

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2015 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

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4527			Consumer Credit Counseling Requirements	1/12/16	Department of Consumer Affairs
4533			South Carolina National Guard College Assistance Program	1/13/16	Commission on Higher Education
4534			South Carolina National Guard Student Loan Repayment Program	1/13/16	Commission on Higher Education
4524			Suspension of Certification Due to Criminal Charges and/or Indictment	1/14/16	South Carolina Criminal Justice Academy
4543			Standards for Licensing Nursing Homes	2/28/16	Department of Health and Envir Control
4552			Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	3/14/16	Department of Health and Envir Control
4553			Standards for Licensing Hospices	3/27/16	Department of Health and Envir Control
4562			Board of Long Term Health Care Administrators	3/28/16	LLR-Board of Long Term Health Care Administrators
4563			Local Emergency Preparedness Standards	4/05/16	Office of the Governor
4564			Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	4/25/16	Department of Health and Envir Control
4565			Underground Storage Tank Control Regulations	4/25/16	Department of Health and Envir Control
4566			Examination Attempts, Apprenticeship, and Continuing Education Requirements	5/11/16	LLR-Board of Examiners in Opticianry
4573			Continuing Education in Sterilization and Infection Control	5/11/16	LLR-Board of Dentistry
4574			Pilot Registration	5/11/16	LLR-Commissioners of Pilotage
Committee Request Withdrawal					
4539			Consumer Electronic Equipment Collection and Recovery	Tolled	Department of Health and Envir Control
Resolution Introduced to Disapprove					
4551			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4527	Consumer Credit Counseling Requirements	Labor, Commerce and Industry	Banking and Insurance
4533	South Carolina National Guard College Assistance Program	Education and Public Works	Education
4534	South Carolina National Guard Student Loan Repayment Program	Education and Public Works	Education
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
4552	Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	Regulations and Admin. Procedures	Medical Affairs
4553	Standards for Licensing Hospices	Regulations and Admin. Procedures	Medical Affairs
4562	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4563	Local Emergency Preparedness Standards	Regulations and Admin. Procedures	General
4564	Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	Regulations and Admin. Procedures	Medical Affairs
4565	Underground Storage Tank Control Regulations	Regulations and Admin. Procedures	Medical Affairs
4566	Examination Attempts, Apprenticeship, and Continuing Education Requirements	Regulations and Admin. Procedures	Medical Affairs
4573	Continuing Education in Sterilization and Infection Control		
4574	Pilot Registration		
Committee Request Withdrawal			
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
Resolution Introduced to Disapprove			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs

Executive Order No. 2015-20

WHEREAS, the Grand Jurors of Dorchester County indicted Christopher David Nisbet, Coroner of Dorchester County, on October 1, 2015, on a count of Misconduct in Office for willfully and unlawfully breaching his duty of accountability to the public by failing to properly and faithfully discharge his said duty and for misusing his office to effect an unlawful arrest on a private citizen against the peace and dignity of this State and in violation of the Common Law of South Carolina; and

WHEREAS, Christopher David Nisbet is an officer of a political subdivision of the State, and Article VI, Section 8 of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;” and

WHEREAS, South Carolina law recognizes that “moral turpitude implies something immoral itself ...,” such as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general,” *State v. Horton*, 248 S.E.2d 263 (1978), and the above-referenced indictment includes a crime that involves moral turpitude; and

WHEREAS, a certified true copy of the indictment against Christopher David Nisbet has been provided to me; and

WHEREAS, Section 17-5-50 of the South Carolina Code of Laws provides that if a coroner is suspended by the Governor upon the coroner’s indictment, the chief magistrate of that county shall act as coroner until the suspended coroner is reinstated or until a coroner is elected and qualifies in the next general election for coroners, whichever occurs first.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby suspend Christopher David Nisbet from the Office of Coroner of Dorchester County until such time as he shall be formally acquitted or convicted, and I further direct the Chief Magistrate of Dorchester County to act as coroner until Christopher David Nisbet is reinstated or until a coroner is elected and qualifies in accordance with state law.

This action in no manner addresses the question of the guilt or innocence of Christopher David Nisbet and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1ST DAY OF OCTOBER, 2015.**

NIKKI R. HALEY
Governor

4 EXECUTIVE ORDERS

Executive Order No. 2015-21

WHEREAS, the National Hurricane Center has determined that the State of South Carolina is presently vulnerable to the effects of a strengthening hurricane, known as Hurricane Joaquin still developing over the Atlantic Ocean, as well as a significant low pressure system of heavy rainfall and flash flooding forecast to impact our state; and

WHEREAS, I have been advised that the heavy rain and flash flooding represent a threat to the safety, security, welfare, and property of citizens in South Carolina, the preparation and response for which require assistance and support from the State.

THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a State of Emergency exists in South Carolina and direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of heavy rain and flash flooding.

FURTHER, I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty pursuant to my authority under Section 25-1-1840 of the South Carolina Code of Laws, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the utilization of the South Carolina National Guard's personnel with appropriate equipment, at the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this state.

FURTHER, I order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina be suspended, and SLED shall initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

Further proclamations and regulations deemed necessary to insure the fullest protection of life and property during this state of emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1ST DAY OF OCTOBER, 2015.**

NIKKI R. HALEY
Governor

Executive Order No. 2015-22

WHEREAS, pursuant to Executive Order 2015-21, there exists a State of Emergency in South Carolina due to the threat of heavy rainfall and flooding, which is forecast to occur throughout the state, making it necessary to expedite the movement of vehicles and loads that are transporting emergency equipment, materials, services, supplies, food, fuel, timber, debris, and other items; and

WHEREAS, 49 C.F.R. Part 395 limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above; and

WHEREAS, 23 U.S.C. § 127 establishes certain weight limitations for vehicles on interstate highways in conjunction with S.C. Code § 56-5-4010 et seq., which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, 49 C.F.R. § 390.23 and S.C. Code § 56-5-70(A) allow the Governor of a State to suspend certain requirements relating to registration, permitting, length, width, weight, load, and time of service for commercial vehicles responding to an emergency if the Governor declares a State of Emergency.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, as a result of the State of Emergency, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and time of service requirements as set forth below in order to ensure the delivery of equipment, materials, services, supplies, food, fuel, timber, debris, and other items in response to flooding operations throughout South Carolina and direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this Order.

IT IS FURTHER ORDERED that:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags and escorts as required in the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies a suspension of 49 C.F.R. Part 395 (drivers' hour of service). Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF OCTOBER, 2015.**

NIKKI R. HALEY

6 NOTICES

STATE BOARD OF EDUCATION

ERRATA

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-21-510, 59-21-580, 59-33-10 et seq., 59-36-10 et seq., and 20 U.S.C. 1400 et seq.

The South Carolina Board of Education submitted a Drafting Notice to amend Regulation 43-243 (R.43-243), Special Education, Education of Students with Disabilities, which was published in the *State Register*, Volume 39, Issue 7, on July 24, 2015.

