definition of "non-road engine" below. However, processes powered by the internal combustion engine shall be evaluated for permitting applicability.

Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another and does not remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

iii. Diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

3. Non-contact cooling towers, water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater).

4. Oxidation catalyst on generators.

B. Industrial Processes

1. Surface Coating

i. Stand alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter. These operations use Electric Heated Ovens and apply less than 100 tons per year (tpy) of powder coatings. If hazardous air pollutant (HAP) containing materials are used, the facility is expected to demonstrate compliance with SC Regulation 61-62.5, Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request. Emissions calculations, material safety data sheets (MSDS), throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Stand alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter. These operations use Natural Gas Heated Ovens with a heat input of less than $10E+06$ Btu/hr and apply less than 98.0 tpy of powder coatings. If HAP containing materials are used, the facility is expected to demonstrate compliance with SC Regulation 61-62.5, Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of non HAP containing surface finishing materials such as (paints and paint components, other materials mixed with paints prior to application, and cleaning solvents). Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

2. Wood Working/Processing

i. Small woodworking shops that do not conduct surface coating where the woodworking activities (such as sawing, milling, sanding, etc) are conducted within a building and the total combined maximum processing throughput for all woodworking equipment is less than 0.30 tons/hr. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Sawmill equipment that only processes green wood (wood moisture content greater than 12 percent), does not conduct fuel combustion, and has a maximum throughput capacity of less than 1.97×10^6 board-feet per year. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. The following wood shop equipment:

8 NOTICES

- a. Hand Sanders.
- b. Hand Saws (chain saw, hand drills, etc.).
- c. Hand Distressing Tools (chisel, etc.).
- d. Equipment used for boring, notching, etc.

Good housekeeping practices that minimize fugitive emissions are required.

3. Others

i. Air strippers used in petroleum underground storage tank (UST) cleanups with well pump rates less than or equal to 23 gallons per minute (gpm) and benzene concentrations less than the concentration (C) as determined by the following equation:

$$C(\text{mg/l}) = 0.075/((Q)(5.0\text{E-}04)) \text{ where } Q = \text{well pump rate in gpm.}$$

Air strippers used in petroleum UST cleanups with well pump rates equal to or less than 23 gpm and benzene concentrations greater than the concentration as determined by the equation above are still exempt from permitting but must first submit air dispersion modeling to comply with SC Regulation 61-62.5, Standard No. 8. Documentation of the well pump rate capacity and benzene concentration must be maintained on-site. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Mobile tub grinders, diesel or electric powered, remaining on-site for less than 12 months grinding only clean wood. Any tub grinder that replaces a grinder at a location and that is intended to perform the same or similar function as the tub grinder replaced will be included in calculating the 12 month time period. All grinding operations shall be conducted in such a manner as to minimize fugitive particulate matter emissions. If any complaints are received, then the grinding operation can be required to stop and the complaints addressed by the Department. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. Petroleum dry cleaning facilities with a solvent consumption less than 1,600 gallons per year and not subject to 40 CFR 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners). Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iv. Devices used solely for safety such as pressure relief valves, rupture discs, etc., if associated with a permitted emission unit.

v. Sources that only emit a particulate matter that is not an air toxic or hazardous air pollutant, located within a closed building (minimal lost through doors, windows, vents, exhaust fans, etc.) and do not exhaust directly through piping, a stack, etc. to the atmosphere. Good housekeeping practices that minimize fugitive emissions are required.

vi. Refrigeration equipment, except for any such equipment:

- a. Using an ozone-depleting substance regulated under Title VI of the Clean Air Act and/or 40 CFR Part 82.
- b. Located at a Title V source.
- c. Used as or in conjunction with air pollution control equipment.

vii. The processing of whole tires into shreds or specifically sized chips. This does not include the removal of metal or further size reduction by grinding or fine shredding. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

C. Storage Vessels

1. If an owner/operator is required to have an operating permit then the owner/operator shall submit a list of storage tanks installed since the last issue or revision to the previous operating permit that qualify for an exemption with any new permit renewal or modification request. If an owner/operator is not required to have an operating permit, then the owner/operator must keep a list of storage tanks that qualify for an exemption on-site and provide the list to the Department upon request.

i. Any size and combination of above ground vertical gasoline storage tanks with a total storage capacity equal to or less than 5,000 gallons and not used for distribution.

ii. Any size and combination of above ground horizontal gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iii. Any size and combination of above ground horizontal and vertical gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iv. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 3,218,418 gallons containing virgin or re-refined No.2 Fuel Oil and fuel oils similar in composition to No.2 Fuel Oil.

v. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 5,042,000 gallons containing virgin or re-refined No.6 Fuel Oil, fuel oils similar in composition to No.6 Fuel Oil, residual fuel oils and lubricating oils (i.e. motor oil, hydraulic oil).

vi. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 2,100,000 gallons containing Jet Kerosene.

vii. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 30,000 gallons containing Jet Naphtha (JP-4).

viii. Any size and combination of above ground horizontal storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

ix. Any size and combination of above ground horizontal and vertical storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

x. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 84,000 gallons containing only Ethanol.

xi. Pressurized storage tanks containing fluids such as liquid petroleum gas (LPG), liquid natural gas (LNG), natural gas, or inert gases.

10 NOTICES

D. Miscellaneous

1. Domestic/Work Station Comfort and Related

i. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.

ii. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, non-commercial and non-industrial vacuum cleaning systems, etc.

iii. Smokehouses (used exclusively for smoking food products), recreational, residential, or portable type wood stoves, heaters, or fireplaces.

iv. Indoor or outdoor kerosene space heaters.

v. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).

vi. Water heaters which are used solely for domestic purposes.

vii. Laundry dryers, extractors, or tumblers used for fabrics cleaned with water solutions of bleach or detergent only.

2. Mobile Sources and Mobile Source Related

i. Motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling.

ii. Fugitive particulate emissions from passenger vehicle traffic and routine lawn and grounds keeping operations.

3. Laboratory and Testing

i. Laboratory equipment and compounds used for chemical, biological or physical analyses such as quality control, environmental monitoring, bench-scale research or studies, training in chemical analysis techniques, and minor research and development (R&D) (this does not apply to facilities where R&D is the primary objective). This exemption extends to the venting of in-line and in-situ process analysis equipment and other monitoring and sampling equipment.

ii. Non-production laboratory equipment used at non-profit health or non-profit educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction.

iii. Vacuum production devices used in laboratory operations.

iv. Equipment used for hydraulic or hydrostatic testing.

4. Maintenance and Construction Related Activities

i. Routine housekeeping or plant upkeep activities such as painting, roofing, paving, including all associated preparation.

- ii. Brazing, soldering or welding equipment used for regular maintenance at the facility.
 - iii. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR 60 Subpart JJJ.
 - iv. Blast cleaning equipment using a suspension of abrasives in water.
5. Others
- i. Flares used solely to indicate danger to the public.
 - ii. Firefighting equipment, "prop fires", and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane.
 - iii. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.
 - iv. Sources with a total uncontrolled emission rate of less than one (1) lb/hr each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; uncontrolled emission rate of less than 1000 pounds per month (lbs/month) of any single toxic air pollutant (TAP) and a total uncontrolled emission rate of less than 1000 lbs/month of VOCs will not require construction permits. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For TAP exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request.
 - v. Shooting ranges that are not part of a permitted source such as a military installation.
 - vi. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.
 - vii. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.
 - viii. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.
 - ix. Fumigation activities that have potential emissions below exemptible rates under SC Regulation 61-62.1, Section II(b)(2)(h); facilities that perform fumigation up to several times a year to control pest infestation; and fumigation activities that are performed in portable containers which are not located at a designated area/building/warehouse/installation/pad.

12 DRAFTING NOTICES

**CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27**

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than December 23, 2013, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

**CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27**

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than December 23, 2013, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10 et seq. and 13-7-40

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-63, Radioactive Materials (Title A), to adopt federal amendments. Interested persons may submit comments in writing to Aaron A. Gantt, Chief, Bureau of Radiological Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments must be received by 5:00 p.m. on December 23, 2013, the close of the drafting comment period.

Synopsis:

The United States Nuclear Regulatory Commission (NRC) promulgates amendments to NRC Regulations-Title 10, Code of Federal Regulations throughout each calendar year. Recent amendments include requirements for Decommissioning Planning (RATS-ID 2011-1), Licenses, Certifications, and Approvals for Materials Licensees (RATS-ID 2011-2), Technical Corrections (RATS-ID 2012-3), Requirements for Distribution of Byproduct Material (RATS-ID 2012-4), Physical Protection of Byproduct Material (RATS-ID 2013-1), and Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions (RATS-ID 2013-2) These final rules have been published in the Federal Register at 76 FR 35512 on June 17, 2011, 76 FR 56951 on September 15, 2011, 77 FR 39899 on July 6, 2012, 77 FR 43666 on July 25, 2012, 78 FR 16922 on March 19, 2013, and 78 FR 32310 on May 29, 2013, respectively. The Department intends to amend R.61-63, Radioactive Materials (Title A), to incorporate the above-described federal regulations to maintain conformity with federal requirements found in 10 CFR Parts 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 51, 70, and 71 and ensure compliance with federal standards as required by Section 274 of the Atomic Energy Act of 1954.

The Department amended R.61-63 by Document No. 4123 published in the State Register on March 26, 2010 to adopt federal regulations published as final rules in the Federal Register at 71 FR 65685, 72 FR 55864, and 73 FR 42761. The Department is proposing to make minor corrections to 61-63 RHA 2.4, General Licensing Requirements, to clarify the order of text in this section and will add a paragraph at RHA 3.58, Appendix G, Nationally Tracked Sources-Serialization and Reports of Transactions, that was inadvertently omitted in the prior promulgation. These amendments will conform R.61-63 with the federal regulations.

These proposed regulations are not subject to legislative review pursuant to S.C. Section 1-23-120(H)(1); as such, neither a fiscal impact statement nor assessment report is required.

14 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-140

Notice of Drafting:

The Department is proposing to repeal R.61-28, *Horse Meat and Kangaroo Meat*; R.61-38, *Fairs, Camp Meetings, and Other Gatherings*; 61-39, *Camps*; and R.61-40, *Mobile/Manufactured Home Parks*; R.61-42, *Sanitation of Schools*; and R.61-46, *Nuisances*. Interested persons may submit written comments to Ms. Sandra D. Craig, Director, Division of Food Protection and Rabies Prevention, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29202, or by email at craigsd@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the drafting comment period.

