SOUTH CAROLINA STATE REGISTER DISCLAIMER

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

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

DEIRDRE BREVARD SMITH, EDITOR

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

Published October 26, 2018
Volume 42 Issue No. 10

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.

2018 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	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.
Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is $90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

X----------X----------X

South Carolina State Register
Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is $90.00 plus applicable sales tax per subscription. Checks payable to: Legislative Council)	
	Printed

Mail this form to:
South Carolina State Register
Deirdre Brevard Smith, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500
Fax: (803) 212-4501

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates 1
Committee List of Regulations Submitted to General Assembly 2

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Certificate of Need 3
Underground Storage Tanks 4

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Building Codes Council
Adoption of 2018 International Codes and 2017 National Code 5

DRAFTING NOTICES

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists 6
Building Codes Council
International Fire Code 6
International Fuel Gas Code 6
International Mechanical Code 7
International Residential Code 7
National Electric Code 8
Nursing, Board of
Code of Ethics 8

NATURAL RESOURCES, DEPARTMENT OF
General Regulations; and Additional Regulations Applicable to Specific Properties 8

REVENUE, DEPARTMENT OF
Examples of the Application of the Deed Recording Fee to Various Real Estate Transactions 9

PROPOSED REGULATIONS

CLEMSON UNIVERSITY
State Livestock-Poultry Health Commission
Document No. 4827 State Meat Inspection Regulation 10
Document No. 4826 State Poultry Products Inspection Regulation 11

EDUCATION, STATE BOARD OF
Document No. 4832 Accounting and Reporting 13
Document No. 4833 Operation of Public Pupil Transportation Services 15
Document No. 4831 School Resource Officers 18

TABLE OF CONTENTS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 4841 Hazardous Waste Management Regulations 20
Document No. 4840 Hazardous Waste Management Regulations (Exempt) 45
Document No. 4838 Requirements for State Water Pollution Control Revolving Fund Loan Assistance 58
Document No. 4842 Retail Food Establishments; and Retail Food Establishment Inspection Fees .. 61
Document No. 4837 South Carolina Immunization Registry 75

HUMAN AFFAIRS COMMISSION, SOUTH CAROLINA

Document No. 4829 Guidelines Established 78
Document No. 4830 Hearing Procedures (Review and Enforcement) 79
Document No. 4828 Notices to be Posted 81

INSURANCE, DEPARTMENT OF

Document No. 4835 Annual Audited Financial Reporting Regulation 83
Document No. 4836 Corporate Governance Annual Disclosure Regulation 85

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Document No. 4843 Board of Physical Therapy Examiners 87
Document No. 4844 Long Term Health Care Administrators Board 89

Accountancy, Board of
Document No. 4845 Board of Accountancy 91

Auctioneers' Commission
Document No. 4846 Repeal Specific Regulations 95

Building Codes Council
Document N. 4847 International Building Code 97

Contractor's Licensing Board
Document No. 4848 Contractor's Licensing Board 99
Document No. 4849 Surety Bond Claim Forms 101

Counselors, Marriage and Family Therapists, Addiction Counselors, and Pyscho-Educational Specialists, Board of Examiners for Licensure of Professional
Document No. 4850 Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists 103

Dietetics, Panel for
Document No. 4851 Licensure by Registration; and Licensure by Endorsement 107

Long Term Health Care Administrators, Board of
Document No. 4852 Board of Long Term Health Care Administrators 109

Medical Examiners, Board of
Document No. 4853 Requirements to Take Step 3 of the United States Medical Licensing Examination 112

Occupational Therapy, Board of
Document No. 4854 Reactivation of Inactive or Lapsed Licenses; and Code of Ethics 114

Optometry, Board of Examiners in
Document No. 4855 Licensure Requirements; Continuing Education; and Licensure By Endorsement 116

Physical Therapy Examiners
Document No. 4856 Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact 118

Real Estate Appraisers Board
Document No. 4857 Amend Education and Experience Requirements for Licensure and Make Minor Corrections....121
Speech-Language Pathology and Audiology, Board of Examiners in
Document No. 4858 General Licensing Provisions; Speech-Language Pathology Assistants; and Continuing Education....123
Veterinary Medical Examiners
Document No. 4859 Veterinary Medicine and Animal Shelters....126