The Drafting Notice stated that “Legislative review of this proposal is not required”. Upon further review, a determination was made that Legislative review of R.43-243 is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Revision of Air Permit Modeling Exemption and Deferral Guidelines

The South Carolina Department of Health and Environmental Control (Department or DHEC) has revised the criteria that is used to determine when a facility may exempt or defer emissions from the air compliance demonstration as required under Regulation 61-62.1, Definitions and General Requirements, Section II(A)(2), when a permit is requested for a source of air emissions. These criteria will be used to identify which emissions covered under Regulation 61-62.5, Standards No. 2 and No. 7 of this regulation may either be exempt or deferred from the compliance demonstration that is submitted with the permit request. This guidance will be maintained by the Department and will be posted on the DHEC website at: <http://www.scdhec.gov/environment/docs/Standard2and7ModelingExemptionandDeferralGuidelines.pdf>.

If you have questions, please contact John Glass, Division of Emissions, Evaluation, and Support at (803) 898-4074 or glassjp@dhec.sc.gov.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE TO REVISE AIR QUALITY STATE IMPLEMENTATION PLAN

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide interested persons the opportunity to comment on the Department’s response to meet obligations to the U.S. Environmental Protection Agency (EPA) for the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). The Department proposes to address the requirements under sections 110(a)(1) and (2) of the Clean Air Act (CAA) for State Implementation Plans (SIP) in a SIP update known as infrastructure SIP certification. These requirements were developed to assure attainment and maintenance of the NAAQS. To be considered, the Department must receive comments by 5:00 p.m. on November 23, 2015, the close of the comment period.

The Department is also providing the public with the opportunity to request a public hearing on the issue. If requested, the Department will hold a public hearing on November 30, 2015 at 10:00 a.m., in the Wallace Room of the Sims Building, 2600 Bull Street, Columbia, South Carolina. The Department invites the public to attend. However, pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on November 23, 2015, the Department will cancel the public hearing. If the Department cancels the public hearing, then the Department will notify the public at least one week prior to the scheduled hearing via the Scheduled Public Hearings webpage:

http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/public_hearings.asp. Interested persons may also contact Marie Brown, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via phone at (803) 898-1796 or email at brownmf@dhec.sc.gov for more information, or to find out if the Department will hold the public hearing.

Synopsis:

On December 14, 2012, the EPA finalized a revised NAAQS for Particulate Matter (78 FR 3086, published January 15, 2013). With this rule, the EPA strengthened the annual primary fine particulate matter (PM_{2.5}) standard by lowering the level from 15.0 to 12.0 micrograms per cubic meter (µg/m³). Sections 110(a)(1) and (2) of the CAA require all states to submit plans to provide for the implementation, maintenance, and enforcement of the NAAQS. Sections 110(a)(1) and (2) further require states to address basic SIP requirements, including but not limited to the following elements: emissions limits and other control measures, ambient air quality monitoring, a program for the enforcement of control measures, adequate resources to implement the SIP, and public notification and government consultation. Section 110(a)(1) requires states to submit SIPs within three (3) years after promulgation of a new or revised NAAQS, or December 14, 2015, in this case.

On December 12, 2013, the Department submitted a request to EPA Region 4 that the EPA designate each county in the State of South Carolina as “attainment” for the PM NAAQS. On August 19, 2014, the EPA issued a letter to SC deferring Aiken County, due to insufficient data. The EPA designated the remainder of the state unclassifiable/attainment (79 FR 51517, published August 29, 2014). On April 7, 2015, (80 FR 18535) the EPA issued a final rule designating the deferred area of Aiken County, to unclassifiable/attainment.

The Department is proposing to certify that it has addressed the aforementioned “infrastructure” elements pertaining to the PM attainment areas in South Carolina. Pending the receipt of a request for a public hearing and/or any comments received, this amendment to the SIP will take effect 30 days following publication of this Notice in the South Carolina State Register on December 11, 2015, after which, the Department will submit a final SIP certification package to the EPA for approval.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF FINAL AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN

Statutory Authority: The Clean Air Act, 42 U.S.C. Sections 7401 et seq.; 42 U.S.C. Sections 7407 & 7410; 40 C.F.R. Parts 51.102 and 51.241; 1976 Code Sections 48-1-10 et seq.

Synopsis:

On September 27, 1996, a Memorandum of Agreement (MOA), negotiated between the Department and the South Carolina Department of Transportation (SC DOT), was published in the *South Carolina State Register*. The purpose of the MOA was to formally incorporate the applicable provisions of the transportation conformity review process in accordance with the requirements of the Federal Clean Air Act Amendments (CAAA), as promulgated by EPA on November 24, 1993 (58 FR 62188) in 40 CFR Part 51, Subpart T, and as amended

8 NOTICES

August 7, 1995 (60 FR 40098), and November 14, 1995 (60 FR 57179). The transportation conformity rule requires Federal and State agencies to determine, prior to taking any action on transportation plans, programs, and projects, that such action will conform to a State Implementation Plan (SIP) to maintain the National Ambient Air Quality Standards (NAAQS). The transportation conformity regulation (40 CFR 93.102) applies only to areas that are designated nonattainment or maintenance for any of the following criteria pollutants: ozone, carbon monoxide, particulate matter, nitrogen dioxide, and precursor pollutants.

As part of the following 2003 SIP amendment, the Department incorporated into the SIP a new MOA to implement Section 176 of the CAAA, as amended (42 U.S.C. 7506), the related requirements of 23 U.S.C. 109(j), and regulations under 40 CFR Part 93, Subpart A. The parties to this MOA are as follows: each of the Metropolitan Planning Organizations (MPO) (as described in Exhibit 1 of the MOA), the Department, SC DOT, Federal Highway Administration – South Carolina Division Office (FHWA), the Federal Transit Administration (FTA), the EPA Region 4 (EPA), and local publicly-owned transit agencies not represented by aforementioned MPOs. Exhibit 2 of the MOA is the “South Carolina Criteria and Interagency Consultation Procedures for the Determination of the Conformity of Transportation Plans, Programs, and Projects,” which provides for interagency consultation, resolution of conflicts, and public consultation procedures. This revision to the air quality SIP was published in the *South Carolina State Register* on October 24, 2003.

On May 6, 2005, the EPA promulgated a final rule entitled, “Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors” (70 FR 24280). This final rule specified the transportation-related PM_{2.5} precursors and when they would apply in transportation conformity determinations in PM_{2.5} nonattainment and maintenance areas. On August 10, 2005, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)” was signed into law. SAFETEA-LU amended the CAAA by: changing the required frequency of transportation conformity determinations from three years to four years; providing two years to determine conformity after new SIP motor vehicle emissions budgets are either found adequate, approved, or promulgated; adding a one-year grace period before the consequences of a conformity lapse apply; providing for an option for reducing the time period addressed by conformity determinations; streamlining requirements for conformity SIPs; and providing procedures for areas to use in substituting or adding transportation control measures to approved SIPs. On January 24, 2008, the EPA again promulgated amendments to the Transportation Conformity Regulations to finalize provisions that were published in May 2007 (73 FR 4420). These amendments were necessary to make the final rule consistent with the CAA Section 176(c) as amended by SAFETEA-LU, including changes to the regulations to reflect that the CAA now provides more time for state and local governments to meet conformity requirements and streamlining other provisions. The Department again amended its SIP to address the requirements of the Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors and the SAFETEA-LU amendments, pursuant to Section 176(c) of the CAAA. These changes took effect upon publication in the *South Carolina State Register* on November 28, 2008. EPA approved the amended Transportation Conformity SIP through a Direct Final Rule on July 28, 2009 (74 FR 37168).