Synopsis:

The Department has conducted its five-year review of its environmental health regulations and has brought forth a listing of out-of-date regulations. In the interest of good government and efficiency, the Department proposes repeal of the regulations listed below because they have become obsolete and are no longer needed:

R.61-28, *Horse Meat and Kangaroo Meat*

R.61-28 was promulgated in 1967 and has never been amended. State statutes and R.61-25, *Retail Food Establishments*, address the requirements and the regulation is therefore unnecessary.

R.61-38, *Fairs, Camp Meetings, and Other Gatherings*

R.61-38, *Fairs, Camp Meetings, and Other Gatherings*, was promulgated in 1944 and has never been amended. State statutes and regulations to include R.61-9, *Water Pollution Control Permits*, R.61-25, *Retail Food Establishments*, R.61-56, *Onsite Wastewater Systems*, and R.61-58, *State Primary Drinking Water Regulations*, address the major requirements and the regulation is therefore unnecessary.

R.61-39, *Camps*

R.61-39, *Camps*, was promulgated in 1995 and has never been amended. State statutes and regulations to include R.61-9, *Water Pollution Control Permits*; R.61-25, *Retail Food Establishments*; R.61-51, *Public Swimming Pools*; R.61-56, *Onsite Wastewater Systems*; and R.61-58, *State Primary Drinking Water Regulations*, address the requirements, and the regulation is therefore unnecessary.

R.61-40, *Mobile/Manufactured Home Parks*

R.61-40, *Mobile/Manufactured Home Parks*, was promulgated in 1986 and has never been amended. State statutes and regulations to include R.61-9, *Water Pollution Control Permits*, R.61-56, *Onsite Wastewater Systems*, and R.61-58, *State Primary Drinking Water Regulation*, address the major requirements and the regulation is therefore unnecessary.

R.61-42, *Sanitation of Schools*

R.61-42, *Sanitation of Schools*, was promulgated in 1989 and has never been amended. State statutes and regulations to include R.61-9, *Water Pollution Control Permits*, R.61-25, *Retail Food Establishments*, R.61-51, *Public Swimming Pools*, R.61-56, *Onsite Wastewater Systems*, R.61-58, *State Primary Drinking Water Regulation*, and R.61-86, *Standards of Performance for Asbestos Projects*, address the major requirements and the regulation is therefore unnecessary.

R.61-46, Nuisances

R.61-46, *Nuisances*, was promulgated in 1972 and has never been amended. State statutes to include Code Sections 44-1-140 and Title 48, *Environmental Protection and Conservation, Chapter 1, Pollution Control Act*, and regulations to include R.61-9, *Water Pollution Control Permits*, and R.61-56, *Onsite Wastewater Systems*, address the major requirements and the regulation is therefore unnecessary.

Legislative review of these repeals will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

CHAPTER 10

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Section 40-1-50 and with authority delegated by the boards, commissions, panels and councils stated herein below, proposes to add to Chapter 10 of the South Carolina Code of Regulations so as to establish within this chapter and to amend, as needed on a biennial basis, the schedules of fees for certain professional and occupational licensing boards, commissions, panels and councils appearing in Titles 6, 40 and 54 of the South Carolina Code of Laws, specifically: Building Codes Council (Regulations 8-145 and 8-618); Contractor's Licensing Board (as to Fire Protection Sprinkler Systems (Regulations 29-75 and 29-90)); Environmental Certification Board (Regulation 51-6); Board of Registration for Geologists (Regulation 131-13); Board of Long Term Health Care Administrators (Regulation 93-100); Manufactured Housing Board (Regulation 79-26); Board of Occupational Therapy (Regulation 94-09); Board of Examiners in Opticianry (Regulations 96-107(A)(4) and 96-109); Commissioners of Pilotage (Regulations 136-035 and 136-735); Board of Podiatry Examiners (Regulations 134-20 and 134-40); Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists (Regulation 36-15); Board of Examiners in Psychology (Regulation 100-7); Board of Pyrotechnic Safety (Regulation 71-7405.3); Real Estate Appraisers Board (Regulation 137-800.03); Residential Builders Commission (Regulation 106-3 and 106-5); and Soil Classifiers Advisory Council (Regulation 108-7).

The South Carolina Department of Labor, Licensing and Regulation, in accordance with South Carolina Code Section 40-1-50, further proposes to add to Chapter 10 the fee schedules for the Perpetual Care Cemetery Board (Section 40-8-80), Contractor's Licensing Board (Section 40-11-50, generally; Section 40-10-50 as to Fire Protection Sprinkler Systems; and Section 40-79-50 as to Alarm Systems), Board of Landscape Architectural Examiners (Section 40-28-80), Board of Examiners in Speech-Language Pathology and Audiology (Section 40-67-50), and Panel for Massage/Bodywork (Section 40-30-80), the fees for which generally appear in statute and not in regulation.

The South Carolina Department of Labor, Licensing and Regulation, in accordance with South Carolina Code Section 40-1-50, further proposes to add to Chapter 10 the fee schedules for the Board of Accountancy, Auctioneers Commission, Board of Chiropractic Examiners, Board of Cosmetology, Panel for Dietetics, Board of Examiners in Optometry, Board of Pharmacy, and Board of Social Work Examiners, the fees for which generally do not appear in statute or regulation.

Interested persons may submit comments to Holly G. Pisarik, Director, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

16 DRAFTING NOTICES

Synopsis:

South Carolina Code Section 40-1-50(D) establishes that fees for professional and occupational licensing boards administered by the South Carolina Department of Labor, Licensing and Regulation may be adjusted biennially to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of each respective board. The Department seeks to add all boards', commissions', panels' and councils' fees to one regulation, appearing in Chapter 10, so as to efficiently adjust fees on a biennial basis to comport with Section 40-1-50. The fee schedules for the following boards, commissions, panels and councils shall be added in this regulation: Building Codes Council; Contractor's Licensing Board; Environmental Certification Board; Board of Registration for Geologists; Board of Long Term Health Care Administrators; Manufactured Housing Board; Board of Occupational Therapy; Board of Examiners in Opticianry; Commissioners of Pilotage; Board of Podiatry Examiners; Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists; Board of Examiners in Psychology; Board of Pyrotechnic Safety; Real Estate Appraisers Board; Residential Builders Commission; Soil Classifiers Advisory Council; Perpetual Care Cemetery Board; Board of Landscape Architectural Examiners; the Board of Examiners in Speech-Language Pathology and Audiology; Panel for Massage/Bodywork; Board of Accountancy; Auctioneers Commission; Board of Chiropractic Examiners; Board of Cosmetology; Panel for Dietetics; Board of Examiners in Optometry; Board of Pharmacy; and Board of Social Work Examiners.

Legislative review of these amendments is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to repeal and/or amend Regulations 71-8300 through 71-8306. Interested persons may submit comments to: Shane Ray, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 "Wildlife Management Area Regulations", 123-51 "Turkey Hunting Rules and Seasons", 123-52 "Either-sex days for Private Lands in Game Zones 1-6" and establish Regulation 123-53 "Bear Hunting Rules and Seasons". The subject of the proposed action is to amend the regulations to modify existing seasons and methods and add new wildlife management areas to allow additional hunting opportunity. The Department of Natural Resources also proposes to delete Regulations 123-42.1 and 123-47 that are no longer applicable since 123-42.1 applied only to Game Zone 9 that no longer exists and 123-47 was only applicable to the 1980 turkey season. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas.

PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend Regulation 103-811. This revision is necessary to make the language of Regulation 103-811 consistent with S.C. Code Ann. Section 58-3-20 regarding South Carolina's seven Congressional Districts. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2013-402-A. To be considered, comments must be received no later than 4:45 p.m. on January 13, 2014.

Synopsis:

At present, there are seven Congressional Districts in South Carolina. Regulation 103-811 currently references seven commissioners, one from each of six Congressional Districts and one at-large. However, at present, the Commission is a seven-member quasi-judicial body with a member from one of each of the seven Congressional Districts. S.C. Code Ann. Section 58-3-20 states, in part, that when there are seven Congressional Districts, a member representing the Seventh Congressional District must be elected. The current version of Regulation 103-811 must be amended so that its substance is consistent with the recently amended S. C. Code Ann. Section 58-3-20.

Legislative review of this proposal will be required.

18 DRAFTING NOTICES

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend Regulation 103-817. The revisions are necessary to allow the Commission to serve its Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, and Notices of Hearing by electronic service, and in situations where electronic service is not feasible, by U.S. Mail. Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2013-402-A. To be considered, comments must be received no later than 4:45 p.m. on January 13, 2014.

Synopsis:

Recently, the General Assembly of South Carolina amended S.C. Code Ann. Section 58-3-250 to allow the Public Service Commission to serve every final order or decision of the Commission by electronic service, registered or certified mail. The Commission routinely issues Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, and Notices of Hearing by regular or certified mail to the parties and other interested persons in a case. As S.C. Code Ann. Section 58-3-250 allows the Commission to serve its Orders by electronic service, registered or certified mail, the Commission seeks to amend Regulation 103-817 to allow the Commission to forward to parties and interested persons its Prefile Testimony Letters, Transmittal Letters, Notices of Filing, Notices of Filing and Hearing, and Notices of Hearing by electronic service or by U.S. Mail, including certified mail.

Legislative review of this proposal will be required.

Document No. 4427
ATTORNEY GENERAL
 CHAPTER 13

Statutory Authority: 1976 Code Sections 11-48-10 et seq. (Supp. 2005)

- 13-1101. Definitions
- 13-1102. Quarterly Certifications and Escrow Deposits
- 13-1103. Notification of Compliance
- 13-1104. Quarterly Periods Defined
- 13-1105. Untimely or Incomplete Quarterly Reports or Escrow Deposits
- 13-1106. Certification of Tobacco Product Manufacturers for Tobacco Directory
- 13-1107. Removal of Tobacco Product Manufacturer from Tobacco Directory
- 13-1108. Rejection of Certification Application of Tobacco Product Manufacturers
- 13-1109. Notice of Approved Certification, Denial of Certification, and Removal from Tobacco Directory
- 13-1110. Bond Requirement for Nonparticipating Manufacturer
- 13-1111. Manufacturer and Importer Reports

Preamble:

The South Carolina Office of the Attorney General proposes to add Article 3 to its Regulations, establishing a requirement of quarterly escrow deposits for certain tobacco product manufacturers as well as requirements related to the tobacco product manufacturer’s annual Certificate of Compliance and various reports filed with the Office of the Attorney General. Notice of Drafting was published in the *State Register* on September 27, 2013. No comments were received.