NATURAL RESOURCES, DEPARTMENT OF
Document No. 4834 Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas (123-40, 123-51, 123-52, 123-53, and 123-54)....127

TRANSPORTATION, DEPARTMENT OF
Document No. 4839 Transportation Project Prioritization....131

FINAL REGULATIONS

LABOR, LICENSING AND REGULATION DEPARTMENT OF
Document No. 4825 Occupational Safety and Health Standards (Article 1, Subarticle 6, Subpart Z)....134

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. NO.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication **October 26, 2018** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3028.

Affecting Charleston County

Bishop Gadsden Episcopal Retirement Community
Construction of a new health care facility that will offer a 100 bed health care center, which includes an additional 50 skilled nursing beds at a total project cost of $56,457,735.

Affecting Horry County

Conway Hospital, Inc. d/b/a Conway Medical Center - Outpatient Diagnostic Center
Purchase and installation of a 3.0T MRI at a total project cost of $1,955,726.09

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **October 26, 2018**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3028.

Affecting Charleston County

Gary Lesesne d/b/a Assurance Home Health Care
Establishment of a Home Health Agency in Charleston County at a total project cost of $25,000.

Affecting Horry County

Tidelands Health ASC, LLC d/b/a Tidelands Health Medical Park at the Market Common Ambulatory Surgery Center
Development of a multi-specialty Ambulatory Surgery Facility within the new Tidelands Health Medical Park at The Market Common at a total project cost of $13,926,702.

Conway Hospital, Inc. d/b/a Conway Medical Center - Outpatient Diagnostic Center
Purchase and installation of a 3.0T MRI at a total project cost of $1,955,726.09

Affecting Jasper County

Friends of Caroline Hospice of Beaufort, Inc. d/b/a Caroline's Cottage
Construction of an eight-bed inpatient and residential hospice facility as well as a new administrative building at a total project cost of $6,565,000.

Affecting Lexington County

Lexington County Health Services District, Inc. d/b/a Lexington Medical Center
Addition of 72 inpatient beds for a total of 557 licensed beds at a total project cost of $6,332,655.

Affecting Sumter County

Palmetto Health Tuomey d/b/a Palmetto Health Tuomey
Renovation and expansion of the current emergency department with no increase in licensed bed capacity or services at a total project cost of $23,016,888.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than November 26, 2018 to:

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

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

Class I

Peak Hydrogeologic, PLLC.
Attn: Jonathan D. Gerst, MS, PG
470 Hogback Mountain Road
Tryon, NC 28782

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:
2018 Edition of the International Building Code;
2018 Edition of the International Residential Code;
2018 Edition of the International Fire Code;
2018 Edition of the International Plumbing Code;
2018 Edition of the International Mechanical Code;
2018 Edition of the International Fuel Gas Code;
2017 Edition of the National Electrical Code.

Permissive codes include the:
2018 Edition of the International Property Maintenance Code;
2018 Edition of the International Existing Building Code;
2018 Edition of the International Swimming Pool and Spa Code;
2018 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 November 21, 2018.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-75-220, and 40-75-225

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-33 to include fees associated with the licensure of addiction counselors and to update the fee schedules generally. Interested persons may submit comments to Marlo Thomas-Koger, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-33 to include fees associated with the licensure of addiction counselors as required by 2018 Act No. 249 and to update the fee schedules generally.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2018 South Carolina Building Codes, the International Fire Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2018 South Carolina Building Codes, the International Fire Code.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2018 South Carolina Building Codes, the International Fuel Gas Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2018 South Carolina Building Codes, the International Fuel Gas Code.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2018 South Carolina Building Codes, the International Mechanical Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2018 South Carolina Building Codes, the International Mechanical Code.

