

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

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

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date  
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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4372			Certification	5/13/15	South Carolina Criminal Justice Academy
4466			Procedures for Contested Cases	5/13/15	Department of Health and Envir Control
4461			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/13/15	Department of Health and Envir Control
4464			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/15	Department of Health and Envir Control
4468			Hypodermic Devices; and Drugs and Devices	5/13/15	Department of Health and Envir Control
4455			Proceedings	5/13/15	Public Service Commission
4459			Landplaster	5/13/15	Clemson University-State Crop Pest Comm.
4480			Insurance Holding Company Systems	5/13/15	Department of Insurance
4471			Standards for Licensing Ambulatory Surgical Facilities	5/13/15	Department of Health and Envir Control
4490			Plant Pests	5/13/15	Clemson University-State Crop Pest Comm.
4484			Standards for Licensing Community Residential Care Facilities	5/13/15	Department of Health and Envir Control
4485			Standards for Wastewater Facility Construction	5/13/15	Department of Health and Envir Control
4525			Securities	5/13/15	Office of the Attorney General
4482			Particle Accelerators (Title C)	5/13/15	Department of Health and Envir Control
4483			Shellfish	5/13/15	Department of Health and Envir Control
4481			Air Pollution Control Regulations and Standards	5/13/15	Department of Health and Envir Control
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/14/15	South Carolina Criminal Justice Academy
4454			Commissioners	5/15/15	Public Service Commission
4498			Standards for Licensing Day Care Facilities for Adults	5/20/15	Department of Health and Envir Control
4539			Consumer Electronic Equipment Collection and Recovery	5/20/15	Department of Health and Envir Control
4542			Solid Waste Management: Waste Tires	5/20/15	Department of Health and Envir Control
4497			Pasteurized Milk and Milk Products	5/20/15	Department of Health and Envir Control
4496			Athletic Trainers	5/20/15	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	5/21/15	Department of Health and Envir Control
4541			Hazardous Waste Management Regulations	5/21/15	Department of Health and Envir Control
4499			Applications and Fees	5/22/15	LLR-Board of Architectural Examiners
4500			Fees	5/22/15	LLR-State Athletic Commission
4501			Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	5/22/15	LLR-Building Codes Council
4503			Fees	5/22/15	LLR-Board of Registration for Professional Engineers and Surveyors
4508			Fees	5/22/15	LLR- Manufactured Housing Board
4507			Fees [and Fee Schedule]	5/23/15	LLR-Board of Long Term Health Care Administrators
4506			Fees	5/23/15	LLR-Board of Registration for Geologists
4505			Fees	5/23/15	LLR-Boad of Funeral Service
4504			Fees	5/23/15	LLR-Environmental Certification Board
4509			Fees	5/23/15	LLR-Board of Medical Examiners
4511			Fees	5/23/15	LLR-Board of Examiners in Opticianry
4512			Fees	5/23/15	LLR-Board of Physical Therapy Examiners
4513			Fees	5/23/15	LLR-Board of Podiatry Examiners
4502			Fees	5/23/15	LLR-Board of Dentistry
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4519			Fees	5/23/15	LLR-Soil Classifier Advisory Council
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4520			Fees	5/26/15	LLR-Board of Veterinary Medical Examiners
4518			Initial Fees	5/26/15	LLR-Residential Builders Commission
4536			Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	5/26/15	LLR-State Athletic Commission
4477			Defined Program, Grades 9-12 and Graduation Requirements	5/27/15	State Board of Education
4476			Defined Program 6-8	5/27/15	State Board of Education
4491			Adult Education	5/28/15	State Board of Education

## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	5/28/15	State Board of Education
4548	Mortgage Lending	5/29/15	State Board of Financial Institutions- Consumer Finance Division
4557	Seals	5/29/15	LLR-Board of Registration for Geologists
4556	Application Fee for a Professional Geologist	5/29/15	LLR
4537	Fees	5/29/15	LLR-Building Codes Council
4554	Fees	5/29/15	LLR
4558	Recordkeeping	5/29/15	LLR-OSHA
4478	Requirements for Additional Areas of Certification	5/29/15	State Board of Education
4494	Procedures and Standards for Review of Charter School Applications	5/30/15	State Board of Education
4510	Fees	5/31/15	LLR-Board of Nursing
4529	Assessment Program	6/02/15	State Board of Education
4530	End-of-Course Tests	6/02/15	State Board of Education
4531	Test Security	6/02/15	State Board of Education
4532	Use and Dissemination of Test Results	6/02/15	State Board of Education
4523	Article 5, Adjudication of Misconduct Allegations	6/02/15	South Carolina Criminal Justice Academy
4555	Article 8, Office of State Fire Marshal	6/02/15	LLR-Office of State Fire Marshal
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	6/02/15	Department of Natural Resources
4474	Offers of Work	6/03/15	Department of Employment and Workforce
4475	Unemployment Trust Fund	6/03/15	Department of Employment and Workforce
4527	Consumer Credit Counseling Requirements	6/04/15	Department of Consumer Affairs
4528	Prepaid Legal Services Certificate of Registration	6/04/15	Department of Consumer Affairs
4549	Licensing of Mortgage Brokers	6/04/15	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
4560	Regulations for Species or Subspecies of Non-game Wildlife	2/15/16	Department of Natural Resources
<b>Committee Request Withdrawal</b>			
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Tolled	South Carolina Criminal Justice Academy
4521	Administrative Citations and Penalties; and Fines	Tolled	LLR-Board of Pharmacy
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control



## COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases	Medical, Military, Pub & Mun Affairs	Medical Affairs
4461	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Medical, Military, Pub & Mun Affairs	Medical Affairs
4464	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Medical, Military, Pub & Mun Affairs	Medical Affairs
4468	Hypodermic Devices; and Drugs and Devices	Medical, Military, Pub & Mun Affairs	Medical Affairs
4455	Proceedings	Labor, Commerce and Industry	Judiciary
4459	Landplaster	Agriculture and Natural Resources	Agriculture and Natural Resources
4480	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4471	Standards for Licensing Ambulatory Surgical Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4490	Plant Pests	Agriculture and Natural Resources	Agriculture and Natural Resources
4484	Standards for Licensing Community Residential Care Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4485	Standards for Wastewater Facility Construction	Agriculture and Natural Resources	Medical Affairs
4525	Securities	Judiciary	Banking and Insurance
4482	Particle Accelerators (Title C)	Medical, Military, Pub & Mun Affairs	Medical Affairs
4483	Shellfish	Agriculture and Natural Resources	Medical Affairs
4481	Air Pollution Control Regulations and Standards	Agriculture and Natural Resources	Medical Affairs
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4454	Commissioners	Labor, Commerce and Industry	Judiciary
4498	Standards for Licensing Day Care Facilities for Adults	Medical, Military, Pub & Mun Affairs	Medical Affairs
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
4542	Solid Waste Management: Waste Tires	Agriculture and Natural Resources	Medical Affairs
4497	Pasteurized Milk and Milk Products	Agriculture and Natural Resources	Medical Affairs
4496	Athletic Trainers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4541	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4499	Applications and Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4500	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4501	Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613	Judiciary	Labor, Commerce and Industry
4503	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4508	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4507	Fees [and Fee Schedule]	Medical, Military, Pub & Mun Affairs	Medical Affairs
4506	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4505	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4504	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4509	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4511	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4512	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4513	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4502	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4514	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4515	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4516	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4517	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4519	Fees	Agriculture and Natural Resources	Labor, Commerce and Industry
4535	Real Estate Commission	Labor, Commerce and Industry	Labor, Commerce and Industry
4520	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4518	Initial Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4536	Professional Boxing, Wrestling, Kick Boxing, Off the Street Boxing, and Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4477	Defined Program, Grades 9-12 and Graduation Requirements	Education and Public Works	Education
4476	Defined Program 6-8	Education and Public Works	Education
4491	Adult Education	Education and Public Works	Education
4495	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Education and Public Works	Education
4548	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4557	Seals	Labor, Commerce and Industry	Labor, Commerce and Industry
4556	Application Fee for a Professional Geologist	Labor, Commerce and Industry	Labor, Commerce and Industry
4537	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4554	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4558	Recordkeeping	Labor, Commerce and Industry	Labor, Commerce and Industry
4478	Requirements for Additional Areas of Certification	Education and Public Works	Education

#### 4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4494	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education
4510	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4529	Assessment Program	Education and Public Works	Education
4530	End-of-Course Tests	Education and Public Works	Education
4531	Test Security	Education and Public Works	Education
4532	Use and Dissemination of Test Results	Education and Public Works	Education
4523	Article 5, Adjudication of Misconduct Allegations	Judiciary	Judiciary
4555	Article 8, Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4546	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6	Agriculture and Natural Resources	Fish, Game and Forestry
4474	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4475	Unemployment Trust Fund	Labor, Commerce and Industry	Labor, Commerce and Industry
4527	Consumer Credit Counseling Requirements	Labor, Commerce and Industry	Banking and Insurance
4528	Prepaid Legal Services Certificate of Registration	Labor, Commerce and Industry	Banking and Insurance
4549	Licensing of Mortgage Brokers	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
4560	Regulations for Species or Subspecies of Non-game Wildlife		Fish, Game and Forestry
<b>Committee Request Withdrawal</b>			
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4521	Administrative Citations and Penalties; and Fines	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
<b>Resolution Introduced to Disapprove</b>			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs

**Executive Order No. 2015-06**

**WHEREAS**, a vacancy exists in the office of Clerk of Court for Edgefield County as a result of the resignation of Shirley F. Newby, which became effective February 6, 2015; and

**WHEREAS**, the Governor is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 14-17-30 of the South Carolina Code of Laws; and