Section-by-Section Discussion

- 13-1101. Sets forth definitions applicable to the regulations.
- 13-1102. Sets forth requirements for nonparticipating manufacturers to make quarterly deposits into qualified escrow fund accounts and certify such deposits to the Office of the Attorney General.
- 13-1103. Sets forth timing, notice, and reporting requirements that nonparticipating manufacturers shall provide to the Office of the Attorney General.
- 13-1104. Sets forth the quarterly periods.
- 13-1105. Sets forth penalty for untimely or incomplete quarterly reports or escrow deposits.
- 13-1106. Sets forth with specificity the certification requirements for a tobacco product manufacturer to be listed on the tobacco directory.
- 13-1107. Sets forth the manner in which a tobacco product manufacturer may be removed from the tobacco directory.
- 13-1108. Sets forth the manner in which a tobacco product manufacturer’s certification may be rejected by the Office of the Attorney General.
- 13-1109. Sets forth the manner in which notice of approval of certification, denial of certification, and removal from the tobacco directory will be made to the tobacco product manufacturer.
- 13-1110. Sets forth the bonding requirements for certain nonparticipating manufacturers.
- 13-1111. Sets forth the prescribed manner of the reports required by tobacco product manufacturers and importers.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested, such hearing will be held at the Office of the Attorney General, 1000 Assembly Street, Columbia, S.C. on January 3, 2014 at 9:00 a.m. If no request is received by January 2, 2014, the hearing will be canceled. Written comments may be directed to Jonathan B. Williams, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211, not later than January 2, 2014.

20 PROPOSED REGULATIONS

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: South Carolina Tobacco Qualified Escrow Fund Enforcement Regulations.

Purpose: To aid in the enforcement of the procedural enhancements enacted in South Carolina Code Sections 11-48-10 et seq., which may deter potential violations and promote the enforcement of the Tobacco Escrow Fund Act; and safeguard the Master Settlement Agreement, the financial interests of the State, and the public health.

Legal Authority: 1976 S.C. Code Sections 11-48-10 et seq. (Supp. 2005).

Plan for Implementation: The proposed sections will be added 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 Attorney General's Office has enforced the provisions of South Carolina Tobacco Escrow Fund Act and the South Carolina Tobacco Qualified Escrow Fund Enforcement Act for many years. The implementation of these proposed regulations will promote compliance with existing statutory requirements and further enhance the enforcement capabilities of the Attorney General's Office.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state to promulgate these regulations. The proposed regulations will promote compliance with existing statutory requirements and further enhance the enforcement capabilities of the Attorney General's Office.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the State's efforts to deter potential violations and promote the enforcement of the Tobacco Escrow Fund Act; and safeguard the Master Settlement Agreement, the financial interests of the State, and the public health of the State.

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

These regulations contribute to the State's efforts to deter potential violations and promote the enforcement of the Tobacco Escrow Fund Act; and safeguard the Master Settlement Agreement, the financial interests of the State, and the public health of the State of South Carolina.

Statement of Rationale:

The rationale for this regulation is to promote and enhance the enforcement of the South Carolina Tobacco Escrow Fund Act and the South Carolina Tobacco Qualified Escrow Fund Enforcement 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. 4435
BUILDING CODES COUNCIL
CHAPTER 8

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

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

Preamble:

The South Carolina Building Codes Council will amend Regulation 8-1209 to correct a scrivener's error made in the citation of the International Residential Code Section R312.2.

A copy of the referenced code can be found at:

http://publicecodes.cyberregs.com/icod/irc/2012/icod_irc_2012_3_sec012.htm

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Section-by-Section Discussion:

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

Adds "R312.2.1" as a scrivener's error.

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 9, 2014. Written comments may be directed to Roger Lowe, 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 23, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Building Codes Practice Act and newer legislation, specifically Regulation Document No. 4321. This revised Reg. 8-1209 corrects the scrivener's error in the

22 PROPOSED REGULATIONS

citation of the International Residential Code Section 312.2. See *State Register* Volume 37, Issue No. 6, eff June 28, 2013.

DESCRIPTION OF REGULATION:

Purpose: The Council is updating the regulation to conform to the practice act and current legislation.

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

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

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

The proposed regulation will prevent conflict between existing regulations, the practice act, and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the Council'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 this regulation is not implemented.

Statement of Rationale:

The science and technology supporting the development of this regulation 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. 4436

BOARD OF REGISTRATION FOR FORESTERS

CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

53-1 through 53-20. Board of Registration for Foresters

Preamble:

The South Carolina Board of Registration for Foresters is amending its regulations to the current administrative procedures of the South Carolina Board of Registration for Foresters.

Section-by-Section Discussion:

53-1. Headquarters.

No changes.

53-2. Officers.

- a. Delete (5) regarding notifying other state forestry boards of reciprocity provision; renumbers for clarity.
- b. Deletes (2) regarding publicizing for the Board and consolidates text without using (1).
- c. Deletes in its entirety.

53-3. Meetings.

Adds that regular meetings will be held a minimum of twice each year with notice as required by S.C. Code Ann. § 30-4-80 and that special meetings may be called by notice as required by the aforementioned reference or a majority of Board members.

53-4. Quorum.

No changes.

53-5. Seals.

Changes “registration” to “license”.

53-6. Committees.

No changes.

53-7. Application for Licensure.

Adds that application fees may be paid electronically; changes “registration” to “licensure” in title and throughout.

53-8. Requirements for Licensure.

Adds numerals for clarity; changes “registration” to “licensure” in title and throughout; deletes part of sentence relating to examination and graduation in (2), “Beginning June 1, 1991,” in (3) and adds that applicants must also pass the examination for registration; corrects typographical error; clarifies language.

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53-9. Renewal of license; lapsed license; reinstatement.

Renames section title to include lapsed license and reinstatement; rewords for clarity; gives timeline for renewal and reinstatement of lapsed licenses.

53-10. License Determination.

Changes “Registration” to “License” in title and “registration” to “licensure” in paragraph.

53-11. Reciprocity.

Corrects a typographical error.

53-12. Address Requirement.

No changes.

53-13. Statement of Guiding Definitions.

No changes.

53-14. Exceptions.

Adds “licensed” before “registered forester” throughout.

53-15. Code of Ethics.

No changes.

53-16. Licensure Fees.

Renames section title to include “Licensure” and delete “Registration and Renewal”; changes annual to biennial; and updates fees to reflect currently charged fees.

53-20. Continuing Education Requirements.

Adds “licensed” before “registered forester” and changes “registration” to “license” throughout; changes annual references to biennial; adjusts continuing education hours and credits; clarifies continuing education requirements; deletes categories; renumbers for clarity; and corrects typographical error.

The Notice of Drafting was published in the *State Register* on June 28, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at January 10, 2014 at 10:00 a.m. Written comments may be directed to Theresa Garner, Interim Administrator, South Carolina Board for Registration for Foresters, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 23, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in accordance with S.C. Code Ann. §§40-1-70 and 48-27-80 regarding the promulgation of regulations. Reg. 53-2 and Reg. 53-3 provide the duties of Board officers and the holding of meetings in compliance with S.C. Code Ann. §48-27-60. Reg. 53-7 describes the application for registration in compliance with S.C. Code Ann. §48-27-140. Reg. 53-8 provides forester registration requirements in accordance with S.C. Code Ann. §48-27-130. Reg. 53-9 promulgates biennial licensure renewal in regulation in compliance with S.C. Code Ann. §48-27-190. Reg. 53-11 provides for licensure by reciprocity in compliance with S.C. Code Ann. §48-27-180. Reg. 53-16 lists fees in regulation in accordance with S.C. Code Ann. §§48-27-140, 48-27-190, and 48-27-210. Reg. 53-20 provides continuing education requirements in regulation in compliance with S.C. Code Ann. §48-27-190.

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations to conform to the current administrative procedures of the Board.

Legal Authority: 1976 Code Sections 40-1-70 and 48-27-80.

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

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

The Board is updating the regulations to conform to the current administrative procedures of the Board.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

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Statement of Rationale:

These regulations are updated in conformance with the current administrative procedures of the Board.

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. 4429

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-37-70 et seq.

61-___. (New) Critical Congenital Heart Defects Screening on Newborns

Preamble:

South Carolina Act No. 0064, effective September 11, 2013, enacted the Emerson Rose Act, S.C. Code Section 44-37-70 et seq. The Act at Section 44-37-70 directed the Department to promulgate regulations to perform a pulse oximetry screening tests, or another approved screening to detect congenital heart defects, on every newborn in its care, when the baby is twenty-four to forty-eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty-four hours of age. To comply with the Act, the Department is proposing a regulation mandating congenital heart defect screening on newborns.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 27, 2013.
Section-by-Section Discussion of Proposed New Regulation

Section 100 provides the purpose and scope of the regulation and definitions of key terms in the regulation.

Section 200 addresses screening criteria and procedures.

Section 300 addresses religious objections.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwendolyn Thompson, South Carolina DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to thompsgw@dhec.sc.gov. To be considered, written comments must be received no later than 5:00

p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23, 2013 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9, 2014 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>. (Click on the *Update*, the Health Facilities Regulations category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

The regulation will have no substantial fiscal or economic impact on the state or its political subdivisions.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Ann Section 1-23-115 C(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Proposed New R.61-___, Critical Congenital Heart Defects Screening on Newborns.

Purpose: This regulation will implement the provisions of the Emerson Rose Act, S.C. Code Section 44-37-70 et seq.

Legal Authority: Emerson Rose Act, S.C. Code Section 44-37-70 et seq.

Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina State Register, copies of the regulation will be available electronically on the South Carolina Legislature Online website, and the Department regulation development website (<http://www.scdhec.gov/regulatory.htm>). Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

The regulation is needed and reasonable because it will provide requirements regarding screening of newborns for critical congenital heart defects. The regulation will satisfy a legislative mandate to implement the provisions of the Emerson Rose Act.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation will not require additional resources beyond those allowed for in the Act. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

External Costs: There will be a cost to the licensees of birthing facilities of purchasing and maintaining equipment. There will be no cost to the public for implementation of the regulation.