Legislative review is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2018 South Carolina Building Codes, the International Residential Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2018 South Carolina Building Codes, the International Residential Code.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, 6-9-55, and 40-170

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to reflect modifications to the 2018 South Carolina Building Codes, the National Electric Code. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to reflect modifications to the 2018 South Carolina Building Codes, the National Electric Code.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10 (E) and (I), and 40-33-70

Notice of Drafting:

The South Carolina Board of Nursing proposes to amend R.91-32 regarding Code of the Ethics. Interested persons may submit comments to Carol Moody, Administrator, Board of Nursing, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Nursing proposes to amend R.91-32 to strike the current language and adopt the American Nursing Association's Code of Ethics: 2015.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-203, "General Regulation" and 123-204, "Additional Regulations Applicable to Specific Properties." The subject of the proposed action is to amend the regulations to set public use on a new observation tower and hiking trail on the Jocassee Gorges property. They also clarify public use restrictions on Yawkey Wildlife Center, a state sanctuary. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish regulations for an observation tower on Sassafras Mountain, the highest point in SC, and a new hiking trail on the Jocassee Gorges property. They also address camping in primitive campgrounds on DNR properties, and clarify regulations for Yawkey Wildlife Center. These regulations set general and specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

Legislative review is required.

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-1350.2. Examples of the Application of the Deed Recording Fee to Various Real Estate Transactions.

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-1350.2, which provides examples of the application of the deed recording fee to various real estate transactions and issues.

The changes to SC Regulation 117-1350.2 are being proposed to amend or add questions concerning forfeited land commissions, liability for the deed recording fee, realty located in more than one county, deeds recorded in the wrong county, refunds, same-sex marriages, deeds from an estate, deeds from certain trusts to religious organizations, foreclosures and assignments to certain single member limited liability companies, 1031 exchanges, conservation easements, charter schools, agent to principal transactions, 338(h)(10) elections, and community land trusts.

Interested parties may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on Monday, November 26, 2018.

Synopsis:

The changes to SC Regulation 117-1350.2 are being proposed to amend or add questions concerning forfeited land commissions, liability for the deed recording fee, realty located in more than one county, deeds recorded in the wrong county, refunds, same-sex marriages, deeds from an estate, deeds from certain trusts to religious organizations, foreclosures and assignments to certain single member limited liability companies, 1031 exchanges, conservation easements, charter schools, agent to principal transactions, 338(h)(10) elections, and community land trusts.

Legislative review is required.

Document No. 4827
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2018 at 9:00 a.m. If no request is received by December 3, 2018 the hearing will be canceled. Written comments may be directed to James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 3, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulation.

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

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

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

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4826
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2018 at 9:00 a.m. If no request is received by December 3, 2018 the hearing will be canceled.

Written comments may be directed to Dr. James T. Miller, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 3, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulation.

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

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

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

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4832
STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 30-4-10 et seq., 59-13-60, 59-13-70, 59-13-80, 59-13-90, 59-13-140, 59-17-100, 59-20-10 et seq., 59-21-510 et seq., 59-25-130, 59-25-140, and 59-33-10 et seq.

43-172. Accounting and Reporting.

Preamble:

State Board of Education Regulation 43-172 governs the requirements for school districts, county boards of education, and career and technical education centers to obtain an annual audit of financial records by a certified or licensed public accountant. Amendments to Regulation 43-172 will revise the due date of the annual audit report from November 15 to December 1 to coincide with the deadline listed in the SC Code of Law 59-17-100. The amendment will also remove the reference to the "Office of School District Auditing" and replace it with the "Department" and revise the term "occupational education center" to "career and technical education center" to coincide with current terms. The amendment will also update the Financial Resources to remove the reference to the Staff Accountability Manual which does not exist and replace with the Student Accountability Manual.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 24, 2018.

Section-by-Section Discussion

Entire Document	Changes the wording from "State Department of Education" to "Department" Change "dashes" to "en" dashes
Section II	Changes the wording from "occupational education center" to "career and technical education center" Deletes the reference to "Office of School District Auditing" Changes the annual audit due date from "November 15" to "December 1"
Section III	Delete the wording "Staff Accountability Manual" and replace with "Student Accountability Manual"

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2018, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link 2018–19 Regulations Under Review By The State Board of Education.

Written comments should be submitted to Melissa A. Myers, Director, Office of Auditing Services, Division of Chief Operating Office, 1429 Senate Street, Suite 403, Columbia, SC 29201 or by e-mail to mmyers@ed.sc.gov on or before 5:00 p.m. on November 28, 2018.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-172, Accounting and Reporting.