**WHEREAS**, Charles “Sonny” Reel, residing at 620 Gray Street, Edgefield, South Carolina 29824, is a fit and proper person to serve as Edgefield County Clerk of Court.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Charles “Sonny” Reel as Clerk of Court of Edgefield County until the next general election for this office and until his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 13<sup>th</sup> DAY OF February, 2015.**

**NIKKI R. HALEY**  
**Governor**

**Executive Order No. 2015-07**

**WHEREAS**, on February 4, 2015, H. Wayne DeWitt resigned from the office of Berkeley County Sheriff resulting in a vacancy in this office; and

**WHEREAS**, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40(B) of the South Carolina Code of Laws; and

**WHEREAS**, C. W. “Butch” Henerey, residing at 220 New Oak Lane, Moncks Corner, South Carolina 29461, is a fit and proper person to serve as Berkeley County Sheriff.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby appoint C. W. “Butch” Henerey as Sheriff of Berkeley County until a special election is held to elect a sheriff to hold the office and until a sheriff is elected and qualifies.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY**  
**Governor**

## **6 EXECUTIVE ORDERS**

### **Executive Order No. 2015-08**

**WHEREAS**, a declaration of emergency exists in the State of North Carolina due to effects of the winter storm, which threatens the health, safety, and welfare of the people of North Carolina; and

**WHEREAS**, the Governor of the State of North Carolina has suspended federal regulations limiting the hours operators of commercial motor vehicles may drive pursuant to the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq., and

**WHEREAS**, whenever a declaration of emergency is declared in North Carolina that triggers relief under 49 CFR § 390.23, an emergency must be declared in this State pursuant to Section 56-5-70(B) of the South Carolina Code of Laws.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency exists in the State of South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina and accordingly direct the State Transport Police Division of the South Carolina Department of Public Safety as needed to suspend the federal rules and regulations that limit the hours of operation of commercial vehicles providing relief for the emergency declared in the State of North Carolina due to the winter storm.

This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations for commercial vehicles responding to the emergency declared in the State of North Carolina. The suspension shall remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less.

With the exception of declaration of emergencies due to shortage of residential heating fuel, any suspensions under 49 CFR § 390.23 for commercial and utility vehicles, traveling on interstate and non-interstate routes, shall not exceed thirty (30) days unless extended for additional periods in accordance with 49 CFR § 390.25.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 18th DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY  
Governor**

**Executive Order No. 2015-09**

**WHEREAS**, on February 16, 2015, the National Weather Service began issuing Winter Weather and Freezing Rain Advisories and Winter Storm and Ice Storm Warnings in effect from February 17, 2015 to February 18, 2015, forecasting periods of freezing rain and snow in parts of South Carolina leading to the possibility of hazardous driving conditions and power outages, which pose a threat to the health, safety, and welfare of citizens; and

**WHEREAS**, as a result of the hazardous weather conditions, state government offices were closed in accordance with county government offices as follows: On February 17, 2015, state government offices were closed in Anderson, Marlboro, Oconee, and Spartanburg Counties. On February 17, 2015, state government offices were delayed in Abbeville, Cherokee, Chester, Chesterfield, Darlington, Fairfield, Greenville, Lancaster, Laurens, Newberry, Pickens, Saluda, Union, and York Counties. On February 18, 2015, state government offices were delayed in Anderson, Greenville, Lancaster, Laurens, Pickens, and Spartanburg Counties; and

**WHEREAS**, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the governor of this State may authorize leave with pay for affected state employees who are absent from work due to the closing of state offices for hazardous weather conditions.

**NOW, THEREFORE**, pursuant to the authority vested in me by the laws and Constitution of the State of South Carolina, I hereby grant leave with pay to state employees absent from work as directed on February 17, 2015 and February 18, 2015, due to the closing of state offices caused by hazardous weather conditions.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24<sup>th</sup> DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY**  
Governor

**Executive Order No. 2015-10**

**WHEREAS**, the State of North Carolina finds that the periods of extreme cold weather have increased for the demand for fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments, the uninterrupted supply of which is an essential need of the public during the winter, and any interruption in the delivery of those fuels threatens the public health, safety, and welfare; and

**WHEREAS**, the Governor of the State of North Carolina has suspended federal regulations limiting the hours operators of commercial motor vehicles may drive pursuant to the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq., and

**WHEREAS**, whenever a declaration of emergency is declared in North Carolina that triggers relief under 49 CFR § 390.23, an emergency must be declared in this State pursuant to Section 56-5-70(B) of the South Carolina Code of Laws.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency exists in the State of South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina and accordingly direct the State Transport Police Division of the South Carolina Department

## **8 EXECUTIVE ORDERS**

of Public Safety as needed to suspend the federal rules and regulations that limit the hours of operation of commercial vehicles carrying fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments in North Carolina.

This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations for commercial vehicles responding to the emergency declared in the State of North Carolina. The suspension shall remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less.

With the exception of declaration of emergencies due to shortage of residential heating fuel, any suspensions under 49 CFR § 390.23 for commercial and utility vehicles, traveling on interstate and non-interstate routes, shall not exceed thirty (30) days unless extended for additional periods in accordance with 49 CFR § 390.25.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24th DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY  
Governor**

### **Executive Order No. 2015-11**

**WHEREAS**, severe winter weather will occur throughout the State of South Carolina between February 25, 2015 and February 28, 2015 which has been reported by the National Weather Service as a Winter Watch or Warning for a significant number of counties in this state; and

**WHEREAS**, temperatures are forecast below freezing, making road conditions extremely hazardous for the general public, endangering the health, safety and welfare of South Carolinians; and

**WHEREAS**, the effects of the winter weather storm are expected to require assistance for stranded motorists, isolated citizens, medical emergencies, downed trees, and power outages, surpassing the capabilities of local governments to respond to and recover from its effects, thus requiring state support for local governments.

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a State of Emergency exists in Abbeville, Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Darlington, Dillon, Edgefield, Fairfield, Florence, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lee, Lexington, Newberry, Marlboro, McCormick, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union and York counties in South Carolina.

**FURTHER**, I direct the South Carolina Emergency Operations Plan to be placed into effect and require state agencies to support the responsibilities and tasks therein. I further direct prudent response actions be taken at the individual, local, and state levels to respond against the effects of this event.

**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 South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this state.

Further proclamations and regulations deemed necessary to ensure 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 twenty-four hour period.

This order takes effect at 1:00 p.m. today.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 25th DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY**  
**Governor**

**Executive Order No. 2015-12**

**WHEREAS**, by Executive Order 2015-11, a State of Emergency for the State of South Carolina was declared because of the threat of hazardous weather conditions caused by a winter storm; and

**WHEREAS**, the severe winter storm, which began on February 25, 2015, and resulted in accumulations of snow and ice throughout the State, has concluded and no longer poses a significant statewide danger to the health, safety, and welfare of the public.

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a state of emergency no longer exists and further declare that Executive Order 2015-11 is hereby canceled, rescinded, and from this date declared null and void.

This order takes effect at 11:00 a.m. today.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 26th DAY OF FEBRUARY, 2015.**

**NIKKI R. HALEY**  
**Governor**

## **10 EXECUTIVE ORDERS**

### **Executive Order No. 2015-13**

**WHEREAS**, from February 23, 2015 to February 26, 2015, the National Weather Service began issuing Wither Weather Advisories, Freezing Rain Advisories, and Winter Storm Warnings in effect from February 23, 2015 to February 26, 2015, forecasting periods of snow, sleet, freezing rain, and temperatures below freezing in parts of South Carolina leading to the possibility of hazardous driving conditions and power outages, which pose a threat to the health, safety, and welfare of citizens; and

**WHEREAS**, as a result of the threat of hazardous weather conditions, state government offices were closed or delayed in accordance with county government offices as follows: On February 24, 2015, state offices were delayed in Berkeley, Charleston, Colleton, Dillon, Dorchester, Lancaster, Laurens, Marion, Oconee, and Williamsburg Counties, were dismissed early in Dillon and Florence Counties, and were closed in Fairfield and Orangeburg Counties; On February 25, 2015, state offices were delayed in Dillon, Lancaster, Orangeburg, and Williamsburg Counties; On February 26, 2015, state offices were delayed in Laurens, McCormick, Saluda, Union, and York Counties and were closed in Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg Counties; and

**WHEREAS**, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the governor of this State may authorize leave with pay for affected state employees who are absent from work due to the closing of state offices for hazardous weather conditions.

**NOW, THEREFORE**, pursuant to the authority vested in me by the laws and Constitution of the State of South Carolina, I hereby grant leave with pay to state employees absent from work as directed on February 24, 2015 through February 26, 2015, due to the closing of state offices caused by hazardous weather conditions.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 5<sup>th</sup> DAY OF MARCH, 2015.**

**NIKKI R. HALEY**  
**Governor**





## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

TO: Sam Wilkins, Director of the State Office of Human Resources  
FROM: Swati S. Patel, Chief Legal Counsel to the Office of the Governor  
DATE: March 11, 2015  
RE: Clarification for Executive Order 2015-13

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Pursuant to Section 8-11-57 of the South Carolina Code of laws, the Governor issued Executive Order 2015-13, which included information that must be clarified as follows:

*In Paragraph 2, Line 7, an addition should be made to include Florence County having had a two-hour delay on February 25, 2015.*

This clarification effectively grants leave with pay to state employees who were delayed in Florence County by two hours on February 25, 2015.

**12 NOTICES**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

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

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality (BAQ), does hereby give notice of authorization being granted to the below listed sources who have requested coverage under the General Conditional Major Operating Permits for Petroleum Distribution Operations, Textile Operations, Fuel Combustion Operations, Concrete Plants, and Asphalt Plants. Interested persons may review the general permit and the individual facility information on our website at: <http://www.scdhec.gov/Environment/AirQuality/OperatingPermits/General/>.