In this present amendment, the Department has included changes and a reorganization that combines previous Exhibits 1 and 2 into a single MOA document with the legal recitals and signature pages. These changes updated signatories and added the Lowcountry Area Transportation Study in the list of Metropolitan Planning Organizations (MPOs), reflecting population changes as part of the 2010 Census. Revisions were also made to the “Interagency Consultation Procedures for the Determination of the Conformity of Transportation Plans, Programs and Projects,” to clarify the responsibilities of the MPO, correct grammar and punctuation, and recodify sections C, D and E for ease of reading. In addition, language was added to specifically address the requirements of 40 CFR 93.122(a)(4)(ii) and 93.125(c), and a new “General Provisions” Section F was added.

On November 28, 2014, the Department submitted its pre-hearing draft of the MOA to EPA Region 4 for comments, simultaneously with the publication of a notice in the *South Carolina State Register*. The EPA had no comments on this document. A public hearing was scheduled for January 6, 2015, but no request for the hearing was received, and the hearing was canceled pursuant to 40 CFR 51.102. No comments, written or oral,

were received from the public. The Department has obtained authorized signatures from South Carolina's MPOs and interagency partners, which are included as pages 12 to 17 of the MOA. This final Amendment to the SIP takes effect upon publication of this notice in the *South Carolina State Register* on October 23, 2015.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

UPDATED EXEMPTION LIST – October 2015

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/AirQuality/ConstructionPermits/Exemptions/>. If you have questions or comments, please contact Hetal Patel, Division of Engineering Services, at (803) 898-4123 or patelhy@dhec.sc.gov.

The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Whether exempt or not, the emissions will need to be included when determining whether a facility or project is subject to an applicable air regulation such as Prevention of Significant Deterioration (PSD), Title V, or Maximum Achievable Control Technology (MACT) standards. 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. Sources listed under Section A will not require recordkeeping. Sources listed under Section B will require recordkeeping.

Section A.

The following activities/emission sources are considered insignificant and are not required to be documented unless otherwise specified by any state or federal requirements.

1. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.
2. 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, etc.
3. Recreational, residential, and portable type wood stoves, heaters, or fireplaces, and non-production related smokehouses (used exclusively for smoking food products).
4. Indoor or outdoor kerosene space heaters.

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

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

7. 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.

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

9. 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 (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.

10. 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.

11. Vacuum production devices used in laboratory operations.

12. Equipment used for hydraulic or hydrostatic testing.

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

14. Brazing, soldering or welding equipment used for regular maintenance at the facility.

15. Blast cleaning equipment using a suspension of abrasives in water.

16. 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 (Standards of Performance for Petroleum Dry Cleaners).

17. Flares used solely to indicate danger to the public.

18. Firefighting equipment, "prop fires", and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane. See Section B for fire pump exemption determination.

19. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

20. 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.

21. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.

22. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.

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

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

25. All petroleum storage tanks less than 3.8 cubic meters (1000 gallons).

26. 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). See Section B for non-contact cooling tower exemption determination.

27. Electric motors emitting only ozone.

28. Refrigeration equipment including Transport Refrigeration Units (TRU), 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.

Section B.

The following activities/emission sources are exempt from construction permits, however, documentation is required as specified below.

Project Emissions:

- Emissions from exempt sources must be included in total project emissions to determine regulatory applicability such as PSD, Title V, or MACT standards.
- Emissions calculations, description of the source, material safety data sheets (MSDS), throughput records, and any other information necessary to determine qualification for exemptions must be maintained and readily available.

Facility-Wide Emissions:

- Emissions from Section B shall be included in the facility-wide emissions.

Documentation:

- The above information shall be kept on site and made readily available to the Department upon request. The Bureau has developed exempt source log ([Form D-0721](#)) which may be utilized for keeping exemption details onsite.
- If your facility has an operating permit, this information shall be submitted as indicated in your operating permit.

Some exemptions may require additional information outside what is indicated above such as SC Regulation 61-62.5, Standard No. 8 demonstration (modeling), New Source Performance Standard (NSPS) and MACT requirements, etc. These additional requirements are specified within the exemptions.

For further information on exemptions, see the Bureau of Air Quality Simplifying Air Permitting Process Exemption Booklet ([Exemption Booklet](#)).

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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.

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. This exemption excludes operation of a temporary boiler while a new boiler is under construction.

If a temporary boiler triggers a regulation such as a 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 7.5×10^6 Btu/hr burning oil with a sulfur content of less than 0.05 weight percent (wt%). These sources are subject to 5 year tune-up requirements per 40 CFR 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

vi. Fuel oil boilers equipped with low NOx burner(s) and a rated input capacity of less than 10×10^6 Btu/hr, burning oil with a sulfur content of less than 0.05 wt%. 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 1.8×10^6 Btu/hr burning clean wood only. These sources are subject to tune-up requirements per 40 CFR 63 Subpart JJJJJ.

viii. Industrial incinerators with total design capacity of less than 1×10^6 Btu/hr including auxiliary devices used to recondition parts. The Opacity from these sources shall not exceed 20% and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

ix. Ovens with integral afterburners used to recondition or clean parts with a combined heat input of less than 10×10^6 Btu/hr, either being electric or combusting natural gas only. The Opacity from these sources shall not exceed 20%, the particulate matter limit shall not exceed 0.5 lbs/ 10^6 Btu total heat input, and the facility shall maintain records documenting the contaminant being removed and possible emissions from the process.

2. Internal Combustion Engines:

i. Emergency or portable engines as described below:

a. Engines of less than or equal to 150 kilowatt (kW) rated capacity.
 b. Engines 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 engines that meet the definition of “non-road engine” below. However, processes powered by the internal combustion engine shall be evaluated for permitting applicability.

a. 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.

iv. Internal Combustion engines used to drive compressors or pumps with a mechanical power output of less than 200 horsepower.

v. Oxidation catalyst on generators.

3. 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 and use either:

a. Electric Heated Ovens and apply less than 100 tons per year (tpy) of powder coatings.

b. Natural Gas Heated Ovens with a heat input of less than 10×10^6 Btu/hr and apply less than 98.0 tpy of powder coatings.

If hazardous air pollutant (HAP) containing materials are used, the facility is expected to demonstrate compliance with SC 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 (PTE) for the facility.

ii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of nonHAP 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 PTE for the facility.