Purpose: Regulation 43-172, Accounting and Reporting, is being amended.

Legal Authority: 1976 Code Sections 30-4-10 et seq., 59-13-60, 59-13-70, 59-13-80, 59-13-90, 59-13-140, 59-17-100, 59-20-10 et seq., 59-21-510 et seq., 59-25-130, 59-25-140, and 59-33-10 et seq.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The current due date for the independent audit report as listed in the State Board of Regulation, November 15, is not consistent with the due date in the South Carolina Code of Laws of December 1. All communication and correspondence with the LEAs reference the December 1 date. In addition, the Staff Accountability does not exist and should be removed from the regulation and replaced with the Student Accountability manual. Also, terms should be updated to coincide with current terms as career and technical education centers and "Department".

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health if this regulation is not implemented.

Statement of Rationale:

This regulation is based on SC Code of Law Section 59-17-100, which directs local education entities to submit their annual audit report to the Department by December 1, after the close of the fiscal year. The regulation is also for the counting of pupil classifications in the state.

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. 4833
STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 56-5-180, 56-5-190, 56-5-195, 56-5-196, 59-5-60, 59-67-10, 59-67-20, 59-67-30, 59-67-40, 59-67-160, 59-67-240, 59-67-410, 59-67-470, 59-67-520, 59-67-535, and 59-67-570

43-80. Operation of Public Pupil Transportation Services.

Preamble:

South Carolina Code of Laws Section 59-67-470 (Bus drivers; selection; eligibility, training and certificates) establishes criteria for selecting and employing school bus drivers. It also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. Regulation 43-80, Section N further details the training/testing processes and establishes different classifications of school bus driver certificates.

The change to the regulation is proposed to allow greater flexibility in certifying drivers to operate school buses.

Changes will also be made to unify the titling of each certification category and their respective sub-classifications; to clarify the vehicles which may be operated under each certification category; to reflect that all certification categories have multiple sub-classifications; to renumber the regulation to reflect the addition of a sub-classification; and to remove a reference and timeline for changing from a single-category certification program to a multi-category certification program.

Changes will be made to the Section T, Special Transportation Service section to remove all references to boat to bring this regulation in line with Section 59-67-535.

Clean up will be done on this regulation to renumber sections and subsections; change the terminology from pupil(s) and child(ren) to student(s); and to correct minor errors in grammar, syntax, and punctuation to bring this regulation in line with other agency regulations.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 24, 2018.

Section-by-Section Discussion

Entire Document	Cleanup has been done on this regulation to renumber sections and subsections; change the “SCDE” to the “Department”; change the terminology from pupil(s) and child(ren) to student(s); change the terminology from “that” to “who” or “that” to “which”; change the terminology from “state-owned buses” to “state-owned/leased buses”, in addition to other minor changes, to bring this regulation in line with other agency regulations.
Section E	Renumbered as “V”; see 1st paragraph, add “or e-mail” as another form of notification, and replace the last sentence in Paragraph 2.
Section E	Renumbered as “VI”; add “be established at a safe location”; and replace “regular” with “established.
Section H(A)	Renumbered as “VIII(A)”; change “state-owned” to “state-owned/leased”; and add the word “established”.
Section H(B)	Renumbered as “VIII(B)”; add “transport”; deletes “have”; add “residing”; and change “state-owned” to “state-owned/leased”.