The Petroleum Distribution Operations permit was previously open for a thirty (30) day public comment period starting on August 24, 2012, with issuance on October 1, 2012. The Textile Operations and Fuel Combustion Operations permits were previously open for a thirty (30) day public comment period starting on February 25, 2011, with issuance on April 1, 2011. The Concrete Plant permit was previously open for a thirty (30) day public comment period starting on May 27, 2011, with issuance on June 30, 2011. The Asphalt Plants permit was previously open for a thirty (30) day public comment period starting on March 22, 2013, with issuance on August 5, 2013. If you have questions or comments, please contact Alyson Hayes, Division of Engineering Services, at (803) 898-4123.

Company Name	Permit Number	County	Physical Location	Permit Type
Kinder Morgan Southeast Terminals, LLC	0080-0051	Aiken	221 Laurel Lake Drive, North Augusta, SC 29860	Petroleum Distribution Operations
Marathon Petroleum Company, LP – Belton Terminal	0200-0052	Anderson	14315 Hwy. 20, Belton, SC 29627	Petroleum Distribution Operations
Buckeye Partners LLC – Belton Terminal	0200-0056	Anderson	14300 Hwy. 20 North, Belton, SC 29627	Petroleum Distribution Operations
TransMontaigne Operating Company, LP – Belton Terminal	0200-0057	Anderson	14033 Hwy. 20 North, Belton, SC 29627	Petroleum Distribution Operations
Buckeye Terminals, LLC– Charleston North Terminal	0560-0022	Charleston	5150 Virginia Ave., Charleston, SC 29405	Petroleum Distribution Operations
Kinder Morgan Southeast Terminals, LLC – North Augusta #1 Terminal	0980-0005	Edgefield	205 Sweetwater Rd., North Augusta, SC 29841	Petroleum Distribution Operations
Buckeye Partners LLC – North Augusta Terminal	0980-0014	Edgefield	221 Sweetwater Rd., North Augusta, SC 29841	Petroleum Distribution Operations

Company Name	Permit Number	County	Physical Location	Permit Type
Kinder Morgan Southeast Terminals LLC	2060-0056	Spartanburg	200 Nebo St., Spartanburg, SC 29302	Petroleum Distribution Operations
Motiva Enterprises, LLC	2060-0097	Spartanburg	300 Delmar Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
TransMontaigne Operating Company, LP – Spartanburg Terminal	2060-0098	Spartanburg	2300 South Port Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Citgo Petroleum Corporation – Spartanburg Terminal	2060-0101	Spartanburg	2590 Southport Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Buckeye Partners LLC – Spartanburg Terminal	2060-0134	Spartanburg	680 Delmar Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Rockland Industries, Inc.	0260-0002	Bamberg	253 Calhoun St., Bamberg, SC 29003	Textile Operations
Hamrick Mills – Hamrick Plant	0600-0004	Cherokee	2526 Cherokee Ave., Gaffney, SC 29342	Textile Operations
Springfield LLC – Limestone Plant	0600-0014	Cherokee	1206 Cherokee Ave., Gaffney, SC 29342	Textile Operations
Hamrick Mills – Musgrove Plant	0600-0062	Cherokee	150 Hamrick St., Gaffney, SC 29342	Textile Operations
Safety Components Fabric Technologies, Inc.	1200-0014	Greenville	30 Emery St., Greenville, SC 29602	Textile Operations
DeRoyal Textiles, Inc.	1380-0019	Kershaw	125 E. York St., Camden, SC 29020	Textile Operations
J.B. Martin Company	1560-0095	Lexington	321 S. East Ave., Leesville, SC 29070	Textile Operations
Mohawk Industries	2060-0012	Spartanburg	300 Landrum Mill Rd., Landrum, SC 29356	Textile Operations
Inman Mills – Saybrook Plant	2060-0042	Spartanburg	1 First St., Inman, SC 29349	Textile Operations
Leigh Fibers, Inc.	2060-0084	Spartanburg	1101 Syphrit Rd., Wellford, SC 29385	Textile Operations
Inman Mills – Ramey Plant	2060-0271	Spartanburg	15980 Hwy. 221, Enoree, SC 29335	Textile Operations
Pharr Yarns, Inc.	2440-0002	York	Hwy. 557 & Kingsbury Rd., Clover, SC 29710	Textile Operations
Evans Ready – Mix, Inc.	1040-0064	Florence	2175 W. Sumter St., Florence, SC 29502	Concrete Plants

**14 NOTICES**

Company Name	Permit Number	County	Physical Location	Permit Type
Glasscock Company, Inc. – Plant #2	9900-0144	Portable	5378 Broad St., Sumter, SC 29154	Concrete Plants
Glasscock Company, Inc. – Plant #3	9900-0145	Portable	5378 Broad St., Sumter, SC 29154	Concrete Plants
APAC-Tennessee, Inc. Ballenger Division	9900-0220	Portable	3250 Airport Blvd., West Columbia, SC 29170	Concrete Plants
J&S, Inc. – Plant #2	9900-0304	Portable	5554 Charlotte Hwy., Lancaster, SC 29721	Concrete Plants
Scruggs Company	9900-0305	Portable	Out of State	Concrete Plants
GSP Concrete LLC	9900-0455	Portable	205 Plemmons Rd., Duncan, SC 29334	Concrete Plants
Sandlapper Concrete LLC	9900-0457	Portable	123 Metrograte Circle Simpsonville, SC 29681	Concrete Plants
Stevenson Weir, Inc.	9900-0482	Portable	1523 South Anderson Rd., Rock Hill, SC 29730	Concrete Plants
Blue Dot Read Mix	9900-0494	Portable	9104 Northfield Dr., Fort Mill, SC 29716	Concrete Plants
Concrete Supply Co. LLC – Indian Land	9900-0500	Portable	Northfield Dr., Fort Mill, SC 29716	Concrete Plants
Concrete Supply Co. LLC – Lancaster	9900-0521	Portable	9169 Northfield Dr., Fort Mill, SC 29716	Concrete Plants
Concrete Supply Co. LLC – Johnsonville Spare	9900-0545	Portable	219 E. Industrial Blvd., Florence, SC 29505	Concrete Plants
C.R. Jackson, Inc.	9900-0576	Portable	1550 E. Campground Rd., Florence, SC 29506	Concrete Plants
Stevenson Weir, Inc.	9900-0613	Portable	1523 South Anderson Rd., Rock Hill, SC 29730	Concrete Plants
Honea Path Generating Facility	0040-0035	Abbeville	46 Rusty Burns Dr., Honea Path, SC 29654	Fuel Combustion Operations
U.S. Naval Hospital	0360-0005	Beaufort	1 Pinckney Blvd., Beaufort, SC 29902	Fuel Combustion Operations
Resort Services Inc.	0360-0046	Beaufort	336 Buck Island Rd., Bluffton, SC 29910	Fuel Combustion Operations
Beaufort-Jasper Water and Sewer Authority	0360-0050	Beaufort	14 Snake Rd., Okatie, SC 29909	Fuel Combustion Operations
South Island Public Service District WWTF	0360-0051	Beaufort	2 Lawton Canal Rd., Hilton Head Island, SC 29928	Fuel Combustion Operations

Company Name	Permit Number	County	Physical Location	Permit Type
South Island Public Service District	0360-0061	Beaufort	106 A Cordillo Pkwy., Hilton Head Island, SC 29928	Fuel Combustion Operations
Beaufort-Jasper Water and Sewer Authority – Port Royal	0360-0070	Beaufort	285 Castlerock Rd., Burton, SC 29906	Fuel Combustion Operations
Charleston Water System	0420-0072	Berkeley	1104 Hanahan Rd., Hanahan, SC 29410	Fuel Combustion Operations
Roper Hospital	0560-0046	Charleston	316 Calhoun St., Charleston, SC 29401	Fuel Combustion Operations
Medical University of SC	0560-0024	Charleston	173 Ashley Ave., Charleston, SC 29425	Fuel Combustion Operations
Chevron Products Company	0560-0020	Charleston	1882 Milford St., Charleston, SC 29405	Fuel Combustion Operations
Charleston Memorial Hospital	0560-0131	Charleston	19 Hagood Ave., Rm. 908 Charleston, SC 29403	Fuel Combustion Operations
Medical University of SC– Rutledge Towers	0560-0133	Charleston	135 Rutledge Ave., Charleston, SC 29401	Fuel Combustion Operations
US Dept. of Justice Federal Bureau of Prisons Edgefield	0980-0026	Edgefield	501 Gary Hill Rd., Edgefield, SC 29824	Fuel Combustion Operations
Town of Winnsboro – Electric Division	1000-0020	Fairfield	U.S. Hwy. 321, Winnsboro, SC 29180	Fuel Combustion Operations
McLeod Regional Medical Center	1040-0048	Florence	555 East Cheves St., Florence, SC 29501	Fuel Combustion Operations
City of Florence Regional WWMF	1040-0079	Florence	1000 Stockade Dr., Florence, SC 29501	Fuel Combustion Operations
Georgetown Medical Hospital	1140-0032	Georgetown	606 Black River Rd., Georgetown, SC 29440	Fuel Combustion Operations
Columbia Farms Inc. Greenville	1200-0232	Greenville	1354 Rutherford Rd., Greenville SC 29608	Fuel Combustion Operations
Greenville Hospital Systems GMMC Campus	1200-0145	Greenville	701 Grove Rd., Greenville, SC 29605	Fuel Combustion Operations
Greenville Water	1200-0334	Greenville	50 Pleasant Retreat Rd., Travelers Rest, SC 29690	Fuel Combustion Operations
St. Francis Health System	1200-0139	Greenville	One St. Francis Dr., Greenville, SC 29601	Fuel Combustion Operations