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External Benefits: Congenital heart defects are the leading cause of infant death due to birth defects. According to the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, congenital heart disease affects approximately seven to nine of every thousand live births in the United States and Europe. Pulse oximetry is a noninvasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen. When performed on a newborn when the baby is twenty-four to forty-eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty-four hours of age, pulse oximetry screening is often more effective at detecting critical, life-threatening congenital heart defects which otherwise go undetected by current screening methods.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment.

The regulation will provide standards for pulse oximetry or other department approved screening to detect critical congenital heart defects in South Carolina newborns.

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

There would not be a detrimental effect on the environment. However, if the regulation is not implemented, critical congenital heart defects in newborns may go undetected by current screening methods.

Statement of Rationale:

The Department promulgated this regulation to implement the provisions of the Emerson Rose Act, S.C. Code Section 44-37-70 et seq..

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. 4430

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d)

61-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries

Preamble:

Statutory authority for Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, resides in S.C. Code Ann. Sections 44-7-110 through 44-7-394 (2002 & Supp. 2012) and 44-41-10(d) (2002). The Department amended the regulation in April 2002 for perinatal services. The regulation was substantially amended in April 1992. Since then, numerous changes in health care practices have improved.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 27, 2013.

Section-by-Section Discussion of Proposed Amendment

Table of Contents has changed to accommodate current codification practice.

Chapter 1 was changed to Section 100. Section 100 addresses definitions. The definitions of Administrator, Annual, Contact Investigation, Dietitian, Health Assessment, Live Birth, License, Legally Authorized Healthcare Provider, Nurse, Quarterly, External Medical Surge, Internal Medical Surge, Inpatient Dialysis, Critical Access Hospital, Long Term Acute Hospital (LTACH), and Emergency Care were added. The definitions of Licensee, Patient, Facility, General Hospital, Specialized Hospital, Institutional General Infirmary, Privately-Owned Educational Institutional Infirmary, Designee, and Existing Facility were edited. The definitions of Public Health Centers, Diagnostic and Treatment Centers, Rehabilitation Facilities, Attic, Basement, Story, First Floor, Exit, Fire Resistive Rating, and Automatic Sprinkler System have been deleted.

Section 200 discusses Licensing Requirements and Fees and was updated to current code.

Section 300 is a new section that addresses Enforcing Regulations. This area discusses Inspections, Investigations, and Compliance.

Section 400 is a new section that addresses Enforcement Actions. This area discusses Violation Classifications.

Chapter 2 was changed to Section 500. Section 500 was edited from Management to Staff and Training. Section 500 addresses Control, Chief Executive Officer, Medical Staff Appointment, Nursing Services, Employees, Job Orientation and In-Service Training, and Internal Emergencies.

Section 600 was part of Chapter 2 and changed to be its own section. Section 600 addresses Employee Health, New Employees, Employee Records, and Volunteer Employees.

Section 700 is a new section and addresses Reporting. This area discusses Fire Report, Accident and/or Incident Report, Facility Closure, Zero Census, Joint Annual Report, and Hospital Infections Disclosure Act (HIDA) and Reporting Requirements.

Section 800 is a new section and addresses the Requirements of the Lewis Blackman Act.

Section 900 is a new section and addresses Disaster Management. This area discusses Emergency Evacuation, Internal Medical Surge, External Medical Surge, Emergency Call Data, and Security.

Chapter 3 has been deleted and has been revised into Section 600.

Chapter 4 has been deleted and has been revised into Section 600.

Chapter 5 was changed to Section 1000. Section 1000 addresses Accommodations for Patients.

Chapter 6 was changed to Section 1100. Section 1100 addresses Medical Records. Substantial changes have been made to Section 1100 to include Physician's Responsibility, Organization, Indexing, Ownership, Contents, Orders for Medication and Treatment, Storage, Information Provided to Other Health Care Providers, Maintenance and Disposal, and Access to Medical Records.

Section 1200 is a new section and addresses Patient Care and Services. Section 1200 addresses Medications, Laboratory, Radiology, Pharmacy Services, Drug Distribution and Control, Physical Facility and Storage, Labeling of Medications, Central Supply, Surgery, Facilities, Equipment, Anesthesia, Outpatient Services,

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Emergency Services, Hemodialysis Services, Dental Surgery, Physical Therapy, Occupational Therapy, Psychiatric Services, Chemical and Substance Abuse Treatment Services, and Pediatrics.

Section 1300 is a revised section and addresses Perinatal Services.

Chapter 7 was changed to Section 1400. Section 1400 addresses Vital Statistics.

Chapter 8 was changed to Section 1500. Section 1500 addresses Food and Nutrition Service.

Chapter 9 was changed to Section 1600. Section 1600 addresses Maintenance.

Chapter 10 has been deleted and has been revised into Section 1800.

Chapter 11 was changed to Section 1700. Section 1700 addresses Housekeeping and Refuse Disposal.

Section 1800 is a new section and addresses Infection Control. This section addresses topics of General, Infection Control Training, Patient/Public Education and Disclosure, Live Animals, Laundry and Linens, Waste Management, and Water Requirements.

Chapter 12 has been deleted.

Chapter 13 was changed to Section 2200 and has been relocated to after Section 2100.

Chapters 14-19 are no longer kept as reserve chapters and have been deleted.

Chapter 20 was changed to Section 1900. Section 1900 addresses Design and Construction. Substantial edits have been made to areas General, Codes and Standards, Submission of Plans, Construction Inspections, Patient Rooms, Signal System, Nurses Station, Utility Rooms, and Operating Room Temperature and Humidity.

Section 2000 is a new section and addresses Fire Protection, Prevention and Life Safety.

Chapter 28 was changed to Section 2100. Section 2100 addresses Preventive Maintenance of Life Support Equipment.

Chapters 21, 22, 23, 24, 25, 26, 27, 29, 30, Appendix A and Appendix B have been deleted.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwendolyn Thompson, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email

to thompsgw@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23, 2013 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9, 2014 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>. (Click on the *Update*, the Health Facilities Regulations category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

The regulation will have no substantial fiscal or economic impact on the state or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. The cost of any DHEC Bureau of Health Facilities Licensing inspections or investigations for compliance will be absorbed by current operating staff and budget. Additional costs to State government are not anticipated.

Statement of Need and Reasonableness:

The Department's Bureau of Health Facilities Licensing formulated this statement determined by analysis pursuant to S.C. Code Ann Section 1-23-115 C(1)-(3) and (9)-(11) (2005).

DESCRIPTION OF REGULATION: R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

Purpose: This amendment will revise/update sections of the regulation in its entirety.

Legal Authority: 1976 Code Sections 44-7-110 through 44-7-394 and 44-41-10(d).

Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina State Register, copies of the regulation will be available electronically on the South Carolina Legislature Online website and the Department regulation development website (<http://www.scdhec.gov/regulatory.htm>). Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

The Department last amended Regulation 61-16 in April 2002 for perinatal services. The regulation was substantially amended in April 1992. S.C. Code Section 1-23-120(J) (Supp. 2012) requires state agencies to perform a review of its regulations every five years and update them if necessary.

Statutory mandates, issues found in the review, and necessity for overall updates render the proposed amendment needed and reasonable.

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DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

External Costs: There are no external costs anticipated.

External Benefits: The amendments update standards for licensure, maintenance, and operation of hospitals and institutional general infirmaries in the interest of patient health and safety.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment.

The regulation will provide minimum standards to reasonably simplify the regulation while maintaining high quality of care in hospitals and institutional general infirmaries.

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

There would not be a detrimental effect on the environment.

If the revision is not implemented, standards within the hospital community will be less consistent with current national standards resulting in continued difficulties related to compliance.

Statement of Rationale:

The Department revises this regulation pursuant to the S.C. Code Ann. Section 1-23-120(J) (Supp. 2012) requirement that state agencies perform a review of its regulations every five years and update them if necessary.

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. 4431

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

61-51. Public Swimming Pools

Preamble:

R.61-51 was enacted to protect public health and safety when recreating in public swimming pools. The Department proposes to amend R.61-51 to address new lifeguard standards found in S.C. Code 44-55-2390, enacted in 2012. The amendments are necessary in order to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State. See Discussion of Proposed Revisions and Statements of Need and Reasonableness and Rationale herein.

A Notice of Drafting for the proposed amendments was published in the *State Register* on September 27, 2013. Notice of the Department's intent to promulgate these amendments was also published on the Department's Internet website at <http://www.scdhec.gov/regulatory.htm> in its *DHEC Regulation Development Update*. No relevant comments were received.

Section-by-Section Discussion of Proposed Revisions:

R.61-51.A.45

Revised language to delete language regarding impounding water;
Revisions reconcile regulation definition with the SC Code Section 44-55-2310.

R.61-51.A.45(c)

Added language to exempt spray decks, splash pads, and wet decks that use once-through water from an approved public water system from R.61-51.

R.61-51.A.45(d)

Deleted language to clarify the definition to mean spa pools and hot tubs.

R.61-51.B.4.(b)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.B.4.(c)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.B.6

Revised to clarify regulatory reference.

R.61-51.C.5(b)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.C.6.(a)(ii)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

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R.61-51.C.6.(a)(iv)

Revised to spell out measurement units in text for compatibility with electronic format publications; no change in legal meaning.

R.61-51.C.7

Revised to reorganize paragraph for better readability and clarity.
Divided into introductory paragraph and reorganize section into (a) through (n);
No substantive changes are made.

R.61-51.C.12

Added new language clarifying which type of emergency notification devices are acceptable to the Department. Added language requiring the pool address be posted by the emergency notification device.

R.61-51.C.35

Revised to reorganize paragraph for better readability and clarity.
Divided into introductory paragraph and reorganize section into (a) through (d);
No substantive changes are made.

R.61-51.E.2

Revised to reorganize paragraph for better readability and clarity.
Divided into introductory paragraph and reorganize section into (a) through (f);
No substantive changes are made.

R.61-51.F.2

Revised to reorganize paragraph for better readability and clarity.
Divided into introductory paragraph and reorganize section into (a) through (h);
No substantive changes are made.

R.61-51.G.3(d)(i)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.3(d)(ii)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.3(f)

Revised to delete outdated reference and add correct reference standard.

R.61-51.G.8

Revised to correct regulation citation.

R.61-51.H.5

Revised to correct regulation citation.

R.61-51.I.5

Revised to correct regulation citation;

R.61-51.I.7

Revised to correct regulation citation.