Section M	Renumbered as "XIII"; see 2nd paragraph, delete "coma" add "semi-colon, add "to see", and change "state-owned" to "state-owned/leased".
Section N	Renumbered as "XIV"; see 1st paragraph, add "and described"; and clean up code sites.
Section N	Renumbered as "XIV"; new paragraph 3
Section N	Renumbered as "XIV"; see 4th paragraph, Certificate A: replaces "any school bus" with "school buses".
Section N	Renumbered as "XIV"; see 6th paragraph, Certificate C: adds the word "only".
Section N	Renumbered as "XIV"; see 7th paragraph, Certificate C, replaces "Certificate categories B and C are" with "Each certificate category is".
Section N(1)	Renumbered as "XIV(A)(1)"; deletes the old Sections 1 and adds Sections (A)(2 & 3) to provide clarification of the driver candidate requirements.
Section N(8)	Renumbered as "XIV(H)"; changes "3–7" to "C.–G.".
Section N(8)(1)	Renumbered as "XIV(H)(1)"; adds "Commercial—" after the heading "Certificate-A", and replaces the "period" after the word "following" with a "colon".
Section N(8)(1)(a)	Renumbered as "XIV(H)(1)(a)"; replaces "Commercial Driver's License" with the "CDL" acronym and adds "to qualify for issuance" at the end of the section.
Section N(8)(2)	Renumbered as "XIV(H)(2)"; adds new text about the new requirements for a Certificate-A Non-Commercial and adds sub sections (a–b); old section "N(8)(2)" is renumbered as "XIV(H)(3)"; adds "—" after the heading "Certificate-B Commercial"; and replaces the "period" after the word "following" with a "colon"
Section N(8)(3)	Renumbered as "XIV(H)(4)" adds "—" after the heading "Certificate-B Non-Commercial" and replaces the "period" after the word "following" with a "colon".
Section N(8)(4)	Renumbered as "XIV(H)(5)"; adds "—" after the heading "Certificate-C Commercial"; and replaces the "period" after the word "following" with a "colon".
Section N(8)(5)	Renumbered as "XIV(H)(6)"; adds "—" after the heading "Certificate-C Non-Commercial"; and replaces the "period" after the word "following" with a "colon".
Section N	Renumbered as "XIV" and delete final two paragraphs in Section N.
Section O	Renumbered as "XV"; replace "the minimum posted speed, if greater than 45 miles per hour, for the highway used" with "speed limits established in Section 59-67-515 or posted speed limits if less than 45 miles per hour"; and deletes last sentence, which was repealed by Act 52, Section 2, eff. May 14, 1993.
Section P	Renumbered "XVI". In the April 4, 2009, regulation Section P was moved to Section S. The information in Section P should have been deleted and replaced with information concerning operational stop-arms on all state-owned buses. This deletion and addition will correct this error.
Section R	Renumbered "XVIII" and adds language to allow the Board of Trustees to authorize bus drivers to assign seats to bus passengers when it is in the best interest of the transportation program.
Section U	Moves text to renumbered XX(A)(G)

Section X	Renumbered "XXIV" to change the listing for categories of disabilities to reflect the federal/state categories of disabilities as listed in SBE R.43-243.1.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2018, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the following link 2018–19 Regulations Under Review By The State Board of Education.

Written comments should be submitted to Richard Podmore, Director of Safety and Information, Office of Transportation, 1429 Senate St., Room 1104-A, Columbia, SC 29201 or by e-mail to rpodmore@ed.sc.gov on or before 5:00 p.m. on November 26, 2018.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-80, Section N.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-80. Operation of Public Pupil Transportation Services.

Purpose: Regulation 43-80 establishes the function and operation student transportation services.

Legal Authority: 1976 Code Sections 56-5-180, 56-5-190, 56-5-195, 56-5-196, 59-5-60, 59-67-10, 59-67-20, 59-67-30, 59-67-40, 59-67-160, 59-67-240, 59-67-410, 59-67-470, 59-67-520, 59-67-535, and 59-67-570.

Plan for Implementation: The proposed amendments will be incorporated in 43-80 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner as the existing regulation. District personnel will be informed of the revised regulation through electronic correspondence.

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

South Carolina Code of Laws Section 59-67-470 establishes criteria for selecting and employing school bus drivers and also authorizes the State Board of Education to provide a rigid training and testing program for prospective drivers and requires that successful candidates be issued school bus driver certificates. The proposed amendments add an additional certificate classification sub-category which will provide districts with an option for certifying drivers to operate a Full-Functional School Bus which does not require a commercial driver's license to operate.