16 NOTICES

Company Name	Permit Number	County	Physical Location	Permit Type
Self Regional Healthcare	1240-0028	Greenwood	1325 Spring St., Greenwood, SC 29646	Fuel Combustion Operations
Greenwood Metro – Wilson Creek	1240-0123	Greenwood	481 Wilson Creek Rd., Greenwood, SC 29646	Fuel Combustion Operations
Beaufort-Jasper Water WSA – Purrysburg WTP	1360-0042	Jasper	10314 Purrysburg Rd., Hardeeville, SC 29927	Fuel Combustion Operations
Lee Correctional Institution	1540-0027	Lee	1204 East Church St., Bishopville, SC 29010	Fuel Combustion Operations
Lexington Medical Center	1560-0055	Lexington	2720 Sunset Blvd., West Columbia, SC 29169	Fuel Combustion Operations
Sopakco, Inc.	1680-0104	Marlboro	320 South Broad St., Bennettsville, SC 29512	Fuel Combustion Operations
Kraft Foods Group, Inc.	1780-0021	Newberry	3704 Louis Rich Dr., Newberry, SC 29108	Fuel Combustion Operations
Valenite Generating Facility	1820-0066	Oconee	7105 S. Hwy. 11, Westminster, SC 29693	Fuel Combustion Operations
South Carolina State University	1860-0065	Orangeburg	300 College St., NE, Orangeburg, SC 29117	Fuel Combustion Operations
Orangeburg Department of Public Utilities	1860-0073	Orangeburg	3990 North Rd., Orangeburg, SC 29118	Fuel Combustion Operations
Easley Combined Utilities Peak Plant	1880-0051	Pickens	150 Utility St., Bldg. 5, Easley, SC 29640	Fuel Combustion Operations
Palmetto Health Baptist Medical Center	1900-0044	Richland	1501 Sumter St., Columbia, SC 29220	Fuel Combustion Operations
Palmetto Richland Memorial Hospital	1900-0062	Richland	5 Medical Park Dr., Columbia, SC 29203	Fuel Combustion Operations
SC Office of General Services FM Energy Facility	1900-0162	Richland	1121 College St., Columbia, SC 29201	Fuel Combustion Operations
SC Department of Mental Health	1900-0055	Richland	2100 Bull St., Columbia, SC 29201	Fuel Combustion Operations
Milliken Research Corporation	2060-0022	Spartanburg	920 Milliken Rd., Spartanburg, SC 29304	Fuel Combustion Operations
Spartanburg Hospital for Restorative Care	2060-0128	Spartanburg	389 Serpentine Dr., Spartanburg, SC 29303	Fuel Combustion Operations
Spartanburg Regional Medical Center	2060-0142	Spartanburg	101 East Wood St., Spartanburg, SC 29303	Fuel Combustion Operations

Company Name	Permit Number	County	Physical Location	Permit Type
Spartanburg Commission of Public Works	2060-0334	Spartanburg	390 Spartanburg Water Works, Rd., Chesnee, SC 29323	Fuel Combustion Operations
Lockhart Power Company Pacolet	2060-0448	Spartanburg	909 Jerusalem Rd., Pacolet, SC 29372	Fuel Combustion Operations
Webb Forging Generating Facility	2180-0032	Union	160 Webb Forging Rd., Carlisle, SC 29031	Fuel Combustion Operations
Lockhart Power City West Diesel Generating Facility	2180-0033	Union	198 Times Blvd., Union, SC 29379	Fuel Combustion Operations
City of Rock Hill Utility Operation Center	2440-0207	York	727 South Anderson Rd., Rock Hill, SC 29730	Fuel Combustion Operations
Winthrop University	2440-0084	York	701 Oakland Ave., Rock Hill, SC 29733	Fuel Combustion Operations
Thermal Kem Generating Facility	2440-0157	York	2324 Vernsdale Rd. Rock Hill, SC 29730	Fuel Combustion Operations
Sediver Generating Facility	2440-0158	York	1707 Langrum Ct., York, SC 29754	Fuel Combustion Operations
Allegra Asphalt Paving Co. – Myrtle Beach Plant	9900-0649	Portable	1100 Jetport Rd., Myrtle Beach, SC 29577	Asphalt Plants
APAC Southeast Inc. – Hardeeville Plant	9900-0271	Portable	SC Hwy. 27& 413, Hardeeville, SC 29927	Asphalt Plants
Ashmore Brothers, Inc.	9900-0013	Portable	1880 Hwy. 14, Greer, SC 29653	Asphalt Plants
Ashmore Brothers, Inc. – Plant #2	9900-0045	Portable	300 McGee Rd., Anderson, SC 29625	Asphalt Plants
Ashmore Brothers, Inc. – Plant #3	9900-0152	Portable	300 Half Moon Rd., Wellford, SC 29385	Asphalt Plants
Banks Brothers Asphalt Paving	9900-0454	Portable	1460 North Hwy. 25, Travelers Rest, SC 29690	Asphalt Plants
Banks Construction Company	9900-0322	Portable	4902 Banco Rd. Charleston, SC 29415	Asphalt Plants
Banks Construction Company	9900-0461	Portable	101 Mellichamp Rd. Hwy. 78 West, Summerville, SC 29484	Asphalt Plants
Boggs Materials, Inc.	9900-0584	Portable	1335 Fort Jackson Hwy., Elgin, SC 29045	Asphalt Plants

18 NOTICES

Company Name	Permit Number	County	Physical Location	Permit Type
Boggs Materials, Inc. – Myrtle Beach	9900-0400	Portable	4807 South Hwy. 41, Mullins, SC 29574	Asphalt Plants
Boggs Paving, Inc.	9900-0539	Portable	3380 Hwy. 601 S., Pageland, SC 29718	Asphalt Plants
Boggs Materials, Inc. – Rock Hill	9900-0338	Portable	751 Porter Rd., Rock Hill, SC 29730	Asphalt Plants
C. R. Jackson, Inc. – Columbia Plant	9900-0036	Portable	100 Independence Blvd., Columbia, SC 29202	Asphalt Plants
C. R. Jackson, Inc. – Conway Plant #404	9900-0171	Portable	154 Winyah Rd., Conway, SC 29526	Asphalt Plants
C. R. Jackson, Inc. – Florence Plant #418	9900-0160	Portable	1550 East Campground Rd. Florence, SC 29501	Asphalt Plants
C. R. Jackson, Inc. – Jefferson Plant #501	9900-0213	Portable	1339 Ogburn Rd., Jefferson, SC 29718	Asphalt Plants
C. R. Jackson, Inc. – Sumter Plant #512	9900-0254	Portable	1170 Eagle Rd., Sumter, SC 29154	Asphalt Plants
Carben Asphalt, Inc.	9900-0447	Portable	155 Industrial Dr., Gaston, SC 29053	Asphalt Plants
F&R Asphalt, Inc. – Gaffney Plant	9900-0373	Portable	520 Gaffney Ferry Rd., Gaffney, SC 29342	Asphalt Plants
F&R Asphalt, Inc. – Gray Court	9900-0421	Portable	1900 Quarry Rd., Gray Court, SC 29645	Asphalt Plants
F&R Asphalt, Inc. – Lyman Plant	9900-0090	Portable	2550 Ballenger Rd., Wellford, SC 29385	Asphalt Plants
F&R Asphalt, Inc. – Plant #2	9900-0107	Portable	107 Asphalt Lane, Pendleton, SC 29670	Asphalt Plants
Granite Contracting, LLC – Florence Plant	9900-0452	Portable	6916 Hwy. 501 N., Latta, SC 29565	Asphalt Plants
Granite Contracting, LLC – York Plant	9900-0300	Portable	470 True Rd., McConnells, SC 29726	Asphalt Plants
Hubbard Paving & Grading, Inc.	9900-0287	Portable	698 Rock Crusher Rd., Walhalla, SC 29691	Asphalt Plants
King Asphalt, Inc.	9900-0370	Portable	2127 Greenville Hwy., Liberty, SC 29657	Asphalt Plants
King Asphalt, Inc. – Simpsonville	9900-0283	Portable	1189 Old Stage Rd., Simpsonville, SC 29681	Asphalt Plants
Lanier Construction	9900-0035	Portable	4016 Hwy. 321, Gaston, SC 29053	Asphalt Plants



Company Name	Permit Number	County	Physical Location	Permit Type
Company, Inc. – Gaston Asphalt				
Palmetto Paving Corporation – Conway Plant	9900-0197	Portable	6184 Godwin Paradise Ln., Conway, SC 29528	Asphalt Plants
Palmetto Paving Corporation – Florence Plant	9900-0337	Portable	1115 North Williston Rd., Florence, SC 29506	Asphalt Plants
Palmetto Paving, Inc.	9900-0478	Portable	1430 Sumter Hwy., Bishopville, SC 29010	Asphalt Plants
Panagakos Asphalt Paving	9900-0362	Portable	30 Greencove Dr., Greenville, SC 29616	Asphalt Plants
Panagakos Asphalt Paving – Gray Court	9900-0503	Portable	6977 Hwy. 14, Gray Court, SC 29645	Asphalt Plants
Pickens Construction, Inc.	9900-0041	Portable	415 McGee Rd., Anderson, SC 29623	Asphalt Plants
Ray Walker Trucking Company, Inc.	9900-0169	Portable	4 Brown Rd., Piedmont, SC 29673	Asphalt Plants
The Lane Construction Corp. – North Columbia Plant	9900-0081	Portable	3176 Charleston Hwy., West Columbia, SC 29172	Asphalt Plants
The Lane Construction Corp. – Ridgeland Plant	9900-0022	Portable	Hwy. 17 North, Ridgeland, SC 29936	Asphalt Plants
The Lane Construction Corp. – Rock Hill	9900-0033	Portable	900 Hawkfield Rd., Rock Hill, SC 29730	Asphalt Plants
The Lane Construction Corp. – Ulmer	9900-0082	Portable	8725 Rivers Bridge Rd., Olar, SC 29843	Asphalt Plants
The Lane Construction Corp. – Orangeburg Plant	9900-0088	Portable	2585 Kennerly Rd., Orangeburg, SC 29115	Asphalt Plants
The Lane Construction Corp. – CMI Portable	9900-0339	Portable	244 Remount Ln., Walterboro, SC 29488	Asphalt Plants
The Lane Construction – West Columbia	9900-0083	Portable	3176 Charleston Hwy., West Columbia, SC 29172	Asphalt Plants