R.61-51.J.11(a)

Revised language to delete requirements for lifeguards that were based on pool surface area. The requirements were not in accordance with SC Code Section 44-55-2310;
Added language to R.61-51 to include language from SC Code Section 44-55-2310.

R.61-51.J.11(b)

Added language clarifying that the pool is to be locked when the pool area is not open.

R.61-51.J.11(g)

Deleted existing requirements regarding emergency notification device;
 Add requirements for emergency notification device to match R.61-51.C.12;
 Added requirement to post physical pool address near the emergency notification device.

R.61-51.K.1(a)(i)

Revised to delete requirement for displaying the annual operating permit.

R.61-51.K.1(d)

Deleted subsection (d), requirements for technical assistance visit.

R.61-51.L

Deleted subsection L, appeals language.

The discussion is provided to the Board in Attachment B and is omitted here to conserve space in the Board Agenda Item.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Richard Welch, PE, Bureau of Water, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to welchra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Richard Welch at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>. (Click on the Update, the Water category, and scan down for this proposed amendment).

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Sections 44-1-140(7), 44-55-2310 et seq., and 44-1-60.

DESCRIPTION OF REGULATION: Amendment of Regulation 61-51, *Public Swimming Pools*.

Purpose: The Department proposes to revise R.61-51 to address specific issues dealing changes to the lifeguard staffing requirements as found in S.C. Code Section 44-55-2390. The proposed amendments are necessary in order to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State.

Legal Authority: R.61-51 is authorized by 1976 Code Sections 44-1-140(7), 44-55-2310 et seq., and 44-1-60 (2006 Act 367).

Plan for Implementation: The proposed amendments will be incorporated within R.61-51 upon approval by the S.C. General Assembly and publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the current regulation is implemented.

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

The adoption of these amendments will enhance safety at public swimming pools by incorporating the lifeguard requirement changes adopted into the Recreational Waters Act, SC Code 44-55-2390 as amended June 2012.

DETERMINATION OF COSTS AND BENEFITS:

There should be no cost increases to the public and regulated community for the lifeguard changes. The lifeguard changes will have positive impacts on pool safety, and emergency response.

UNCERTAINTIES OF ESTIMATES:

Moderate.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The amendments will protect public health through better bather safety.

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

While there will be no detrimental effect on the environment if the amendments are not implemented, there is potential for adverse public health impacts as noted above.

Statement of Rationale:

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

The Department is required to review R.61-51, Public Swimming Pools every 5 years. This review, conducted in May 2013, identified a change in the law, S.C. Code Section 44-55-2390, that was promulgated in 2012. This law change made the regulation incompatible with the law. Therefore, the Department is proposing this regulation change to realign the regulation with the law.

The proposed amendments to R.61-51 will better protect the health of public swimming pool users and decrease the potential for accidents and injuries through better lifeguard coverage. The public and those working in and around public swimming pools will benefit from the safety measures included in the proposed amendments. See Statement of Need and Reasonableness.

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. 4432
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-96-10 et seq.

61-107.4. Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost

Preamble:

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the Department to promulgate regulations establishing standards for the management of yard trash and land-clearing debris, and for the production of compost. In 1993, to satisfy the requirements of the Act, the Department promulgated R.61-107.4 Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost. The regulation has not been amended since it became effective in 1993.

The Department is proposing to amend the regulation in order to address an expanded list of materials that could be composted and to clarify guidelines for the management, mulching (grinding), or composting of land-clearing debris and yard trimmings. The proposed regulation amendment establishes permitting requirements for certain types of composting and mulching facilities and establishes allowable exemptions for certain other facilities based upon the types or amounts of material managed. The amendment addresses existing registered facilities and outlines the process by which they would propose to be considered exempt, conditionally exempt or permitted facilities under the new requirements. The proposed amendment addresses the location, design, operation and closure requirements for permitted composting and mulching facilities. The amendment establishes testing standards for compost to determine safety and stability. The amendment also addresses penalties for violations of the regulation. These changes are proposed in order to promote the recycling of land-clearing debris, yard trash and food residuals; and to ensure that compost and ground mulch material are produced and used in a manner that is protective of health and the environment.

A Notice of Drafting to promulgate this amendment was published in the *State Register* on July 26, 2013. Notice was also published on the Department’s Regulation Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Bureau of Land and Waste Management internet

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site. The proposed amendment was drafted in consultation with representatives of state and local government, existing compost producers, the waste disposal industry, the State Solid Waste Advisory Council, the U.S. Department of Agriculture's (USDA) National Resource Conservation Service, Clemson Department of Plant Industry, consumers of compost, environmental groups, the Association of Counties, the South Carolina Municipal Association, and Department staff. This regulation will require legislative review.

Section-by-Section Discussion of Proposed Regulation as Amended

R.61-107.4 has been substantially amended to clarify permitting requirements, establish exemption conditions and to expand feedstock categories allowed for composting. Original language has been deleted or modified. New text has been added. The amendment divides the regulation into six parts and adds a Table of Contents and an Appendix. The title of the regulation has been changed to R.61-107.4 "Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals".

Part I. General Provisions

The General Provisions section addresses those issues that apply to all types of facilities and activities covered by the regulation and is substantially revised from the original regulation.

Section A. Applicability:

Section A is the revised Applicability Section. It describes the purpose and scope of the regulation. It addresses the amount of time in which existing facilities are expected to comply with new requirements and it identifies specific activities to which the proposed amendment is not applicable.

Section B. Definitions:

Section B is the revised Definitions Section. It defines the terms used throughout the regulation and presents the terms in alphabetical/numerical order. The amendment adds, deletes and revises definitions from the original regulation.

Section C. Variances:

The addition of Section C establishes the protocol to request a variance from provisions in the regulation and how a decision is conveyed to the applicant.

Section D. Violations and Penalties:

The addition of Section D provides reference to the authority of the Department to issue orders, civil enforcement actions, or criminal enforcement actions for violations of the regulation as delegated by South Carolina law.

Section E. Severability:

The addition of Section E protects the remaining portion of the regulation should any part or language be declared invalid.

Part II. Exempt and Conditionally Exempt Activities

The addition of Part II addresses Exempt and Conditionally Exempt Activities:

Section A. Exempted Activities:

The addition of Section A lists and describes activities that are exempt from the requirements of this regulation. Exemptions were described in the original regulation in the General Provisions Section. The new section clarifies that the following activities are exempt: backyard composting; on-site woodgrinding; on-site composting of Category One feedstocks; management of Category One feedstocks in amounts less than 80 cubic yards; composting of Category Two feedstocks in amounts less than five cubic yards; emergency storm debris management; on-site farming operations; community programs such as "Grinding of the Greens"; and participants in the USDA National Organic Program.

Section B. Conditionally Exempt Activities:

The addition of Section B lists activities that are exempt from the permitting requirements of this regulation when in compliance with certain conditions. The activities listed in this section are new exemptions and no conditional exemptions were outlined in the original regulation. The section also specifically lists the conditions required for being conditionally exempt. The section clarifies that the following activities are exempt from permitting: management of Category One feedstocks in amounts less than 400 cubic yards; management of Category Two feedstocks in amounts less than 40 cubic yards; and management of Category Two feedstocks generated on site of commercial, industrial, or institutional properties in amounts of less than 400 cubic yards. The section also lists conditions for the exemptions, including buffer requirements, material management practices and other operational practices.

Part III. Permitted Facilities

The addition of Part III describes facility types that require permits, and outlines requirements for those facilities

Section A. Facility Types:

The addition of Section A describes the three types of facilities that require a permit to operate: Type One facilities that grind and/or compost Category One feedstocks, Type Two facilities that grind and/or compost Category One and/or Two feedstocks, and Type Three facilities that grind and/or compost Category One, Category Two and/or Category Three feedstocks.

Prior to this amendment, R.61-107.4 did not address facilities that compost feedstocks other than land-clearing debris, yard trash and other wood waste.

Section B. General Criteria:

The addition of Section B describes some general requirements that apply to all types of permitted facilities.

Section C. Location Criteria:

The addition of Section C describes the location criteria for permitted facilities, including buffer distances to other entities. Buffers for Type One facilities are similar to those outlined in the original regulation. Buffers are increased for Type Two and Type Three facilities due to the nature of the feedstocks composted.

Section D. Design Criteria:

The revision of Section D describes the design criteria for permitted facilities to include addressing stormwater management, separation to groundwater, surface requirements, and control of access to the facility. Requirements for Type One facilities are similar to those outlined in the original regulation. Additional requirements are included for Type Two and Type Three facilities due to the nature of the feedstocks composted.

Section E. Operational Requirements:

The addition of Section E describes the operational criteria for permitted facilities, to include signage requirements; material acceptance policies; best management practices; control of dust, odor, litter and vectors; pile management; compost methods; material management; reporting requirements; temperature monitoring; operator certification requirements; operational plan requirements and fire prevention plans.

Section F. Quality Assurance and Testing Requirements for Finished Compost:

The addition of Section F describes the quality assurance and testing requirements for finished compost. It establishes standards for the sale of compost and soil amendments. This section establishes testing frequencies based on facility throughput and establishes methods for determining stability of finished compost. It sets testing standards and limits for certain pollutants, physical contaminants and biological contaminants. Quality assurance standards and testing requirements have been added to the regulation as a result of variety of

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feedstocks that can be composted. Testing requirements do not apply to the production of compost or mulch made from Category One feedstocks.

Section G. Additional Requirements for Permitted Facilities:

The addition of Section G establishes that the Department may impose additional requirements for permitted facilities if needed to protect public health or the environment.

Section H. Financial Assurance:

The addition of Section H clarifies financial assurance requirements for permitted facilities. This section includes a description of how financial assurance requirements will be calculated.

Section I. Closure:

The addition of Section I revises requirements for closure of permitted facilities and describes how an operator may secure release from financial assurance requirements.

Section J. Permit Violations:

The addition of Section J provides reference to the authority of the Department to issue orders, penalties, civil enforcement actions, or criminal enforcement actions for permit violations as delegated by South Carolina law.

Section K. Permit Revocation:

The addition of Section K. establishes Departmental procedures for revoking a permit.

Part IV. Permit Application

The addition of Part IV addresses the Permit Application process.

Section A. Permit Application Process:

The addition of Section A addresses the permit application and necessary documentation.