South Carolina Code of Laws Section 59-67-535 establishes the criteria for use of the boat operated by the State Department of Education for the purpose of transporting students living on Sandy Island to the mainland as well as use of the boat for non-student transportation. The proposed amendments to Section T, Special Transportation Service will remove all references to boat to bring this regulation in line with Section 59-67-535.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

Regulation 43-80, Section N details the training/testing processes and establishes different classifications of school bus driver certificates. The proposed amendments offer districts greater flexibility in certifying drivers to operate school buses

Regulation 43-80, Sections T and U provide details regarding the use of buses and boats operated by the State Department of Education for purposes other than transporting students to or from school. The proposed amendment will remove references to boats to bring the regulation in line with South Carolina Code of Laws Section 59-67-535.

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. 4831
STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 5-7-12, 16-17-420, 59-5-60, and 59-5-65

43-210. School Resource Officers.

Preamble:

The State Board of Education proposes to create R.43-210, to establish a definition of "school resource officers," along with expectations, roles, and procedures associated with these individuals.

Notice of Drafting for the proposed new regulation was published in the *State Register* on May 25, 2018.

Section-by-Section Discussion

Section II Deletes "a sworn law enforcement officer, pursuant to the requirements of any

	jurisdiction of South Carolina, who has completed the basic course of instruction, as provided or recognized by the National Association of School Resource Officers or the South Carolina Criminal Justice Academy, and who is assigned to one or more school districts within this state to have as a primary duty the responsibility to act as a law enforcement officer, advisor, and teacher for that school district. A school resource officer has statewide jurisdiction to arrest any persons committing crimes in connection with a school activity or school-sponsored event."; and replaces it with " defined in S.C. Code Ann § 5-7-12."
Section III(D)	Changes "should" to "shall."
Section IV(A)	Deletes the word "only" from the second and third sentences.
Section IV(A)(1)	Deletes the word "and" at the end of IV(A)(1).
Section IV(A)(2)	Adds a "," after the word "people" and uses the remaining text "it is the third or subsequent act which rises to a level of criminality in that school year." to create a new section [Section IV(A)(3)].
Section IV(A)(3)	New Section [formerly a part of Section IV(A)(2)]; and adds the sentence, "In addition, school administrators must also contact law enforcement consistent with S.C. Code Ann. 59-24-60."
Section IV(B)	Changes "should" to "shall."
Section V	Adds a new second sentence, "The school administration shall be notified of the terms of the memorandum."; and adds the words "routine"; and "matters" to the last sentence.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2018, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amended regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link 2018–19 Regulations Under Review By The State Board of Education.

Written comments should be submitted to Sabrina Moore, Director, Office of Student Intervention Services, Division of Federal, State, and Community Resources, 1429 Senate Street, Suite 805, Columbia, SC 29201 or by e-mail to smoore@ed.sc.gov on or before 5:00 p.m. on November 29, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-210.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: School Resource Officers (SRO).

Purpose: This regulation is being amended to clarify SRO training requirements and to ensure that the circumstances under which the SRO should be called are consistent with state law.

Legal Authority: 1976 Code Sections 5-7-12, 16-17-420, 59-5-60, and 59-5-65.

Plan for Implementation: The proposed amended regulation would be incorporated upon publication in the State Register as a final regulation.

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

This regulation is being amended to clarify SRO training requirements and to ensure that the circumstances under which the SRO should be called are consistent with state law.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed new regulation result in any increased cost to the school districts. The proposed new regulation will benefit students, schools, districts, and the state.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

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

Statement of Rationale:

This regulation is being amended to clarify SRO training requirements and to ensure that the circumstances under which the SRO should be called are consistent with state law.

Text:

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

Document No. 4841
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-56-30

61-79. Hazardous Waste Management Regulations.

Preamble:

The Department of Health and Environmental Control ("Department") proposes to amend R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency's ("EPA") Hazardous Waste Generator Improvements Rule published November 28, 2016, at 81 FR 85732-85829. The proposed amendments will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

The amendments will reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act

("RCRA") hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA's Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department proposes adopting the rule in a single drafting that requires General Assembly review.

The Department had a Notice of Drafting published in the April 27, 2018, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendment:

260.3. Revise introductory phrase to read, "As used in R.61-79.260 through R.61-79.273."

260.10. Definitions. Add, in alphabetical order, the following new definitions: "Acute hazardous waste," "Central accumulation area," "Large quantity generator," "Non-acute hazardous waste," and "Very small quantity generator." Revise definition for "Small quantity generator." Remove definition for "Conditionally exempt small quantity generators."