**20 NOTICES**

Company Name	Permit Number	County	Physical Location	Permit Type
Sanders Brothers Construction Company, Inc. – North Charleston	9900-0234	Portable	1981 Harley St., North Charleston, SC 29419	Asphalt Plants
Sanders Brothers Construction Company, Inc. – Summerville Plant	9900-0227	Portable	2142 Asphalt Dr., Summerville, SC 29483	Asphalt Plants
Satterfield Construction Company, Inc. – Eureka	9900-0046	Portable	275 Johnston Hwy., Trenton, SC 29847	Asphalt Plants
Satterfield Construction Company, Inc. – Stoney Point Plant	9900-0351	Portable	1903 Hwy. 246 North, Greenwood, SC 29649	Asphalt Plants
Satterfield Construction Company, Inc. – LR Plant	9900-0066	Portable	3623 Old Laurens Rd., Greenwood, SC 29649	Asphalt Plants
Sloan Construction Company, Inc. – Columbia Plant	9900-0055	Portable	630 Rosewood Dr., Columbia, SC 29201	Asphalt Plants
Sloan Construction Company, Inc. – Cayce Plant	9900-0060	Portable	600 Taylor St., Cayce, SC 29033	Asphalt Plants
Sloan Construction Company, Inc. – Duncan	9900-0115	Portable	235 Plemmons Rd., Duncan, SC 29334	Asphalt Plants
Sloan Construction Company – Pacolet	9900-0091	Portable	230 Hwy. 176 Bypass, Pacolet, SC 29372	Asphalt Plants
Sloan Construction Company	9900-0586	Portable	1233 Golden Acres Rd., Clinton, SC 29325	Asphalt Plants
Sloan Construction Company, Inc. – Blacksburg	9900-0375	Portable	493 Quarry Rd., Blacksburg, SC 29702	Asphalt Plants
Southern Asphalt Inc.	9900-0474	Portable	3374 Mt. Pisgah Cemetery Rd., Conway, SC 29528	Asphalt Plants

## 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 March 27, 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) 545-4200.

**Affecting Florence County**

Renovation to an existing facility for the addition of a Hybrid OR.

**McLeod Regional Medical Center of the Pee Dee, Inc.**

Florence, South Carolina

Project Cost: \$4,127,700

**Affecting Greenville County**

Renovation of an existing facility to modernize its MRI services and upgrade to a new Philips Ingenia 1.5T Omega MRI.

**Greenville Health System d/b/a GHS Greenville Memorial Hospital**

Greenville, South Carolina

Project Cost: \$8,067,034

**Affecting Greenwood County**

Construction for the replacement of an existing nursing home facility for the reduction of beds from one hundred two (102) non-institutional nursing home beds to eighty (80) non-institutional nursing home beds.

**Wesley Commons d/b/a Wesley Commons Health Care Center**

Greenwood, South Carolina

Project Cost: \$15,933,329

**Affecting Spartanburg County**

Construction of a new nursing home facility to accommodate the transfer of one hundred thirty-two (132) long term care beds from an existing facility with no net change in bed count.

**White Oak Manor, Inc.**

Spartanburg, South Carolina

Project Cost: \$21,255,000

## 22 NOTICES

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

#### NOTICE OF GENERAL PUBLIC INTEREST

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

Mandatory codes include the:

- 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 Plumbing Code;
- 2015 Edition of the International Mechanical Code;
- 2015 Edition of the International Fuel Gas Code;
- 2014 Edition of the National Electrical Code.

Permissive codes include the:

- 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
- 2015 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

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

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

**Notice of Drafting:**

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Michael Monroe, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at [monroemc@dhec.sc.gov](mailto:monroemc@dhec.sc.gov). To be considered, comments must be received by April 27, 2015, the close of the drafting comment period.

**Synopsis:**

(1) Proposed Amendment of R.61-62.1, Permit Requirements:

The Department proposes amendments to R.61-62.1, Definitions and General Requirements, Section II, Permit Requirements, (c) to include clarification for allowable on-site activities prior to obtaining a construction permit. Also, the Department proposes amendments to R.61-62.1, Section II to add language to clarify source exemptions for a permit.

The Department may also propose other changes to R.61-62.1, Air Pollution Control Regulations and Standards, which may include the removal of the requirement of a revised air dispersion modeling analysis for permit renewals. Amendments will also include additional definitions for clarification and/or corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62.1 as necessary.

(2) R.61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries, to clarify this regulation is not triggered for sources that the Department has removed PM limits (from other sections of this regulation).

(3) Proposed amendments to R.61-62.5, Air Pollution Control Standards, Standard No. 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>), to clarify applicability and exemptions as well as to propose corrections for internal consistency, punctuation, codification, and spelling.

(4) R.61-62.70, Air Pollution Control Regulations and Standards, Title V Operating Permit Program, to remove appeals language as this is generally defined by statutory law (Code Ann. Section 44-1-60 (Supp. 2012) and is redundant, and to clarify qualification language for administrative amendments.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, that may include corrections for internal consistency, clarification, reference, punctuation, codification, and spelling to improve the overall text of Regulation 61-62 as necessary.

Pursuant to S.C. Code Section 1-23-120(H)(1), these proposed revisions are not federally mandated and will require legislative review.

## 24 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

#### **Notice of Drafting:**

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). Interested persons are invited to present their views concerning these amendments in writing to Marie F. Brown, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at [brownmf@dhec.sc.gov](mailto:brownmf@dhec.sc.gov). To be considered, the Department must receive comments by 5:00 p.m. on April 27, 2015, the close of the drafting comment period.

#### **Synopsis:**

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Prevention of Significant Deterioration (PSD), and revisions to testing methods.

The Department proposes to amend: Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants, and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference recent federal amendments promulgated from January 1, 2014 through December 31, 2014.

The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because the Department proposes promulgating the amendments to maintain compliance with federal law.

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

Statutory Authority: 1976 Code Sections 44-93-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control is proposing to amend R.61-105, Infectious Waste Management Regulations. Interested persons may submit their views by writing to David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, [infectiouswaste@dhec.sc.gov](mailto:infectiouswaste@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on April 27, 2015, the close of the drafting comment period.

**Synopsis:**

The Department of Health and Environmental Control proposes to amend R.61-105, the South Carolina Infectious Waste Management Regulation. The Infectious Waste Management Regulation was last amended June 25, 2010. General permit requirements will be amended to include the following:

Facilities that have a permit by rule will now be required to notify the Department of the type of treatment they will utilize and the requirements will be clarified for any waste facilities are pre-treating.

Body art facilities (tattoo and body piercing) will be included in the types of facilities that generate infectious waste.

Recordkeeping requirements will be clarified to include a timeframe for records to be provided to the Department after an inspection. Timeframes will also be added to the requirements for variances and alternative treatment technology approvals, including expiration and opportunities for renewal. Requirements will be added to allow better communication with facilities and tracking of facilities. Annual reporting requirements for treatment facilities will be revised and clarified to require amounts of waste treated to correspond to the state of origin. Requirements in conflict with federal Department of Transportation regulations will be deleted or revised. Protocol requirements for generators will be given more specificity.

Demonstration of need requirements will be clarified and given more consistency with those of other similar programs. The definition(s) and requirements for storage of waste will be clarified. Financial assurance documentation requirements will be revised to better protect the Department and South Carolina residents.

The standards for waste treatment technologies will be updated and the requirement for transporters to disinfect their vehicles will be simplified.

Additionally, stylistic changes, which may include corrections for internal consistency, clarification, references, and spelling will be made to improve the overall text of the regulation, as well as to add or clarify definitions of terminology used in the Regulation. A table of contents will be added.

Legislative review of this amendment will be required.

## 26 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-61-510 et seq.

#### **Notice of Drafting:**

The South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulation 61-116, South Carolina Trauma Care Systems. Interested persons may submit written comments to Robert Wronski, Director, DHEC Division of EMS and Trauma, 2600 Bull Street, Columbia, South Carolina 29201, or via email at [wronskra@dhec.sc.gov](mailto:wronskra@dhec.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. April 27, 2015, the close of the comment period.

#### **Synopsis:**

The Department proposes amending R.61-116 to incorporate changes in the Trauma Care Systems Act and requirements published by the American College of Surgeons. The amendment is necessary to update definitions, references, and codification. In addition, the amendment will include updates to designation process requirements, reporting requirements, facility design and construction, provisions relating to standards of care, staffing requirements, application requirements, triage and transport requirements, inspections and violation enforcement, data collection, and general designation requirements. The Department may also include stylistic changes for internal consistency, clarification of wording, grammatical errors, outlining and codification, and any other changes that may be necessary for overall improvement of the regulation.

Legislative review is required.



Document No. 4563  
**OFFICE OF THE GOVERNOR**  
CHAPTER 58  
Statutory Authority: 1976 Code Sections 25-1-420 et seq.