4. Wood Working/Processing:

Good housekeeping practices that minimize fugitive emissions are required for all wood working/processing exemptions.

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

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processing throughput for all woodworking equipment is less than 0.19 tons/hr. 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 PTE for the facility.

ii. Sawmill equipment that only processes green wood (wood moisture content >12%), does not conduct fuel combustion operations, and has a maximum throughput capacity of less than 2.45×10^6 board-feet per year. 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 PTE for the facility.

iii. The following wood shop equipment:

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

5. Storage Vessels:

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 and vertical 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 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.

iv. 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).

v. 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.

vi. 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).

vii. 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.

viii. 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.

ix. All storage tanks, excluding those listed in Section A, with a capacity less than 38.7 cubic meters (10,000 gallons) that store organic liquids, excluding those that store a hazardous air pollutant except as an impurity.

6. Others:

i. Sources with a total uncontrolled PTE of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; uncontrolled PTE 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 volatile organic compounds (VOCs) will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. 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 toxic air pollutant 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.

ii. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs 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.

iii. Grain Dryers as described below:

a. Rack dryer of less than 10×10^6 Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 100,000 bushels/yr of grains.

b. Column dryer of less than 10×10^6 Btu/hr rated input capacity which only burns natural gas as fuel and dry maximum of 1,400,000 bushels/yr of grains.

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

v. Petroleum dry cleaning facilities with a solvent consumption less than 1,600 gallons per year and not subject to 40 CFR 60 Subpart JJJ. 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 PTE for the facility.

vi. 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 as determined by the following equation:

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

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 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

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must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide PTE for the facility.

vii. 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 PTE for the facility.

viii. Shooting ranges that are not part of a permitted source such as a military installation.

ix. Painting, blasting equipment, non-commercial and non-industrial vacuum cleaning systems used for regular maintenance at the facility.

x. Welding performed for employee training purposes on equipment that is not part of a permitted source.

xi. Fumigation activities that have potential emissions below exemptible rates under SC Regulations 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.

xii. 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 PTE for the facility.

xiii. Sources that only emit Particulate matter (PM) that is not an air toxic or hazardous air pollutant, located within a closed building (a building where minimal PM emissions escape to the outside ambient air through, but not limited to, windows, louvers, vents, and doors) and do not exhaust directly through piping, a stack, etc. to the atmosphere. A facility not meeting this criterion may still request an exemption, if sufficient information is provided to verify PM emissions to the ambient atmosphere are below exemptible threshold. The PM emissions to the ambient air from each individual process or emission point must be less than five (5) tons/year. The facility must conduct proper maintenance and good housekeeping practices to aid in the minimization of fugitive emissions to the atmosphere.

xiv. Non-contact (indirect) cooling towers with potential emissions less than five (5) tons/year.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication October 23, 2015 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3028.

Affecting Abbeville County**NHC/OP, L.P. d/b/a NHC HomeCare - Greenwood**

Establishment of a new Home Health Agency in Abbeville County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Renaissance Home Health, LLC

Establishment of a new Home Health Agency in Abbeville County at a total project cost of \$4,698.38.

Affecting Anderson County**NHC/OP, L.P. d/b/a NHC Homecare - Laurens**

Establishment of a new Home Health Agency in Anderson County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Bamberg County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Low Country**

Establishment of a new Home Health Agency in Bamberg County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Barnwell County**NHC/OP, L.P. d/b/a NHC Homecare - Aiken**

Establishment of a new Home Health Agency in Barnwell County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Beaufort County**NHC Homecare - South Carolina LLC d/b/a NHC Homecare, Beaufort**

Establishment of a new Home Health Agency in Beaufort County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$78,000.

Affecting Calhoun County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Midlands**

Establishment of a new Home Health Agency in Calhoun County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

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Affecting Cherokee County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Piedmont

Establishment of a new Home Health Agency in Cherokee County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Chester County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Piedmont

Establishment of a new Home Health Agency in Chester County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Colleton County

NHC HomeCare - South Carolina LLC d/b/a NHC HomeCare, Beaufort

Establishment of a new Home Health Agency in Colleton County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Charleston County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Low Country

Establishment of a new Home Health Agency in Charleston County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Clarendon County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Low Country

Establishment of a new Home Health Agency in Clarendon County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Dillon County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Murrells Inlet

Establishment of a new Home Health Agency in Dillon County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Edgefield County

NHC/OP, L.P. d/b/a NHC HomeCare - Aiken

Establishment of a new Home Health Agency in Edgefield County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Fairfield County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Midlands

Establishment of a new Home Health Agency in Fairfield County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Georgetown County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Murrells Inlet

Establishment of a new Home Health Agency in Georgetown County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Hampton County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare, Beaufort**

Establishment of a new Home Health Agency in Hampton County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Horry County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Murrells Inlet**

Establishment of a new Home Health Agency in Horry County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$13,500.

Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center

Renovation of an existing facility for the addition of twenty-four (24) acute care beds and the build out of a sixth floor as shelled space at a total project cost of \$26,712,662.

Affecting Jasper County**NHC Homecare - South Carolina LLC d/b/a NHC Homecare, Beaufort**

Establishment of a new Home Health Agency in Jasper County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Kershaw County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Midlands**

Establishment of a new Home Health Agency in Kershaw County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Lancaster County**NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Piedmont**

Establishment of a new Home Health Agency in Lancaster County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Marion County**NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Murrells Inlet**

Establishment of a new Home Health Agency in Marion County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting McCormick County**NHC/OP, L.P. d/b/a NHC HomeCare – Greenwood**

Establishment of a new Home Health Agency in McCormick County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Newberry County**NHC/OP, L.P. d/b/a NHC HomeCare - Greenwood**

Establishment of a new Home Health Agency in Newberry County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

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Affecting Orangeburg County

NHC/OP, L.P. d/b/a NHC Homecare - Aiken

Establishment of a new Home Health Agency in Orangeburg County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Pickens County

NHC/OP, L.P. d/b/a NHC Homecare – Laurens

Establishment of a new Home Health Agency in Pickens County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Saluda County

NHC/OP, L.P. d/b/a NHC HomeCare - Greenwood

Establishment of a new Home Health Agency in Abbeville County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Spartanburg County

NHC/OP, L.P. d/b/a NHC Homecare - Laurens

Establishment of a new Home Health Agency in Spartanburg County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Sumter County

NHC Homecare - South Carolina, LLC d/b/a NHC Homecare – Midlands

Establishment of a new Home Health Agency in Sumter County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Union County

NHC HomeCare - South Carolina, LLC d/b/a NHC HomeCare - Piedmont

Establishment of a new Home Health Agency in Union County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

Affecting Williamsburg County

NHC Homecare - South Carolina, LLC d/b/a NHC Homecare - Low Country

Establishment of a new Home Health Agency in Williamsburg County wherein the Licensee began operation during the period of time the CON Program was not operating at a total project cost of \$1,000.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from October 23, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3028.