Section B. Notice:

The addition of Section B adds Noticing requirements. Applicants are required to provide evidence of Noticing to the Department. Applicants are required to provide notice to the host county and all owners of real property contiguous to the facility. This section also provides for a thirty day comment period prior to issuance of a Department decision regarding the permit application.

Section C. Application Review and Permit Decision:

The addition of Section C addresses the permit application review and the permit decision.

Section D. Permit Modifications:

The addition of Section D addresses how permit modifications may be requested, and addresses Noticing requirements for certain permit modifications.

Section E. Transfer of Ownership:

The addition of Section E addresses transfer of ownership of a permit.

Part V. General Permits

The addition of Part V enables the Department to issue General Permits to regulate certain types of facilities.

Section A. General Permit Issuance:

The addition of Section A addresses the requirements for issuance of a General Permit by the Department. It describes the information that must be included in a General Permit, addresses modification and termination of a General Permit, and describes the Noticing requirements for General Permit issuance.

Section B. Application for Coverage Under a General Permit:

The addition of Section B addresses how an operator could request coverage to operate under authority of a General Permit.

Section C. Corrective Measures and General Permit Revocation:

The addition of Section C addresses corrective measures for facilities operating under a General Permit and the process for revoking an approval to operate under authority of a General Permit.

Part VI. Prohibitions:

This part establishes that open dumping of yard trash, land-clearing debris, and other organic materials are prohibited and that open burning of these materials is prohibited by other regulation.

Appendix: Feedstock Categories

The regulation amendment adds an appendix which lists some common feedstocks approved under authority of the regulation. The appendix also characterizes the feedstock categories so that additional organic materials for composting may be considered by the Department. The regulation originally addressed only land-clearing debris and yard trimmings. The amendment expands the list of feedstocks, most notably adding food residuals, manure, paper and industrial residuals. Category One feedstocks include materials allowed under the current regulation, including but not limited to yard trash and land-clearing debris; Category Two feedstocks include food residuals, waste paper, animal manures and similar materials; and Category Three feedstocks include sewage sludge, industrial sludges, animal-derived residuals not listed in Category Two and other industrially produced non-hazardous organic residuals.

The appendix also provides a list of prohibited feedstocks which cannot be managed under authority of R.61-107.4, including but not limited to: mixed municipal solid waste; friable and non-friable asbestos; biomedical or infectious wastes; hazardous waste; toxic wastes; and nuclear wastes.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Jana White, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to whitejm@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Jana White at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory

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Information Internet Site in the DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click the link for Regulation Development Update in the Regulatory Development section, and scroll down the page to find the Land and Waste Management section and the text of the proposed amendment to R.61-107.4).

Preliminary Fiscal Impact Statement:

Additional costs to state government are not anticipated. There are no direct costs to local governments that can be attributed to this regulation. There would likely be incremental costs for local governments that elect to expand the feedstocks they compost, but these expenses are optional and could be offset somewhat by the landfill capacity conserved when organic material is diverted for composting.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Amendment, R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost.

Purpose: 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. The primary purpose of this regulation amendment is to promote the practice of beneficial reuse of the materials, by increasing the variety of organic materials that may be used in compost production operations in South Carolina. It also seeks to reduce the regulatory burden on small operations in the state by expanding the list of allowable operations that may be performed without a permit. The regulation will also establish penalties for violations of the Act and the regulation.

Legal Authority: 1976 Code Sections 44-96-10 et seq., as amended.

Plan for Implementation: The proposed amendment will take effect upon legislative approval and publication in the *State Register*. Copies of the regulation will be available electronically on the South Carolina Legislature Online website, and on the Department regulation development website (<http://www.scdhec.gov/regulatory.htm>). Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation. No additional positions or personnel should be needed to enforce the regulation as proposed.

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

The current regulation was promulgated in 1993 and has never been amended. This amendment would allow for composting of a variety of organic materials that are not addressed in the current regulation and are commonly disposed of in landfills. The most notable of these materials is food waste which comprises nearly 21 percent of the waste stream going to landfills on a national average. Diversion of these materials for composting will not only conserve landfill space but also reduce greenhouse gas emissions from landfills when the materials decompose anaerobically. The composting industry is well developed in neighboring states and there is much interest for composting businesses to locate in South Carolina when the regulations allow a wider array of materials to be composted. Compost production and transportation of materials for composting should create jobs in South Carolina.

The amendment is reasonable in the way composting facilities are regulated based on characteristics of the material being composted and the volume or throughput expected at a composting facility. There are exemptions and conditional exemptions for small or “start-up” operations and then more complex permitting requirements for high-volume operations or facilities that compost a wider variety of materials. The problems with compost production facilities are generally from stormwater runoff, odors, compost quality, and accumulation of materials in an unsafe manner or in excess of site capacity. The proposed amendment addresses these hazards and should not require additional staff to implement the provisions.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation is not expected to require additional resources beyond those currently appropriated.

External Costs: There will be no fees for application or renewal of permits.

External Benefits: The diversion of organic residuals from landfills is beneficial to communities by conserving costly landfill space. The growth of the composting industry in South Carolina will create jobs directly involved with compost production, transportation, and sales of products. Businesses that generate substantial amounts of organic wastes currently destined for landfills should see an expansion of options for managing their organic waste.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The diversion of organic materials to composting operations would reduce the need for landfill capacity. The use of compost in general is more environmentally safe than the use of chemical fertilizers and pesticides. Use of compost is also recognized for its benefit in preventing erosion. There will also be a reduction in greenhouse gasses emitted from landfills as this material is diverted for composting.

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

The failure to allow organic waste for composting will result in the continued production of methane in landfills as this material decomposes anaerobically. Methane is a potent greenhouse gas that can be reduced when organic materials are diverted from landfills and composted under aerobic conditions. The creation of landfill space is expensive and generally undesired by citizens of South Carolina so the conservation of landfill space through the beneficial reuse of materials destined for disposal preserves the economic and natural resources that would be needed to create more landfills.

Fertilizer use for growing crops and plants is generally recognized as a major contributor to non-point source water pollution. The use of compost is more beneficial to growers in South Carolina because soils enhanced with compost retain their nutrient and moisture content. Increased availability of compost will reduce the use of fertilizers.

Statement of Rationale:

The South Carolina Solid Waste Act includes directives to increase recycling rates and reduce waste disposal in South Carolina. The proposed amendment providing the ability to compost an expanded list of organic

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residuals and utilize the materials for improving South Carolina soils increases the likelihood of accomplishing the goals of these directives.

A workgroup comprised of representatives of state and local government, existing compost producers, the waste disposal industry, the State Solid Waste Advisory Council, the USDA's National Resource Conservation Service, Clemson Department of Plant Industry, consumers of compost, environmental groups, the Association of Counties, the South Carolina Municipal Association, and Department staff developed the criteria on which the proposed regulation is based.

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. 4433

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-70-10 et seq.

61-___. Standards for Licensing In-Home Care Providers

Preamble:

South Carolina Act No. 0018, effective May 11, 2011, enacted The Licensure of In-Home Care Providers Act, S.C. Code Section 44-70-10 et seq. (Supp. 2012). The Act directed the Department to promulgate regulations for the licensure of in-home care providers. To comply with the Act, the Department proposes this regulation to address the minimum standards for licensing in-home care providers.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 27, 2013.

Section-by-Section Discussion of Proposed New Regulation

Section 100 provides the purpose and scope of the regulation, definitions of key terms in the regulation, and requirements for licensure.

Section 200 discusses enforcement.

Section 300 addresses minimum requirements of in-home care provider staff including criminal background and drug screening, and training.

Section 400 addresses in-home care provider staff health status.

Section 500 provides the requirements for when in-home care providers must report incidents to the Department, as well as reporting when an administrator changes, and closure of the in-home care provider business.

Section 600 addresses the severability of portions of the regulation.

Section 700 provides for situations not covered by the regulation to be managed in accordance with best practices as determined by the Department.

The Appendix provides for an annual tuberculosis risk assessment for in-home care providers.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwendolyn Thompson, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to thompsgw@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23, 2013, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>. (Click on the *Update*, the Health Facilities Regulations category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

The regulation will have no substantial fiscal or economic impact on the state or its political subdivisions. Upon approval by the General Assembly, the program will be funded by the regulated community through initial and annual license renewal fees. The cost to the regulated community will consist of an initial license fee and annual license renewal fees.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Ann Section 1-23-115 C(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Proposed New R.61-___, Standards for Licensing In-Home Care Providers.

Purpose: This regulation will implement the provisions of the Licensure of In-Home Care Providers Act, S.C. Code Sections 44-70-10 et seq. (Supp. 2012).

Legal Authority: S.C. Code Ann. Sections 44-70-10 et seq. (Supp. 2012).

Plan for Implementation: Upon approval of the S.C. General Assembly and publication in the State Register, copies of the regulation will be available electronically on the South Carolina Legislature Online website and the Department regulation development website (<http://www.scdhec.gov/regulatory.htm>). Printed copies will

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be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

The regulation is needed and reasonable because it will satisfy a legislative mandate to implement the provisions of the Licensure of In-Home Care Providers Act. As directed by the governing statute, this regulation will provide standards and procedures including license application and renewal procedures; criminal records checks for licensure applicants, which may include criminal offenses that may preclude licensure; drug testing of licensure applicants; responsibilities and duties of a licensee, including the requirements for bonding; fees the Department may charge to process an application for a license, the issuance of a license, the renewal of a license, and the reinstatement of a revoked or suspended license; criteria that a licensee's employee, agent, independent contractor, or referral must satisfy before providing in-home care service. Pursuant to the Act, these criteria include personal information, completion of a minimum education requirement, completion of minimum training and continuing education requirements and screening for communicable diseases; standards for liability and other appropriate insurance coverage; and sanctions the Department may impose for violation of this chapter, including the suspension or revocation of a license or the imposition of a monetary penalty.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation will not require additional resources beyond those allowed for in the Act. Existing Department funding and staffing levels do not allow for the implementation of new programs. The Act states that the Department may propose by regulation a fee for processing an application, a fee for issuance of a license, a fee for renewal of a license and a fee for reinstatement of a revoked or suspended license, the proceeds of which are to be used solely to the purposes of implementing the provisions of the Act. Staff anticipates that there will be a minimal cost to the Department for the creation of the staff positions necessary to implement the provisions of the Act; however, these costs will be funded from the licensing fees paid by the licensees, in accordance with the regulation and as allowed by the Act. Additional costs to State government are not anticipated.