58-1. Local Emergency Preparedness Standards

**Preamble:**

The Office of the Governor proposes amending R.58-1, Local Emergency Preparedness Standards. The proposed amendments will update the language of the regulation to comply with current standards of practice. Additionally, the amendments will delineate the roles and responsibilities of the counties and municipalities.

A Notice of Drafting was published in the *State Register* on February 27, 2015.

Section-by-Section Discussion of Proposed Amendments

Section (A)(1) will address the establishment of county level emergency management agencies as well as the development of a county emergency management plan.

Section (A)(2) will outline the basis for emergency management standards.

Section (A)(3) will require each county to have a county emergency management director and outline the qualifications that are necessary for an individual to hold the position.

Section (A)(4) will describe the responsibilities of the county emergency management director.

Section (A)(5) will describe the territorial limits of performing emergency management functions.

Section (B)(1) will encourage municipalities to develop emergency management programs.

Section (B)(2) will necessitate coordination between municipal and county emergency management programs.

Section (B)(3) will mandate that any municipal emergency management program must comply with the same rules and laws that county emergency management is bound by.

Section (B)(4) will require that municipal emergency management plans be consistent and in sync with county emergency management plans.

Section (C)(1) will create a review committee that will review and address any concerns or issues regarding emergency management.

Section (C)(2) will define how membership of the review committee shall be determined.

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

Interested persons may submit written comments to Danielle Maynard, Legal Counsel, South Carolina Emergency Management Division, 2779 Fish Hatchery Road, West Columbia, South Carolina 29172, or via email at [dmaynard@emd.sc.gov](mailto:dmaynard@emd.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on April 27, 2015.

## 28 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be held at 10:00 a.m. on Monday, May 4, 2015, at the offices of the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely or properly received, the hearing will be cancelled.

### **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:**

DESCRIPTION OF REGULATION: Local Emergency Preparedness Standards

Purpose: The proposed amendments to R.58-1 will support the goal of updating the current regulation to comply with current standards of practice. Furthermore, the proposed amendments will simplify and clarify the current regulation to help define the roles and responsibilities in local emergency management.

Legal Authority: The legal authority for R.58-1 is S.C. Code Section 25-1-420 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the South Carolina Emergency Management Division.

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

Emergency management has grown and developed since the current regulation was promulgated so it is reasonable and necessary to update the language as well as the roles and responsibilities of the counties and municipalities. Updating and clarifying emergency management standards at the local level will provide much needed guidance as well as explain the coordination between different levels of government. Furthermore, it is also necessary to form a review committee to address any concerns or issues regarding emergency management. This committee will help the emergency management community keep abreast of changes and developments that may affect emergency management.

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

There should be no increased cost to the State or its political subdivisions from this proposed revision. Amendments to R.58-1 will benefit the regulated community by streamlining and clarifying the existing regulation, updating the language with current standards of practice in emergency management, and encouraging the development of emergency management standards at a local level.

### **UNCERTAINTIES OF ESTIMATES:**

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

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

During an emergency, the effectiveness of emergency management operations are directly linked to the health and safety of the public. The proposed amendments to R.58-1 will help clarify and streamline the roles and responsibilities of emergency management at the local level which will thereby make operations more efficient during an emergency. There is no anticipated effect on the environment.

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

None.

**Statement of Rationale:**

The determination to amend this regulation was based on numerous requests received by the South Carolina Emergency Management Division. The current regulation does not reflect the current standards of practice so it is reasonable and necessary to update the language to reflect current practices. It is also important to encourage the development of emergency management at the local level to ensure the best response and coordination during an emergency. During an emergency situation, the clear delineation of roles and responsibilities is crucial to a successful operation and is directly linked to the health and safety of the public.

**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. 4564  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61  
Statutory Authority: 1976 Code Sections 44-7-260

61-13. Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions

**Preamble:**

Regulation 61-13 was promulgated in 1992. Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions are those facilities which serve four (4) or more persons and provide health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services. These facilities provide room and board, and active treatment for individuals with intellectual disabilities and related conditions. The proposed amendments herein include the Department's effort to incorporate updates and clarification relating to facility licensure requirements, accident and/or incident reports, client and medical record maintenance, emergency procedures and disaster preparedness, client care, treatment, and services, design and construction, and fire and life safety. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on September 26, 2014.

Section-by-Section Discussion of Proposed Amendments

The title was amended to comply with current statutory requirements.

Statutory authority for this regulation was added under the title of the regulation and before the table of contents.

TABLE OF CONTENTS

The table of contents was added.

## **30 PROPOSED REGULATIONS**

### **61-13.100. Definitions (formerly 61-13.A(1))**

The definitions of 61-13.100.A Abuse, 61-13.100.C Administrator, 61-13.100.D Adult, 61-13.100.E Airborne Infection Isolation, 61-13.100.J Exploitation, 61-13.100.K Facility, 61-13.100.L Incident, 61-13.100.N Interdisciplinary Team, 61-13.100.O Intermediate Care Facility for Persons with Intellectual Disability, 61-13.100.Q Neglect, and 61-13.100.R Nonlegend Medication were added. The definitions of 61-13.100.B (formerly 61-13.A(1)(b)) Active Treatment, 61-13.100.F (formerly 61-13.A(1)(f)) Client, 61-13.100.O (formerly 61-13.A(1)(p)) Licensee, 61-13.100.R (formerly 61-13.A(1)(s)) Related Condition, and 61-13.100.S (formerly 61-13.A(1)(t)) Qualified Intellectual Disability Professional, have been amended. The definitions of 61-13.A(1)(a) Accident/Incident, 61-13.A(1)(c) Attic, 61-13.A(1)(d) Automatic Sprinkler System, 61-13.A(1)(e) Basement, 61-13.A(1)(j) Existing Facility, 61-13.A(1)(k) Exit, 61-13.A(1)(l) Fire Resistive Rating, 61-13.A(1)(m) First Floor, 61-13.A(1)(n) Habilitation Center for Persons with Intellectual Disability or Persons with Related Conditions, 61-13.A(1)(o) Institutional Occupancy, 61-13.A(1)(r) New Facility, and 61-13.A(1)(u) Story, have been deleted. The remaining definitions were renumbered to adjust the codification.

### **61-13.200. LICENSE REQUIREMENTS (formerly 61-13.A(2))**

Section 61-13.A(2) Interpretations was relocated to Section 61-13.200 and titled License Requirements.

### **61-13.201. Scope of Licensure (formerly 61-13.A(2))**

The amendment revises Section 61-13.201.A (formerly 61-13.A(2)(b)) to reference the appropriate section. The amendment adds language to Section 61-13.201.B (formerly 61-13.A(2)(c)) to indicate the effective date of licensure. In addition, the amendment revises Section 61-13.201.D (formerly 61-13.A(2)(d)) to reference the appropriate section.

### **61-13.202. License Application (formerly 61-13.B(1))**

The amendment revises the language in Section 61-13.202 (formerly 61-13.B(1)) to clarify license application requirements.

### **61-13.203. Compliance**

The amendment was added to require initial licensees to comply with licensing standards. Language was added to clarify the guidelines of copying a license.

### **61-13.204. Licensing Fee (formerly 61-13.A(2)(e))**

The amendment was added to allow for the payment of licensing fees by check or credit card.

### **61-13.205. Change of License (formerly 61-13.A(2)(k))**

The amendment was relocated to the appropriate section and renumbered to adjust the codification.

### **61-13.206. Licensed Bed Capacity**

The amendment was added to clarify the licensed bed capacity and to require facilities to obtain authorization prior to any change in bed capacity.

### **61-13.207. Exceptions to Licensing Standards (formerly 61-13.A(2)(j))**

This section was relocated and renumbered to adjust the codification. The amendment adds language clarifying licensing standards with regard to exceptions.

## **61-13.300. ENFORCEMENT OF REGULATIONS**

Section 61-13.300 was added outline procedures for enforcement of the regulation.

### **61-13.302. Inspections and Investigations**

Section 61-13.302.A adds language that facilities shall be inspected prior to initial licensing. Section 61-13.302.D describes the written plan of correction for facilities that are found noncompliant. The amendment adds language to Section 61-13.302.E that the Department may charge a fee for plan for reviews, construction inspections, and licensing inspections.

**61-13.400. ENFORCEMENT ACTIONS (formerly 61-13.A(3))**

The amendment revises the language in Section 61-13.400 (formerly 61-13.A(3)) to clarify enforcement actions.

**61-13.500. POLICIES AND PROCEDURES**

Section 61-13.500 was added to require facilities to develop and implement policies and procedures to accurately reflect actual facility operation.

**61-13.600. STAFF AND TRAINING (formerly 61-13.B(4))**

The amendment adds Section 61-13.601.B to require all personnel to undergo a criminal background check prior to employment. Section 61-13.602 has been amended to clarify requirements of the facility administrator. Section 61-13.603 was added to clarify requirements of direct care staff. Section 61-13.604 (formerly 61-13.B(4)) was amended to clarify the staffing ratio. Section 61-13.605 (formerly 61-13.B(4)(f)) amends the language to clarify inservice training. Section 61-13.606 (formerly 61-13.B(4)) was relocated and adjusted for codification. Section 61-13.607 (formerly 61-13.B(5)) was amended to clarify requirements of volunteer workers.