Affecting Berkeley County**Agape Hospice of the Low Country, Inc. d/b/a Agape House of Summerville**

Construction of a new hospice facility with thirty (30) hospice beds at a total project cost of \$5,123,803.53.

Affecting Lexington County**Lexington County Health Services District, Inc. d/b/a Lexington Medical Center**

Construction of a new patient bed tower and addition of seventy-one (71) acute care beds at a total project cost of \$421,948,031.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

State Register Document 4571

The Department of Health and Environmental Control published a Notice of Proposed Regulation and Opportunity for Public Comment in the *State Register* on June 26, 2015, identified as Document 4571, to amend Regulation 61-71, *Well Standards*. The aforementioned Notice scheduled a write-in public comment period that closed July 27, 2015, and gave notice of a Public Hearing scheduled before the Board of Health and Environmental Control for October 8, 2015.

The Public Hearing originally scheduled for October 8, 2015, has been cancelled and rescheduled before the Department's Board for December 10, 2015. The hearing will be held at the regularly-scheduled Board meeting on December 10, 2015, in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

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 noticed in the Board's agenda to be published by the Department twenty-four (24) hours in advance of the meeting at <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. 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.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File #57049
Anderson Manufactured Gas Plant Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION,
AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Piedmont Natural Gas Company, Inc.

22 NOTICES

(Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Anderson MGP facility located in Anderson County, at 515 Fair Street, Anderson, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

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

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:

- (1) On-line at www.scdhec.gov/Apps/Environment/PublicNotices or
- (2) By contacting Pat L. Vincent at 803-898-0840 or vincenpl@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than November 23, 2015, and addressed to: Pat L. Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than November 23, 2015 to:

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

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

AEI Consultants

Attn: Gregg Stephens
6065 Roswell Rd, Ste 700
Atlanta, GA 30328

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

The Department published a Notice of Proposed Regulation identified as Document No. 4570 in the *State Register* on May 22, 2015, to amend R.61-50, *Natural Public Swimming Areas*. This amendment will require legislative review and approval as stated in the Plan for Implementation in the Statement of Need and Reasonableness section of Document No. 4570. The purpose of this errata notice is to correct language that is in error in the first sentence of the second paragraph under the Preamble in this Notice by removing the reference to “adoption of these federal regulations” and replacing this sentence for consistency with the Plan for Implementation to read:

A Notice of Drafting for these proposed amendments was published in the February 27, 2015 State Register.

24 DRAFTING NOTICES

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, 59-26-10 and the No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-300, Accreditation Criteria, last revised on June 27, 2014.

Interested persons may submit their comments in writing to Roy Stehle, Director, Office of Federal and State Accountability, Division Federal, State, and Community Resources, 1429 Senate Street, Columbia, South Carolina 29201 or by e-mail to RStehle@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on November 23, 2015.

Synopsis:

State Board of Education (SBE) Regulation 43-300 (R.43-300) governs the accreditation process for schools and districts in South Carolina. The proposed amendment is being made for three purposes: (1) to enhance the regulatory and program assurances of alternative accreditation by AdvancED or other approved accreditation programs, (2) to remove the SCDE's pre-alternative accreditation audit and five year audit for districts accredited by AdvancED and (3) to align districts' strategic plan deadlines to their AdvancED annual deadline.

Legislative review is required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-5-65

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-51, Certification Requirements.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on November 23, 2015.

Synopsis:

State Board of Education Regulation 43-51 governs the requirements for granting educator certification. Amendments to Regulation 43-51 will clarify that both content and pedagogy examinations must be presented for certification; clarify the experience requirement necessary for an out-of-state educator to qualify for a professional, as opposed to an initial, teaching certificate; include provisions for issuing certificates for qualifying participants in all currently approved alternative certification pathways; and modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)) and offices within the South Carolina Department of Education (SCDE). The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator

Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body or SCDE office changes.

Legislative review is required.

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (1), 59-25-110, and 59-26-10 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-53, Credential Classification.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on November 23, 2015.

Synopsis:

State Board of Education Regulation 43-53 governs the requirements for teacher credential classifications. Amendments to Regulation 43-53 will clarify conditions in which an educator may request extensions of an initial teaching certificate; delete temporary, transitional, and graded certificate types that are no longer issued; delete the special subject certificate which is no longer issued; add the restricted alternative certificate which is allowed under No Child Left Behind; and modify language within the regulation. Current language is specific to a particular educator preparation accrediting body (the National Council for Accreditation of Teacher Education (NCATE)) The purpose of this amendment is to remove specific organizational names as these names often change. The new educator preparation accrediting body is the Council for the Accreditation of Educator Preparation (CAEP); however, a new accrediting body may be formed in the future. This change would eliminate the need for a regulation change any time an accrediting body changes.

Legislative review is required.

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-62, Requirements for Additional Areas of Certification.

Interested persons may submit their comments in writing to Dr. Mary Hipp, Director, Office of Educator Services, Division of Federal, State, and Community Resources, 8301 Parklane Road, Columbia, SC 29223 South Carolina 29201 or by e-mail to mhipp@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on November 23, 2015.

26 DRAFTING NOTICES

Synopsis:

State Board of Education Regulation 43-62 governs the requirements for additional areas of certification for educators in South Carolina as well as providing for certification grade spans. Amendments to Regulation 43-62 will adjust the certification grade spans to correctly reflect the statutory requirements of Title 59.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-3-50 and 40-3-60

Notice of Drafting:

The Board of Architectural Examiners proposes to amend Regulation 11-8.1 regarding continuing education. Interested persons may submit comments to Lenora Addison-Miles, Administrator, Board of Board of Architectural Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Architectural Examiners proposes to amend Regulation 11-8.1 regarding continuing education.

Legislative review of this amendment is required.

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 123-203 “General Regulation” and 123-204 “Additional Regulations Applicable to Specific Properties.” The subject of the proposed action is to amend the regulations to modify existing use restrictions to add additional horseback riding opportunity on one area, to establish property use regulations on two new properties, and to specify properties requiring daily use card reporting for monitoring public use of remote properties. 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 increase use of an existing DNR property, set regulations for new DNR properties, and allow the Department to determine public use of remote properties. These regulations set general and specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

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" and 123-51 "Turkey Hunting Rules and Seasons." The subject of the proposed action is to amend the regulations to modify existing seasons and methods, to add new wildlife management areas to allow additional hunting opportunity, and to amend the turkey bag limit on WMA lands in Game Zone 3 to conform to the statewide bag limit. 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.

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Document No. 4599

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

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

27-1023. State Meat Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update 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. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established 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 equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 2, 2015 at 9:00 a.m. If no request is received by December 1, 2015 the hearing will be canceled. Written comments may be directed to Dr. Suzanne Southworth, Director, South Carolina Meat Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2015.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

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. 4600
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update 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. These updated regulations are necessary to comply with the federal 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 equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 2, 2015 at 9:00 a.m. If no request is received by December 1, 2015 the hearing will be canceled.