External Costs: There will be a cost to the licensees of in-home care providers as allowed by, and in accordance with the Act. Fees established by the regulation include initial licensing fees, annual fees, reinstatement fees, and amended license fees. Fees are set out in Sections 103.E, F, G, and H of this regulation. There will be no cost to the public for implementation of the regulation.

External Benefits: Consumers of the services furnished by in-home care providers can be reasonably certain that the caregivers have been screened for criminal backgrounds and substance abuse. The consumer can be reasonably certain that the caregivers have been trained to provide the care for which the consumer contracted with the in-home care provider. This regulation will provide in-home care providers with licensing requirements that set standards for the in-home care industry across South Carolina.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment.

The regulation will provide minimum standards for a growing in-home care industry in South Carolina. The public will benefit from caregivers that have met minimum training requirements, passed a criminal

background check and are subject to random drug screening. The public will receive appropriate care from appropriate sources.

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

There would not be a detrimental effect on the environment.

However, if the regulation is not implemented, consumers of services from in-home care providers would not have reasonable assurances that the caregivers have completed a minimum amount of training to provide the proper care for the consumer. The consumers would not have a reasonable assurance that the caregivers do not have a record of criminal convictions or are free from drug abuse. The consumers would have no assurance that the provider they contract to provide care meets minimum licensing standards.

Statement of Rationale:

The Department promulgated this regulation to implement the provisions of the Licensure of In-Home Care Providers Act codified at Section 44-70-10 et seq., S.C. Code of Laws, 1976, as amended.

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. 4434

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

Statutory Authority: 1976 Code Sections 44-29-40 and 44-29-180 (2002 & Supp. 2012)

61-8. Vaccination, Screening and Immunization Regarding Contagious Diseases

Preamble:

This regulation defines immunization requirements for school admittance; exemptions from immunization requirements; reporting requirements; and compliance authority for required immunizations. The regulation was promulgated by the DHEC Board in more or less its current form on June 12, 1979, published in the State Register and effective on April 11, 1980, superseding the previous R.61-8, and last amended on April 23, 1992.

The Department is amending the regulation to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); facilitate compliance with the McKinney-Vento Homeless Assistance Act; reflect the use of electronic forms in addition to paper copies provided by the Department; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

A Notice of Drafting for the proposed amendments was published in the *State Register* on September 27, 2013.

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Section-by-Section Discussion of Proposed Revisions:

The Title describes the subject of the regulation. The amendment more accurately reflects the scope and subject.

Section I provides the immunization requirements for school and childcare attendance. Amendments simplify and clarify the regulation.

Section II discusses the allowed exemptions from immunization requirements. Amendments update language regarding exemption criteria and reflect the use of electronic forms in addition to paper copies provided by the Department. The reference to the thirty-day time limit for special exemptions is removed from the regulation to facilitate compliance with the McKinney-Vento Homeless Assistance Act.

Section III provides the reporting requirements of the regulation. Amendments clarify compliance with the federal Family Educational Rights and Privacy Act (FERPA).

Section IV addresses compliance. The amendment provides clarification.

Section V currently states that the regulation is effective upon completion of legislative review. The amendment removes this section as it is unnecessary. The effective date determined by the Administrative Procedures Act is the date of publication in the State Register.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 9, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/regulatory.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Leanne Bailey, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to baileyls@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 23, 2013, the close of the public comment period. Written comments received by the December 23, 2013, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 9, 2014 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Leanne Bailey at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>. (Click on the *Update*, the Disease Control category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

This is a proposed amendment to an existing regulation, making no substantive change to current requirements and practices. The amendments should have no fiscal impact.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Proposed Amendment of R.61-8, Vaccination, Screening, and Immunization Regarding Contagious Diseases.

Purpose: The purpose of this regulation is to define immunization requirements for school admittance; exemptions from immunization requirements; reporting requirements; and compliance authority for required immunizations. The regulation was promulgated by the DHEC Board in more or less its current form on June 12, 1979, published in the State Register and effective on April 11, 1980, superseding the previous R.61-8, and last amended on April 23, 1992.

The Department is amending the regulation to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); facilitate compliance with the McKinney-Vento Homeless Assistance Act; reflect the use of electronic forms in addition to paper copies provided by the Department; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

Legal Authority: S.C. Code Sections 44-29-40 and 44-29-180 (2002 & Supp. 2012).

Plan for Implementation: No or negligible additional effort or impact on other program areas is expected from the amendments.

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

The amendment to this regulation is needed and reasonable to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); reflect the use of electronic forms in addition to paper copies provided by the Department; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

DETERMINATION OF COSTS AND BENEFITS:

There will be no costs associated with this proposed regulation amendment. The benefits of these proposed regulation amendments are clarification of compliance with federal constitutional and statutory requirements and improvement in the regulation language to more accurately reflect the subject matter.

UNCERTAINTIES OF ESTIMATES:

Uncertainties are not expected since this regulation is already in effect and amendments are requested to update and clarify language.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The regulation will continue to promote public health by supporting immunization coverage for vaccine preventable diseases in South Carolina children attending school and childcare.

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

There will be no effect on the environment. Failure to amend the regulation will perpetuate outdated and unclear language and uncertainty as to the intent of the regulation.

Statement of Rationale:

The Department is amending this regulation to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); facilitate compliance with the McKinney-Vento Homeless Assistance Act; reflect the use of electronic forms in addition to paper copies provided by the Department; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

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. 4437

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Section 40-1-50 and with authority delegated by the boards and commissions stated herein below, proposes to add Chapter 10 to the South Carolina Code of Regulations so as to establish within this chapter and to amend the schedules of fees for certain professional and occupational licensing boards and commissions appearing in Title 40 of the South Carolina Code of Laws, specifically: Board of Architectural Examiners (Regulation 11-5); State Athletic Commission (Regulations 20-4.10, 20-23.11, 20-24.10, 20-26.1, and 20-27.23); Board of Dentistry (Regulations 39-1, 39-2, and 39-3); Board of Registration for Professional Engineers and Surveyors (Regulation 49-103); Board of Funeral Service (Regulation 57-12); Board of Medical Examiners (Regulation 81-300); Board of Nursing (Regulation 91-31); Board of Physical Therapy Examiners (Regulation 101-8); Real Estate Commission (Regulation 105-13); and Board of Veterinary Medical Examiners (Regulation 120-14).

The South Carolina Department of Labor, Licensing and Regulation further proposes to add to Chapter 10 the fee schedule for the State Board of Barber Examiners in accordance with S.C. Code Section 40-7-50(B).

Section-by-Section Discussion:

10-1. Division of Professional and Occupational Licensing.

New section; marked [Reserved] for additions at a future date.

10-2. Board of Accountancy.

New section; marked [Reserved] for additions at a future date.

10-3. Board of Architectural Examiners.

New section; adds and adjusts fees from Regulation 11-5.

10-4. Athletic Commission.

New section; adds and adjusts fees from Regulations 20-4.10, 20-23.11, 20-24.10, 20-26.1, and 20-27.23.

10-5. Auctioneers Commission.

New section; marked [Reserved] for additions at a future date.

10-6. Board of Barber Examiners.

New section; establishes fees in regulation pursuant to S.C. Code Section 40-7-50(B).

10-7. Building Codes Council.

New section; marked [Reserved] for additions at a future date.

10-8. Perpetual Care Cemetery Board.

New section; marked [Reserved] for additions at a future date.

10-9. Board of Chiropractic Examiners.

New section; marked [Reserved] for additions at a future date.

10-10. Contractor's Licensing Board.

New section; marked [Reserved] for additions at a future date.

10-11. Board of Cosmetology.

New section; marked [Reserved] for additions at a future date.

10-12. Board of Dentistry—License to Practice Dentistry.

New section; adds and adjusts fees from Regulations 39-1, 39-2, and 39-3.

10-13. Panel for Dietetics.

New section; marked [Reserved] for additions at a future date.

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10-14. Board of Registration for Professional Engineers and Surveyors.

New section; adds and adjusts fees from Regulation 49-103.

10-15. Environmental Certification Board.

New section; marked [Reserved] for additions at a future date.

10-16. Board of Registration for Foresters.

New section; adds and adjusts fees from Regulation 53-16.

10-17. Board of Funeral Service.

New section; adds and adjusts fees from Regulation 57-12.

10-18. Board of Registration for Geologists.

New section; marked [Reserved] for additions at a future date.

10-19. Board of Landscape Architectural Examiners.

New section; marked [Reserved] for additions at a future date.

10-20. Liquefied Petroleum Gas Board.

New section; marked [Reserved] for additions at a future date.

10-21. Long Term Health Care Administrators Board.

New section; marked [Reserved] for additions at a future date.

10-22. Manufactured Housing Board.

New section; marked [Reserved] for additions at a future date.

10-23. Panel for Massage/Bodywork.

New section; marked [Reserved] for additions at a future date.

10-24. Board of Medical Examiners.

New section; adds and adjusts fees from Regulation 81-300.

10-25. Board of Nursing.

New section; adds and adjusts fees from Regulation 91-31.

10-26. Board of Occupational Therapy.

New section; marked [Reserved] for additions at a future date.

10-27. Board of Examiners in Opticianry.

New section; marked [Reserved] for additions at a future date.

10-28. Board of Examiners in Optometry.

New section; marked [Reserved] for additions at a future date.

10-29. Board of Pharmacy.

New section; marked [Reserved] for additions at a future date.

10-30. Board of Physical Therapy Examiners.

New section; adds and adjusts fees from Regulation 101-08.

10-31. Pilotage Commission.

New section; marked [Reserved] for additions at a future date.

10-32. Board of Podiatry Examiners.

New section; marked [Reserved] for additions at a future date.

10-33. Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists.

New section; marked [Reserved] for additions at a future date.

10-34. Board of Examiners in Psychology.

New section; marked [Reserved] for additions at a future date.

10-35. Board of Pyrotechnic Safety.

New section; marked [Reserved] for additions at a future date.

10-36. Real Estate Appraisers Board.

New section; marked [Reserved] for additions at a future date.

10-37. Real Estate Commission.

New section; adds and adjusts fees from Regulation 105-13.

10-38. Residential Builders Commission.

New section; marked [Reserved] for additions at a future date.

10-39. Board of Social Work Examiners.

New section; marked [Reserved] for additions at a future date.

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10-40. Soil Classifiers Advisory Council.

New section; marked [Reserved] for additions at a future date.

10-41. Board of Examiners in Speech-Language Pathology and Audiology.