**61-13.700. REPORTING**

The amendment revises Section 61-13.701 (formerly 61-13.B(7)) to the current standards of accident and/or incident reporting. The amendment revises Section 61-13.702 (formerly 61-13.B(7)(f)) to current standards regarding fire reporting. Section 61-13.703 (formerly 61-13.D(5)) was relocated and adjusted for codification. Section 61-13.704 was added to require notification to the Department when a facility receives evacuees. Section 61-13.705 (formerly 61-13.B(7)(e)) was relocated and amended to clarify requirements of the Joint Annual Report. Section 61-13.706 was added to address policies and procedures for temporary and permanent facility closure. Section 61-13.707 was added to address facilities with zero census.

**61-13.800. CLIENT RECORDS (formerly 61-13.J)**

The amendment revises Section 61-13.801 (formerly 61-13.J(1)) to clarify the required content for client records. Section 61-13.803 (formerly 61-13.J(1)(d)) was relocated to adjust codification. Section 61-13.804 (formerly 61-13.J(3)) was revised to current record retention practices.

**61-13.900. ADMISSION AND RETENTION (formerly 61-13.D(2))**

Section 61-13.900 (formerly 61-13.D(2)) was relocated and adjusted for codification. The amendment revises Section 61-13.900.C (formerly 61-13.D(2)(c)) to reference the applicable section.

**61-13.1000. CLIENT CARE AND SERVICES (formerly 61-13.D)**

Section 61-13.1001 was relocated from former Section 61-13.C(2) and revised for clarity. Section 61-13.1002 (formerly 61-13.D(1)) was relocated and revised for clarity. Section 61-13.1003 was relocated from former Section 61-13.G and amended for clarity. Section 61-13.1009 was added to clarify restraint requirements. Section 61-13.1010 (formerly 61-13.F) was relocated and amended to clarify social services requirements.

**61-13.1100. RIGHTS AND ASSURANCES (formerly 61-13.B(9))**

The amendment revises Section 61-13.1100 (formerly 61-13.B(9)) to correct statutory references. Section 61-13.1100.C was added to allow for a grievance and complaint procedure for clients.

**61-13.1200. MEDICATION MANAGEMENT (formerly 61-13.I)**

The Section title was revised for clarity. Section 61-13.1201 (formerly 61-13.I(1)) was revised to current requirements of medication management. Section 61-13.1203.G was amended to allow non-licensed staff members to administer nonlegend drugs. Sections 61-13.1204 and 61-13.1205 were revised regarding medication management. Section 61-13.1206 (formerly 61-13.I(3)) was revised to current medication storage standards. Section 61-13.1209 (formerly 61-13.I(4)) has been updated to current medication destruction requirements.

## **32 PROPOSED REGULATIONS**

### **61-13.1300. VITAL STATISTICS (formerly 61-13.K)**

Section 61-13.1302 (formerly 61-13.K(2)) was revised to reference the applicable regulation.

### **61-13.1400. EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS**

Section 61-13.1400 title was added for clarity.

### **61-13.1401. Disaster Preparedness (formerly 61-13.B(8))**

The amendment revises Section 61-13.1401 (formerly 61-13.B(8)) to current Emergency Procedures/Disaster Preparedness standards.

### **61-13.1402. Emergency Call Numbers (formerly 61-13.B(6))**

The amendment revises Section 61-13.1401 (formerly 61-13.B(6)) for clarity.

### **61-13.1500. INFECTION CONTROL AND ENVIRONMENT**

The amendment updates Sections 61-13.1501, 61-13.1502, 61-13.1503, and 61-13.1504 to adjust for current Tuberculosis Risk Assessment and Screening standards. Sections 61-13.1505 (formerly 61-13.M(2)), 61-13.1506 (formerly 61-13.M(4)), 61-13.1507 (formerly 61-13.M(3)(c)), and 61-13.1508 (formerly 61-13.M(3)) were relocated and renumbered to adjust codification. Section 61-13.1509 was added to address cleaning and use of equipment and supplies.

### **61-13.1600. MEAL SERVICE (formerly 61-13.N)**

The amendment revises Section 61-13.1600 (formerly 61-13.N) to current standards for meal service staff. In addition, the amendment revises the Section references to the “Department of Health and Environmental Control” to the “Department”. Section 61-13.1601.A was amended to clarify a distinction between facilities with sixteen (16) beds or more and fifteen (15) beds or less in regard to kitchen equipment. Section 61-13.1606 has been added to address dietary requirements. Section 61-13.1607 has been added to address food menu requirements. Section 61-13.1608 has been added to address ice and drinking water requirements.

### **61-13.1700. FIRE PREVENTION**

The amendment revises Section 61-13.1701 (formerly 61-13.O(1)) to current fire protection standards. Section 61-13.1702 has been added to address fire response training for employees. Section 61-13.1703 has been added to address fire drill requirements.

### **61-13.1800. DESIGN AND CONSTRUCTION (formerly 61-13.Q)**

The amendment revises Section 61-13.1802 (formerly 61-13.Q(2)) to current construction codes and standards. The amendment revises Section 61-13.1803 (formerly 61-13.Q(3)) to the current requirements for submission of plans. The amendment deletes several references in former Section 61-13.Q and consolidates the construction references to Section 61-13.1804. The amendment deletes various parts of the regulation from various sections and consolidates them under 61-13.1800 as Sections 61-13.1805 (formerly 61-13.Y(6)) Client Rooms, 61-13.1806 (formerly 61-13.Y(7)) Control Station, and 61-13.1807 (formerly 61-13.Y(9)) Utility Rooms.

### **61-13.1900. FIRE PROTECTION EQUIPMENT AND SYSTEMS (formerly 61-13.T)**

The amendment revises Sections 61-13.1901 (formerly 61-13.T(1) and (2)) and 61-13.1902 (formerly 61-13.W(8)) to comply with current codes.

### **61-13.2000. PREVENTATIVE MAINTENANCE**

The amendment adds Section 61-13.2000 to require compliance with construction and fire codes in performing preventative maintenance.

### **61-13.2100. EQUIPMENT AND SYSTEMS (formerly 61-13.S)**

The amendment revises Section 61-13.2100 (formerly 61-13.S) to delete “Hazardous Elements of Construction” and add “Equipment and Systems.”

**61-13.2101. Gases**

Section 61-13.2101.A was revised to clarify the requirements of storing gases, flammable and nonflammable. Section 61-13.2101.B was added to clarify the requirements for designated smoking areas.

**61-13.2102. Furnishings and Equipment**

Section 61-13.2102 was added to clarify the requirements for furnishings and equipment.

**61-13.2200. WATER SUPPLY, HYGIENE, AND TEMPERATURE CONTROL**

Section 61-13.2200 (formerly 61-13.V(1)(e)) was revised to current water temperature standards and to update the reference to another section.

**61-13.2300. ELECTRICAL**

The amendment revises Sections 61-13.2302 (formerly 61-13.W(3)), 61-13.2303 (formerly 61-13.W(4)), 61-13.2304 (formerly 61-13.W(5)), 61-13.2305 (formerly 61-13.W(5)(c)), and 61-13.2306 (formerly 61-13.W(7)). The amendment deletes Sections 61-13.W(1), 61-13.W(2), and 61-13.W(6).

**61-13.2400. HEATING, VENTILATION, AND AIR CONDITIONING (HVAC)**

The amendment revises Section 61-13.2400 (formerly 61-13.X(4)) for clarity and to update HVAC requirements and practices.

**61-13.2500. GENERAL CONSTRUCTION REQUIREMENTS (formerly 61-13.R)**

Section 61-13.2500 (formerly 61-13.R) was relocated and renumbered to adjust the codification. The remaining sections were renumbered to adjust the codification.

**61-13.2501. Common Areas**

Section 61-13.2501 was added to clarify the requirements for areas per bed of living, recreational, and dining area combined and accommodations for family privacy after a client's death.

**61-13.2502. Client Rooms (formerly 61-13.Y(6))**

Section 61-13.2502 (formerly 61-13.Y(6)) was revised to clarify the client room requirements to include a closet or wardrobe, a bureau consisting of at least three (3) drawers and a compartmentalized bedside table or nightstand.

**61-13.2503. Client Room Floor Area (formerly 61-13.Y(6)(b))**

Section 61-13.2503 (formerly 61-13.Y(6)(b)) was revised to clarify the client room floor area for rooms containing one (1) client and rooms containing two (2) clients.

**61-13.2504. Visitor Accommodations**

Section 61-13.2504 was added to clarify visitor designated or guest rooms requirements.

**61-13.2505. Baths and Restrooms**

Section 61-13.2505 was added to clarify requirements for baths and restrooms, such as grab bars on toilets and privacy at toilet fixtures and urinals.

**61-13.2506. Control Stations (formerly 61-13.Y(7))**

Section 61-13.2506 (formerly 61-13.Y(7)) was revised to clarify the setup of the control stations to be conducive to the type of care provided by the facility. Sections 61-13.2506.D, 61-13.2506.E, and 61-13.2506.F were added to clarify the location of the control station, the number of clients/beds served, and the location of the utility rooms for the control station.

**61-13.2507. Signal System (formerly 61-13.W(6))**

Section 61-13.2507 (formerly 61-13.W(6)) was revised to amend the regulation to current code standards.

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### **61-13.2508. Doors (formerly 61-13.U(3))**

Section 61-13.2508 (formerly 61-13.U(3)) was revised to clarify that restrooms shall have opaque doors for privacy. Section 61-13.2508.B was added to clarify that all glass doors shall have a contrasting or other indicator that causes the glass to be observable. Section 61-13.2508.C was added to clarify that doors with locks shall have the ability to open with one action. Section 61-13.2508.E was added to clarify that any locked room door shall have the ability to open from inside the room.

### **61-13.2509. Elevators (formerly 61-13.Y(15))**

The amendment revises Section 61-13.2509 (formerly 61-13.Y(15)) for clarity and to require inspection and testing upon installation and annually thereafter.