30 PROPOSED REGULATIONS

Written comments may be directed to Dr. Suzanne Southworth, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 1, 2015.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

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. 4601
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, and 40-7-60

17-51. Minimum Requirements for Licensing of Cosmetologists as Master Hair Care Specialists

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes:

Section-by-Section Discussion

- 17-51(1) Update.
- 17-51(2)(A)-(C) Delete.
- 17-51(D) Renumbered; education and experience updated.
- 17-51(3) Update.

A Notice of Drafting was published in the State Register on August 28, 2015.

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 December 14, 2015. Written comments may be directed to Theresa Richardson, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 23, 2015. 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 this regulation.

Statement of Need and Reasonableness:

This regulation is amended to comport with the Board of Barber Examiners Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulation regarding requirements for a crossover barber license.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, and 40-7-60.

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.

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

The proposed regulation will comport with the Board of Barber Examiners Practice Act.

DETERMINATION OF COSTS AND BENEFITS:

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

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 updated regulation will comport with the Board of Barber Examiners Practice Act.

Text:

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

Document No. 4602

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E), and 40-1-70

- 8-800. International Building Code.
- 8-804. IBC Section 1014.2. Egress through intervening spaces.
- 8-805. IBC Section Appendix H Signs.
- 8-900 International Fire Code.
- 8-910. IFC Section 2307.5.3 Vehicle impact protection.
- 8-911. IFC Section 2307.6 Private fueling of motor vehicles.
- 8-1000 International Fuel Gas Code.
- 8-1005. IFGC Section 412.7.3 Vehicle impact protection.
- 8-1006. IFGC Section 412.8 Private fueling of motor vehicles.
- 8-1100. National Electrical Code.
- 8-1101. NEC Article 210.12(B) Arc-Fault Circuit-Interrupter Protection.
- 8-1200. International Residential Code.
- 8-1202. IRC Figure R302.1 Exterior walls.
- 8-1203. IRC Section R302.2 Townhouses.

- 8-1204. IRC Section R302.5.1 Opening protection.
- 8-1205. IRC Section R303.4 Mechanical ventilation.
- 8-1206. IRC Figure R307.2 Minimum Fixture Clearances.
- 8-1207. IRC Section R311.7.5.1 Risers.
- 8-1208. IRC Section R312.1.1 Where required.
- 8-1209. IRC Section R312.2 Window fall protection.
- 8-1210. IRC Section R313.1 Townhouse Automatic Fire Sprinkler Systems.
- 8-1211. IRC Section R313.2. One and two-family dwellings automatic fire sprinkler systems.
- 8-1212. IRC Section R317.1.1 Field treatment.
- 8-1213. IRC Section R404.1.9.2 Masonry piers supporting floor girders.
- 8-1214. IRC Section R502.11.4 Truss design drawings.
- 8-1215. IRC Section R703.8 Flashing.
- 8-1216. IRC Chapter 11 Energy Efficiency.
- 8-1217. IRC Section M1411.5 Insulation of refrigerant piping.
- 8-1218. IRC Section M1411.6 Locking access port caps.
- 8-1219. IRC Section M1502.3 Duct termination.
- 8-1220. IRC Section M1502.4.4 Duct length.
- 8-1221. IRC Section G2418.2 Design and Installation.
- 8-1222. IRC Section P2503.6 Shower Liner Test.
- 8-1223. IRC Section P2904.1 General.
- 8-1224. IRC Section E3901.12 HVAC outlet.
- 8-1225. IRC Section Appendix H Patio Covers.

Preamble:

The South Carolina Building Codes Council proposes to amend its regulations by adopting with modifications, the mandatory codes shown in 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, adopting without modification the 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities.

Section-by-Section Discussion

- 8-800. Date of International Building Code Edition updated.
- 8-804. Replaced.
- 8-804. Renumbered to 8-806.
- 8-805. Replaced.
- 8-805. Renumbered 8-807.
- 8-900. Date of International Fire Code Edition updated.
- 8-910. IFC Section reference updated.
- 8-911. IFC Section reference updated.
- 8-1000. International Fuel Gas Code Edition updated.
- 8-1005. IFGC Section reference updated.
- 8-1006. IFGC Section reference updated.
- 8-1100. Date National Electrical Code Edition updated.
- 8-1101. Replaced.
- 8-1101. Renumbered to 8-1102.
- 8-1200. Date of International Residential Code Edition updated.
- 8-1202. Replaced.

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8-1202. Renumbered to 8-1204.
8-1203. Replaced.
8-1204. Renumbered to 8-1205.
8-1205. Replaced.
8-1205. Renumbered 8-1207.
8-1206. Replaced.
8-1206. Renumbered to 8-1208.
8-1207. Renumbered to 8-1209.
8-1208. Renumbered to 8-1210.
8-1209. Deleted.
8-1210. Deleted.
8-1211. Replaced.
8-1212. Renumbered to 8-1213.
8-1212. Replaced.
8-1213. Replaced.
8-1213. Renumbered to 8-1216.
8-1214. Replaced.
8-1215. Replaced.
8-1216. Replaced.
8-1217. Replaced.
8-1218. Replaced.
8-1219. Replaced.
8-1220. Replaced.
8-1221. Replaced.
8-1222. Replaced.
8-1223. Replaced.
8-1224. Replaced.
8-1225. Replaced.
8-1226. New.
8-1227. New.
8-1228. New.
8-1229. New.
8-1230. New.
8-1231. New.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

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 December 11, 2015. Written comments may be directed to Roger Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 24, 2015. 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 these regulations.

Statement of Need and Reasonableness:

These regulations are amended regulations by adopting with modifications, the mandatory codes shown in 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, adopt without modification the 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amend its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities.

DESCRIPTION OF REGULATION:

Purpose: The Council is amending its regulations by adopting with modifications, the mandatory codes shown in 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, adopting without modification the 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities.

Legal Authority: 1976 Code Sections 6-8-20, 6-9-40, 6-9-63(E), and 40-1-70.

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 website.

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

The proposed regulations will amend regulations by adopting with modifications, the mandatory codes shown in 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, adopting without modification the 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities.

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 effect on the environment.

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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:

The updated regulations will amend regulations by adopting with modifications, the mandatory codes shown in 2015 Edition of the International Building Code; 2015 Edition of the International Residential Code; 2015 Edition of the International Fire Code; 2015 Edition of the International Fuel Gas Code; 2014 Edition of the National Electrical Code. Additionally, adopting without modification the 2015 Edition of the International Plumbing Code and 2015 Edition of the International Mechanical Code as published. Additionally, amending its regulations by adopting permissive codes as shown in 2015 Edition of the International Property Maintenance Code; 2015 Edition of the International Existing Building Code; 2015 Edition of the International Swimming Pool and Spa Code; and 2015 Edition of the International Performance Code for Buildings and Facilities.

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.

Filed: October 8, 2015 4:42pm

Document No. 4597
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-10 et seq., 38-3-110, 38-3-410 et seq., and Executive Order 2015-21

69-77. Suspension of Certain Statutes and Regulations Regarding Insurance Matters Affecting Insureds in South Carolina Caused by Catastrophic Rainfall and Other Associated Severe Weather Due to Tropical Moisture and a Non-tropical Weather System.