New section; marked [Reserved] for additions at a future date.

10-42. Board of Veterinary Medical Examiners.

New section; adds and adjusts fees from Regulation 120-14.

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

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 6, 2014. Written comments may be directed to Holly G. Pisarik, Director, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 23, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions at the end of the fiscal year 2012-13, the Director concluded that fees for the boards included herein above must be adjusted to comport with Section 40-1-50(D).

DESCRIPTION OF REGULATION:

Purpose: The Department is adding the regulations to establish fee schedules in Chapter 10.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

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

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

The new regulations will add fee schedules in one chapter.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department'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:

Adding all fees into one regulation streamlines the process for biennial adjustment in accordance with S.C. Code §40-1-50(D) and simplifies fee review and comparison for interested parties.

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. 4438

MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1)

79-4. Financial Responsibility

Preamble:

To satisfy the requirements of licensure for manufactured home builders and salespersons, Regulation 79-4 must be updated in conformance with the current Manufactured Housing Board Practice Act as updated by 2013 Act No. 97.

Section-by-Section Discussion:

79-4. Financial Responsibility.

(1)(a)-(3)(a) No substantive changes.

(3)(b) Revises for clarity.

(3)(c) Adds that applicants in the licensure classification of retail dealer are required to report a minimum net worth of \$150,000 in cash or cash equivalency or a credit score of 700, or such applicants must appear before the board.

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(3)(d) Adds new subsection requiring that a financial statement reviewed by a licensed CPA must be provided to the board for each applicant.

(3)(e) Adds new subsection addressing the modification or restriction of activities of licensees unable to meet the financial responsibility guidelines.

(3)(f)-(g) Renumbers (d)-(e) for clarity.

(4) No substantive changes.

The Notice of Drafting was published in the *State Register* on July 26, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on January 10, 2014. Written comments may be directed to Roger Lowe, Administrator, South Carolina Manufactured Housing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 23, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Manufactured Housing Practice Act. In Reg. 79-4 (3)(c), applicants in the licensure classification of retail dealer who fail to possess cash or cash equivalency in an amount equal to or greater than \$150,000 or have a credit score of less than 700 must appear before the board. Reg. 79-4 details the financial responsibility required of applicants for licensure in the manufactured housing business. See S. C. Code Ann. §§ 40-29-95 and 40-29-200(B)(1) in 2013 Act No. 97 § 3.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act and current legislation.

Legal Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1).

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

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

The proposed regulation will prevent conflict between existing regulations, the practice act, and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state concerning this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes 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 this regulation is not implemented.

Statement of Rationale:

This regulation is updated in conformance with the current Manufactured Housing Practice Act and newer legislation.

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. 4428

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

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

123-60. Homemade Watercraft

Preamble:

The Department of Natural Resources proposes to add Regulation 123-60 to set requirements that homemade watercraft must meet in order to be considered watercraft for the purposes of titling and registration.

Section-by-Section Discussion

123-60. Homemade Watercraft

New Text.

A. Provides that Homemade Watercraft must meet the definition of a watercraft and sets visibility requirements from the operator's position.

B. Requires any homemade houseboat to comply with any legal requirements for a marine toilet.

C. Prohibits floating docks from being titled or registered as a watercraft.

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

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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 1000 Assembly Street on January 7, 2014 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. If no request is received by January 6, 2014, the hearing will be canceled. Written comments may be directed to Chisolm Frampton, Colonel, Law Enforcement Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than 5:00 pm on January 6, 2014.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

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

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

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

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

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

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The rationale for the creation of this regulation is to maintain the intent of the Public Waters Nuisance Abatement Act of 2007 (Act No. 33).

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. 4439

BOARD OF EXAMINERS IN PSYCHOLOGY

CHAPTER 100

Statutory Authority: 1976 Code Sections 40-1-70 and 40-55-40(d)

100-1 through 100-10. Board of Examiners in Psychology

Preamble:

To satisfy the requirements of licensure in the practice of psychology, Regulations 100-1 through 100-10 and Appendices A and B must be updated in conformance with the current Board of Examiners in Psychology Practice Act.

Section-by-Section Discussion:

100-1. Application for License to Practice Psychology.

- A.(1)(a)-(b) Revises and rewords for clarity and consistency.
- (2)-(5) Revises for consistency.
- B.(1) Adds “following” before “accrediting association”.
 - (a)-(d) No changes.
 - (e) Revises for consistency.
 - (f) No changes.
- (2) No changes.
- C.(1) Changes “should” to “must” in the 3rd sentence.
- (2) No changes.
- (3) Hyphenates “pre-doctoral”.
- (4)-(5) No changes.
- (6) Adds “the following requirements” to the end of the introductory phrase.
 - (a) No changes.
 - (b) Hyphenates “Pre-doctoral”.
- (7) Changes completion time from two to three years from date of Board approval of Preliminary Application for Licensure for applicant to complete all requirements for licensure. Adds sentence that the Board may extend this time period upon sufficient proof of hardship.
- (8) No changes.

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D. Deletes text and adds that an applicant may only advertise in a competency for which he or she may demonstrate competence and appropriate education and training as determined by the Board.

100-2. Examinations.

A.(1) No changes.

(2) Deletes in its entirety.

B.(1) Deletes 1st sentence; changes “his/her specialty area” to “scope of practice”; and adds “by a member of the Board” to the end of the 2nd sentence.

(2) No changes.

(3) Adds sentence that the oral examination may be delegated to an individual Board member for administration.

(4) No changes.

100-3. Renewal of Licenses.

A.-B. No changes.

C. Rewords for clarity.

D. Changes annual to biennial.

100-4. Code of Ethics.

A.(1) Adds Board’s adoption of Code of Ethics from the American Psychological Association (APA).

(2) No changes.

(3) Adds rules of conduct shall be followed along with state and federal law.

(4)-(5) No changes.

(6) Deletes in its entirety since Appendix B is being repealed.

B. No changes.

C. Revises for consistency.

D.-L. No changes.

M. Adds other rules as promulgated by the APA are also adopted and incorporated by reference.

100-6. Advertising.

A. Adds “must” before “base” in the last sentence.

1. No changes.

2. Changes “do” to “must” in the first sentence, and “do” to “may” in the second and third sentences.

100-7. Fees.

A. No changes.

B. Deletes fee amount; states that fee is set by and paid to the Professional Examination Service.

C. Deletes former C.; renumbers for clarity; changes annual to biennial and \$250.00 to \$500.00.

D. No textual changes.

E. (1) No changes.

(2) Changes annual to biennial.

(3) Deletes in its entirety.

(4) Renumbers as (3); no textual changes.

(5) Renumbers as (4); no textual changes.

(6) Deletes in its entirety.

(7) Renumbers as (5); changes not to exceed \$25 to \$30 (or amount specified by law; see Section 34-11-

70).

(8) Renumbers as (6); no textual changes.

(9) Renumbers as (7); changes annual to biennial and \$150.00 to \$300.00.
Changes annual to biennial in (2) and (7); deletes (3) and (6) and renumbers for clarity; deletes fee amount and adds "To be determined by the Board" in (5)-(7).

100-8. Guidelines for the Employment and Supervision of Unlicensed Persons Providing Psychological Services.

- A.-B. No changes.
- C. Changes annual to biennial in (1).
- D. No changes.

100-9. Organization of the Board.

- A.(1) Deletes Secretary and Treasurer; revises for clarity.
 - (2) No changes.
 - (3)-(5) Deletes in their entirety.
- B.(1)-(2) No changes.
 - (3) Deletes "thereof" at the end of the sentence.
 - (4)-(5) No changes.
- C. No changes.

100-10. Continuing Education Credits.

- A. No changes.
- B.(1) Deletes item reference.
 - (2) No changes.
 - (3)(a)-(b) No changes.
 - (c) Corrects typographical error.
 - (d) Adds "or" at the end of the phrase to close the series.
 - (e) No changes.
- C.-F. No changes.

APPENDIX A. ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS CRITERIA

Deletes "AMERICAN" and adds "AND PROVINCIAL" to Appendix title.

APPENDIX B. ETHICAL PRINCIPLES OF PSYCHOLOGISTS

Deletes in its entirety.

The Notice of Drafting was published in the *State Register* on May 24, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 8, 2014. Written comments may be directed to Patricia Glenn, Administrator, South Carolina Board of Examiners in Psychology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, or by email to Patti.Glenn@llr.sc.gov, no later than 5:00 p.m., December 23, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

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Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions in complying with the proposed regulations.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Psychology Practice Act. These regulations correct typographical errors, revise content to be consistent with current practices in the field, and reword language for clarity. In Reg. 100-1, the Board increases the time period from two to three years for the applicant to complete all requirements for licensure after submission of the application, with a possible extension granted for proof of hardship. Also, in Reg. 100-1, applicants may only advertise in their demonstrated competencies in compliance with S.C. Code Ann. § 40-55-180. Reg. 100-2 adds that the Board may delegate the oral examination administration to an individual Board member in accordance with S.C. Code Ann. § 40-55-100. This practice has been adopted to shorten the application time for new licensees. No changes are made to Reg. 100-3, Reg. 100-4, and Reg. 100-8, and Reg. 100-6 clarifies advertising parameters with revised language. Reg. 100-7 changes the exam fee from not to exceed \$500 to an amount set by the examination provider, Professional Examination Services, in compliance with S.C. Code Ann. §40-55-40(f) and current practice. Additionally, in Reg. 100-7(C), the renewal fee was changed from “annual” to “biennial” to reflect current practices, and the “not to exceed” fee was double to reflect biennial licensure. Reg. 100-7(E) changes the word “annual” to “biennial” in (2), deletes inapplicable fees, changes the returned check charge to \$30.00 in accord with statute, and changes the supervision fee from annual to biennial. In Reg. 100-9, language regarding the secretary and treasurer’s duties is deleted as redundant in accordance with S.C. Code Ann. §40-55-40. Reg. 100-10 remains unchanged except for correction of typographical errors. Appendix A corrects a national organization name in the title, specifically Association of State and Provincial Psychology Boards. Appendix B is deleted for redundancy; the Board officially adopts the American Psychological Association’s Code of Ethics as the standard for ethics in the profession in proposed Reg. 100-4(A)(1).

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 40-55-40(d).

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

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

The proposed regulations will further aid in the protection of public health in this state by conforming the regulations to 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 detrimental 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 Board of Examiners in Psychology 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.