### **61-13.2510. Handrails and Guardrails (formerly 61-13.Y(4))**

Section 61-13.2510 (formerly 61-13.Y(4)) was revised to clarify the use and requirements of handrails and guardrails.

### **61-13.2511. Janitor's Closet (formerly 61-13.Y(12))**

Section 61-13.2511 (formerly 61-13.Y(12)) was revised to clarify that the janitor's closet must be lockable and one (1) janitor's closet shall not serve more than forty-four (44) licensed beds. Section 61-13.2511 (formerly 61-13.Y(12)) was also revised to require facilities with multiple housing units to have at least one (1) lockable janitor's closet for each housing unit.

### **61-13.2512. Storage Areas (formerly 61-13.Y(8))**

Section 61-13.2512.A (formerly 61-13.Y(8)(a)) was revised to clarify storage for client, staff, and volunteer belongings and equipment. Section 61-13.2512.B (formerly 61-13.Y(8)(a)) was revised to clarify a separate storage is required for equipment such as beds and wheelchairs.

### **61-13.2513. Telephone Service (formerly 61-13.Q(5))**

Section 61-13.2513.A (formerly 61-13.Q(5)) was amended to allow visitors the use of telephone services. Section 61-13.2513.B was added to clarify the location of each telephone.

### **61-13.2514. Location (formerly 61-13.Q(4))**

Sections 61-13.2514.A (formerly 61-13.Q(4)(b)), 61-13.2514.B (formerly 61-13.Q(4)(c)), and 61-13.2514.C (formerly 61-13.Q(4)(d)) were revised to clarify that the facility shall be served by roads that are passable at all times adequate for the volume of expected traffic, parking shall satisfy the needs of the facility, and the facility shall be accessible to firefighting equipment.

### **61-13.2515. Outdoor Area**

Section 61-13.2515 was added to clarify the requirements for the outdoor area. Section 61-13.2515.A was added to clarify the requirements of protecting unsafe, unprotected physical hazards. Section 61-13.2515.B was added to clarify the fenced area requirements. Section 61-13.2515.C was added to clarify that mechanical or equipment rooms shall be protected from unauthorized individuals.

### **61-13.2600. SEVERABILITY**

Section 61-13.2600 was added to allow the regulation to remain valid should it be determined that a portion of the regulation be invalid or unenforceable.

### **61-13.2700. GENERAL (formerly 61-13.AA)**

Section 61-13.2700 (formerly 61-13.AA) was renumbered to adjust the codification.



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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on May 7, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <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 (5) minutes and, as a courtesy, persons are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwen C. Thompson, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to [HealthRegComm@dhec.sc.gov](mailto:HealthRegComm@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on April 27, 2015, the close of the public comment period. Written comments received by the deadline, April 27, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on May 7, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, electronic copies of the proposed regulation will be available on the Department's Regulatory Development Update website at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate>. Click on the "Health Facilities & Services Regulations" topic and scroll down for R.61-13.

**Preliminary Fiscal Impact Statement:**

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation. There are no external costs anticipated.

**Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness is based on an analysis of the factors listed in S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-13, *Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions.*

Purpose: The purpose of these amendments to R.61-13 is to clarify standards pertaining to Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions. These proposed amendments provide updates to the definitions, licensure requirements, accident and/or incident reporting requirements, client and medical record maintenance, client care, services and treatment, emergency procedures and disaster preparedness, infection control and tuberculosis screening, medication administration, design and construction, and fire and life safety. In addition, provisions have been amended for general clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Section 44-7-260.

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Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-13, which includes these latest amendments, will be available electronically on the Department's *Regulation Development Update* website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Health>. Subsequently, this regulation will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office. The Department will also send an email to stakeholders, affected services and facilities, and other interested parties.

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

The Department promulgated R.61-13 in 1992. The regulation was updated June 25, 2010, to correct or note typographical errors. In 2011, pursuant to 2011 Act No. 47, Section 14(B), the Code Commissioner amended R.61-13 by updating references and nomenclature to current practices. Pursuant to S.C. Code Section 1-23-120(J), the Department is required to perform a formal review of its regulations every five (5) years and update them if necessary.

Regulation 61-13 has not been substantively updated since its promulgation in 1992. Therefore, many of the procedures, practices, and terms are outdated and/or no longer applicable. The amendments further clarify and improve accident and/or incident reporting requirements, client care, services and treatment, client and medical record maintenance, infection control and tuberculosis screening, emergency procedures and disaster preparedness, and medication administration. Amendments to design and construction, and fire and life safety are needed to comply with current codes and procedures.

### DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. Amendments to R.61-13 improve clients' rights and assurances, client care, services and treatment, accident and/or incident reporting requirements, update emergency procedures and disaster preparedness planning, and update design, construction, fire, and life safety measures to comply with current procedures and codes.

### UNCERTAINTIES OF ESTIMATES:

None.

### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-13 seek to support the Department's goals relating to the protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

### Statement of Rationale:

Pursuant to S.C. Code Section 44-7-260, the Department proposes amending R.61-13, *Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions*. The amendments update R.61-13 to align with current industry practices, procedures, and nomenclature. The amendments address the issues regarding licensure requirements complying with statutory authority, emergency

procedures and disaster preparedness planning, accident and/or incident reporting ambiguities, lessen the burden regarding design and construction requirements, and update the design, construction, fire, and life safety to current code.

**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. 4565  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61

Statutory Authority: 1976 Code Sections 44-2-10 et seq.

61-92. Underground Storage Tank Control Regulations

**Preamble:**

The Department of Health and Environmental Control (Department) proposes to amend R.61-92, Underground Storage Tank Control Regulations, Section 280.25. In the interest of supporting the Department’s goal of protecting the health of the public and the environment, this amendment establishes new conditional requirements for existing facilities to remain in compliance with the provisions of the regulation.

A Notice of Drafting for these proposed amendments was published in the *State Register* on December 26, 2014.

Section-by-Section Discussion of Proposed Amendment:

SECTION CITATION/EXPLANATION OF CHANGE:

Statutory Authority.

The statutory authority for this regulation is added in the regulation text under the title and before the table of contents.

R.61-92, Part 280.25 Secondary Containment Requirements.

This section is being revised to ensure that secondary containment requirements apply to those existing single walled underground storage tank systems that are located within 100 feet of an existing water supply well, a coastal zone critical area, or state navigable waters and meet one of the following conditions: the underground storage tank system has not been upgraded to meet the performance standards as required in Section 280.21 of the regulations or the underground storage tank system has failed to remain in substantial compliance based on the last three consecutive annual inspections. UST systems described in this Section shall meet the secondary containment requirements of Section 280.20(g) or the closure requirements under Subpart G of this Part (including applicable requirements for corrective action under Subpart F), no later than December 22, 2018. The requirements of Section 280.20 (g) shall also apply to any UST system determined to be described by Section 280.25 (a) after December 22, 2018.

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

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-92 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on May 7, 2015. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental

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Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Eric F. Cathcart by mail at Bureau of Land & Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0673; or by e-mail at [cathcaef@dhec.sc.gov](mailto:cathcaef@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on April 27, 2015, the close of the public comment period. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on March 27, 2015 may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Land & Waste Management category and scan down to the proposed amendments of R.61-92. A copy can also be obtained by contacting Eric F. Cathcart at the above address or by email at [cathcaef@dhec.sc.gov](mailto:cathcaef@dhec.sc.gov).

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

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

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

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

### **DESCRIPTION OF REGULATION:**

**Purpose:** The primary goal of R.61-92, Part 280.25 is to ensure that releases from underground storage tanks are minimized, protecting the human health and environment, especially near environmentally sensitive and critical areas, and to reduce the financial liability on the State Underground Petroleum Environmental Response Bank (SUPERB) Account and the SUPERB Financial Responsibility Fund as it pertains to assessment, corrective action, and third party liability claims for petroleum releases from UST systems.

**Legal Authority:** The legal authority for R.61-92 is 1976 Code Section 44-2-10 et seq.

**Plan for Implementation:** The proposed amendment will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. An electronic copy of R.61-92, which includes the latest amendment, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. At this site, click on the Land & Waste Management category and scroll down to R.61-92. Subsequently, this regulation will be published on the S.C. Legislature website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office.

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

The proposed amendment is needed to realize the following anticipated benefits:

The Department proposes amending R.61-92, Part 280.25, *Secondary Containment Requirement* to ensure that releases from underground storage tanks are minimized, protect the human health and environment, especially near environmentally sensitive and critical areas, and to reduce the financial liability on the State Underground Petroleum Environmental Response Bank (SUPERB) Account and the SUPERB Financial Responsibility Fund as it pertains to assessment, corrective action, and third party liability claims for petroleum releases from UST systems.

The above amendment is reasonable to realize the above benefits because it provides an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community, and support Department goals.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these proposed amendments. The amendment to R.61-92, Part 280.25, will benefit the regulated community by ensuring that releases from underground storage tanks are minimized, protecting the human health and environment, especially near environmentally sensitive and critical areas, and reducing the financial liability on the State Underground Petroleum Environmental Response Bank (SUPERB) Account and the SUPERB Financial Responsibility Fund as it pertains to assessment, corrective action, and third party liability claims for petroleum releases from UST systems.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendment to R.61-92, Part 280.25 will have no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment associated with this amendment.

**Statement of Rationale:**

The Department proposes amending R.61-92, Part 280.25, *Secondary Containment Requirement* to ensure that releases from underground storage tanks are minimized, protect the human health and environment, especially near environmentally sensitive and critical areas, and to reduce the financial liability on the State Underground Petroleum Environmental Response Bank (SUPERB) Account and the SUPERB Financial Responsibility Fund as it pertains to assessment, corrective action, and third party liability claims for petroleum releases from UST systems.

**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.