Emergency Situation:

On October 1, 2015, by Executive Order 2015-21, Governor Nikki Haley declared a state of emergency due to storms with record-breaking rainfall and the potential for massive flooding. Areas of South Carolina received record amounts of rainfall creating the conditions for flash flooding and other emergency conditions. In less than thirty-six hours, some areas of the state received up to 24 inches of rain resulting in catastrophic flooding in portions of the Midlands, the South Carolina low country and other areas of the state. The record-breaking rainfall has put many areas of the state underwater and necessitated the closing of many businesses, roads and interstates throughout South Carolina. Significant property damage and loss of life have already been associated with this severe weather event.

The Director finds that an imminent peril to public health, safety, and welfare requires immediate promulgation of an emergency regulation.

Text:

Section 1. Purpose

This Emergency Regulation is issued to expedite and facilitate the state's recovery from this historic rainfall and flooding event and to protect the interests of South Carolina insureds in light of the recent and ongoing disaster and/or catastrophic events.

S.C. Code §§ 38-3-410 *et. seq.* gives the Director the authority to adopt procedures that facilitate recovery from the emergency. South Carolina law requires that the emergency regulation address claims reporting requirements; grace periods for payment of premiums and performance of other duties by insureds; temporary postponement of cancellations and nonrenewals; and any other rule the Director considers necessary.

In the ordinary course of business, insurers, HMOs, or other insurance related entities doing business in South Carolina and/or regulated by the Director send notices to insureds, many of which are required by statute, giving the insured certain limited periods of time within which to pay premiums or otherwise respond.

This event and its aftermath have produced a disruption in the lives of many South Carolinians making the notification process difficult because of the inability of insureds to receive mail due to mandatory and/or voluntary evacuations and/or the destruction or damage of their homes and property. Thus, many victims are currently unable to timely act or respond to such notices or to timely pay insurance premiums and need additional time within which to act or respond. Some insurers, HMOs, or other insurance related entities doing business in South Carolina and/or regulated by the Director may attempt to cancel, nonrenew or otherwise terminate such insurance coverage. Additionally, some insureds who wish to make timely payment are prevented from making such payment because of the aforementioned circumstances. This could result in an insured being without

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coverage. This Emergency Regulation provides emergency relief to the insureds of South Carolina affected by this event and its aftermath.

Section 2. Definitions

As used in this regulation:

(1) “Insured” includes, but is not limited to, a person, policyholder, member, subscriber, enrollee, covered individual, or certificate holder for which coverage or benefits are provided under a policy or contract of insurance.

(2) “Insurer” means any person or entity that is licensed, authorized, registered, or otherwise subject to regulation under the South Carolina Insurance Code that provides insurance coverage for one or more of the line(s) of insurance as defined in subitem (3).

(3) “Line of insurance” or “lines of insurance” includes any plan, policy or contract that is subject to regulation under the South Carolina Insurance Code and includes, but is not limited to, flood insurance (not issued pursuant to the NFIP), property insurance, automobile insurance, liability insurance, casualty insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, life insurance, accident and health insurance, credit life insurance, credit property insurance, annuities, health maintenance organizations (HMOs), excess and surplus lines insurance, reciprocal insurance, and stop loss insurance. It does not include workers’ compensation insurance.

(4) “Person” means, as defined in S.C. Code §38-1-20(44).

Section 3. Scope and Applicability

This regulation shall apply to all insurers, persons, and entities subject to regulation under the South Carolina Insurance Code as it relates to any line of insurance for which the insured resides in the affected counties set forth in the federal disaster declaration as currently constituted and hereafter amended. References herein to “affected” or “impacted” counties include only those counties subject the federal disaster declaration.

Premium service company agreements relating to people, property, or risks located in the affected counties shall be subject to the provisions of this regulation. References herein to “policy” or “contract of insurance” include all agreements regulated under the Insurance Code.

Section 4. Extension of Time Frames for Acts and Transmittals of Funds, Including Premium Payments

In the case of any policy, notice, statutory, or regulatory provision which imposes a time limit upon an insured to perform any act or transmit information or funds, including the payment of premium, with respect to a line of insurance subject to this regulation, for which such act or transmittal was to have been performed on or after 12:01 a.m. on October 1, 2015 but before November 1, 2015 shall be extended for a period of thirty (30) days from the date upon which such act or transmittal was otherwise due.

Section 5. Suspension of Cancellations and Nonrenewals

No insurer shall effect a cancellation or nonrenewal that is effective between October 8, 2015 and October 31, 2015 unless requested by the insured. Any such coverage that is extended pursuant to this section is subject to payment of premium otherwise due for the additional coverage period.

Section 6. Reissuance of Notices to Insureds, Including Notices of Cancellation or Nonrenewal

Any notice, including notices of cancellation and nonrenewal, that was issued on or after September 15, 2015 but before October 16, 2015 shall be reissued *de novo* to the insured in accordance with the notice requirements under existing South Carolina law and any such notice shall not be issued to the insured before November 1, 2015. In the case of any such notice subject to reissuance that resulted in the actual cancellation or nonrenewal

on or after 12:01 a.m. on October 1, 2015 but prior to 12:01 a.m. on November 1, 2015 must be rescinded and the insured must be provided a new notice in accordance with this section.

Nothing in this section shall be interpreted to require an insurer that complies with the notice requirements herein to insure the person, property, or risk for an additional policy term or for any period beyond the time frame necessary to provide advance notice of cancellation or nonrenewal in accordance with applicable South Carolina law. This time frame will commence upon the date of re-issuance of the statutorily required notice, which must be on or after November 1, 2015.

Any such coverage that is extended pursuant to this section is subject to payment of premium otherwise due for the additional coverage period.

Section 7. Application of Named Storm or Hurricane Deductibles

This event was not categorized by the National Weather Service as a hurricane or named storm. Therefore, neither named storm nor hurricane deductibles shall apply to any loss resulting from this event or its aftermath. It shall be a violation for any insurer to apply any mandatory or optional hurricane or named storm deductible to the payment of any claims for property damage attributable to this event regardless of whether the insured or risk is located in an impacted county.

Section 8. Policy Copy Request

If an insured requests from his insurer a copy of his policy, the insurer shall provide a copy of the requested policy within fifteen calendar days of the written request.

Section 9. Cancellation and Nonrenewal

No policy shall be cancelled or nonrenewed solely because of a claim resulting from this event or its aftermath. This section is not limited to impacted counties.

Section 10. New Policies

Except for Section 9, provisions of this emergency regulation shall not apply to any new policy or contract of insurance subject to this regulation if said insurance policy or contract is effective on or after 12:01 a.m., October 12, 2015.

Section 11. Premium Offset

In the course of settlement of a claim from an insured, any claim payment made to the insured or beneficiary under the insurance policy may not include an offset for any premium due unless the insured or beneficiary agrees in writing to an offset.

This section is not applicable to accident and health insurance coverage or any coverage provided by HMOs.

Section 12. Policy Cancellation Permissible Upon Request

Nothing in this regulation shall prevent an insurer from cancelling a policy upon the documented written request or written concurrence of the insured.

Section 13. Method of Payment for Claims

South Carolina Code § 38-59-20(4) requires that claim payments be made in a prompt, fair and equitable manner. In order to facilitate the resolution of claims in an expeditious manner, claims payment may be made by insurers by issuance of a prepaid debit card or any other form of electronic transfer provided that the insured is informed that payment in this manner is a voluntary option for payment and agrees to the method of payment; the method

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of payment is not subject to any fees that would result in the insured receiving less than the full amount due; if the insured is permitted, at any time, to convert any balance into cash; and if the insured is notified of applicable terms and conditions.

Section 14. Prescription Refills

An insurance policy or contract, including an HMO, that provides coverage for prescription drugs must allow one early refill of a prescription if there are authorized refills remaining or allow one replacement prescription for a prescription that was recently filled for insureds who reside in the counties listed in the federal disaster declaration as presently constituted or hereafter amended. This section is valid for requests made on or before October 31, 2015.

Section 15. Insured's Obligation to Pay Premiums

Nothing in this regulation shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for actual insurance coverage provided.

Section 16. Cancellation for Fraud or Material Representation

This regulation shall not be construed so as to prevent an insurer from canceling or terminating coverage for fraud or material misrepresentation in accordance with applicable law.

Section 17. Insured's Obligation to Provide Information and Cooperation

This regulation shall not relieve an insured who has a claim caused by this event or its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment or investigative process related to the claim.

Section 18. Interest, Penalties, Fees and Other Charges

The right of an insurer to impose or levy any additional interest, penalty, fee or other charge in accordance with applicable South Carolina law is hereby suspended until thirty (30) days after the effective date of this regulation.

Section 19. Intent and Construction

The benefits, entitlements and protections of this regulation shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum consumer protection for the insureds of South Carolina.

Insurers, producers, brokers and all other insurance related entities subject to regulation under the Insurance Code should take into consideration the difficulties related to this weather event that citizens of this state have suffered and continue to suffer and should take such consideration into account when dealing with matters relating to collection of premium, cancellation, nonrenewal, documentation and other requirements or policy provisions, including, but not limited to: notifications of hospital admissions; due dates relating to claims; premium payments; optional service fees; prior authorization requirements; and limitations on prescription refills.

Section 20. Sanctions for Violations

The Director retains the authority to enforce violations of this regulation. Accordingly, any insurer, person or entity subject to regulation under the Insurance Code who violates any provision of this regulation shall be subject to institution of administrative or civil action by the Director under any applicable provisions of the South Carolina Insurance Code, including the provisions of SC Code § 38-2-10. These provisions include penalties of up to \$15,000 for each violation or \$30,000 for each violation if the violation is willful. In addition

to the fines listed, the insurer, person or entity may also be subject to suspension or revocation of its authority to transact business subject to the Insurance Code in South Carolina.

Section 21. Voluntarily Extending Provisions for Additional Periods Beyond Those Imposed by This Regulation

In accordance with the Intent and Construction provision of this regulation, nothing in this regulation or the South Carolina Insurance Code shall preclude the voluntary extension of the provisions of this regulation for additional time frames. Such voluntary extension will not be considered unfairly discriminatory if it is focused on providing additional consumer protections for persons that are particularly devastated by this event and its aftermath.

Section 22. Voluntarily Applying Provisions Outside of Affected Counties

Nothing in this regulation shall preclude the voluntary extension of the provisions of this regulation to any person, property, or risk in any non-affected county in South Carolina so long as such extension is done so in a uniform or non-discriminatory manner.

Section 23. Motor Vehicle Physical Damage Appraisers

The Director has determined that the licensure of temporary motor vehicle physical damage appraisers may be necessary because of the significant losses resulting from this event. The resolution of claims related to such covered losses may not occur expeditiously without the authorization of emergency motor vehicle physical damage appraisers by the Department due to the magnitude of the catastrophic damage. In order to ensure that motor vehicle physical damage appraisers are available to assist with the evaluation of claims for South Carolina consumers resulting from this event the Director may, by bulletin, provide the procedure for licensure for these temporary appraisers.

Section 24. Authority

The Director reserves the right to extend, amend, modify, alter or rescind all or any portions of this emergency regulation via subsequent regulation or by order of the Director.

Section 25. Severability Clause

If any section or provision of this emergency regulation is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of this regulation, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

Section 26. Effective Date

In accordance with SC Code § 38-3-410, this regulation shall be effective immediately and shall continue for 120 days unless otherwise extended or terminated by the Director.

Statement of Need and Reasonableness:

The emergency regulation is needed to protect the interests of South Carolina insurance consumers and to expedite and facilitate the state's recovery from this catastrophic rainfall and flooding event.

Fiscal Impact Statement:

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

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Filed: October 7, 2015 12:15pm

Document No. 4598
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources

Emergency Situation:

Emergency regulations are need to close Lake Ashwood in Lee County due to flood damage at the facility in order to provide for resource protection and public safety.

Text:

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes leased by the Department are as follows:

- a. Lake Ashwood in Lee County
 - i. The lake is closed at all times.
- b. Dargan's Pond in Darlington County
 - i. The lake is open on Wednesday and Saturday only from March 1 through September 30 from one-half hour before official sunrise to one-half hour after official sunset.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 3 largemouth bass with only one being 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.
 - iv. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
 - v. Pets must be on leashes or under the control of their owner at all times.
 - vi. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
 - vii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- c. Lake Edwin Johnson in Spartanburg County
 - i. Lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset seven days a week.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. No minnows allowed for bait.
 - iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species except no size limit on crappie.
 - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.

- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Jonesville Reservoir in Union County

- i. Lake is open on Monday, Wednesday and Saturday only, from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Jonesville Reservoir will be closed at all times for renovation and restocking from July 1, 2016 through June 30, 2018. Jonesville Reservoir will reopen July 1, 2018

e. Lancaster Reservoir in Lancaster County

- i. Lake is open on Thursday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 2 largemouth bass 16 inches or longer, 20 bream, and 3 catfish. Statewide limits apply for all other fish species.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

f. Lake Oliphant in Chester County

- i. Lake is open Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.
- ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
- iii. No minnows allowed for bait.
- iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
- v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
- vi. Pets must be on leashes or under the control of their owner at all times.
- vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.
- viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.
- ix. Lake Oliphant will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Lake Oliphant will reopen July 1 2017.

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g. Star Fort Pond in Greenwood County

i. Lake is open for fishing on Wednesday, Friday and Saturday between April 1 and November 1, from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

h. Sunrise Lake in Lancaster County

i. Lake is open for fishing on Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass, 10 bream, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Sunrise Lake will be closed at all times for renovation and restocking from July 1, 2015 through June 30, 2017. Sunrise Lake will reopen July 1, 2017.