260.11. Revise section heading to read, "Incorporation by reference."

260.11(a)(10). Revise item to read, "'Flammable and Combustible Liquids Code' (NFPA 30), 1977 or 1981, IBR approved for R.61-79.262.16(b), 264.198(b), and 265.198(b)."

261.1(a)(1). Revise item to replace "conditionally exempt" with "very."

261.4(a)(7). Revise item to replace ", unless it is" with "provided it is not."

261.5. Remove and reserve section.

261.6(c)(2)(iv). Add new item (2)(iv) to adopt language that includes section 265.75 of this chapter (quarterly report).

261.33(e). Revise subsection to remove phrase, "and are subject to the small quantity exclusion defined in section 261.5(e)."

261.33(f). Revise subsection to remove phrase, "and are subject to the small quantity generator exclusion defined in section 261.5(a) and (g)."

262.1. Add new section titled, "Terms used in this part" to adopt language that lists definitions used in this subpart, including "Condition for exemption" and "Independent requirement."

262.10(a). Revise subsection to read, "These regulations establish standards for generators of hazardous waste as defined by R.61-79.260.10."

262.10(a)(1). Add new item (1) to adopt language that describes how a person who generates a hazardous waste as defined by R.61-79.261 is subject to all applicable independent requirements listed in this section.

262.10(a)(1)(i). Add new item (1)(i) and items (1)(i)(A) through (C) to adopt language that lists the independent requirements of a very small quantity generator.

262.10(a)(1)(ii). Add new item (1)(ii) and items (1)(ii)(A) through (I) to adopt language that lists the independent requirements of a small quantity generator.

262.10(a)(1)(iii). Add new item (1)(iii) and items (1)(iii)(A) through (H) to adopt language that lists the independent requirements of a large quantity generator.

262.10(a)(2). Add new item (2) and items (2)(i) through (iii) to adopt language that describes a generator that accumulates hazardous waste on site is a person that stores hazardous waste and must follow the applicable requirements unless one of the exemptions listed is met.

262.10(a)(3). Add new item (3) to adopt language that describes how a generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in section 260.10, or not otherwise authorized to receive the generator's hazardous waste.

262.10(b). Revise subsection to read, "Determining generator category. A generator must use R.61.79.262.13 to determine which provisions of this part are applicable to the generator based on the quantity of hazardous waste generated per calendar month."

262.10(c). Remove and reserve item.

262.10(g). Revise subsection to remove the current language and add new items (1) and (2) to adopt language that describes how compliance and noncompliance of a person who generates hazardous waste is subject to the requirements of the SC Hazardous Waste Management Act and RCRA.

262.10(i) Notes 1 and 2. Remove Note 1 and rename "Note 2" to "Note"~~1~~."

262.10(l). Revise item for clarification.

262.10(l)(1). Revise item to add "independent" before "requirements" and replace "262.34(c)" with "the regulations in section 262.15."

262.10(l)(2). Revise item to read, "The conditions of section 262.14, for very small quantity generators, except as provided in subpart K."

262.11. Revise section title to add "and recordkeeping" at the end of the title. Revise introductory paragraph to: remove "accurately determine if" and insert make an accurate determination as to whether," and remove "using the following method" and insert "in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps."

262.11(a). Revise subsection to read, "The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change."

262.11(b). Revise subsection to read, "A person must determine whether the solid waste is excluded from regulation under R.61-79.261.4."

262.11(c). Revise subsection to read, "If the waste is not excluded under R.61-79.261.4, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of R.61-79.261. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under R.61-79.260.20 and 260.22 to demonstrate to the Department that the waste from this particular site or operation is not a hazardous waste." Remove items 262.11(c)(1) and (2).

262.11(d). Revise subsection to read, "The person then must also determine whether the waste exhibits one or more hazardous characteristics as identified in subpart C of R.61-79.261 by following the procedures in paragraph (d)(1) or (2) of this section, or a combination of both."

262.11(d)(1). Add new item (1) to adopt language that describes how the person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste.

262.11(d)(2). Add new item (2) and items (2)(i) and (ii) to adopt language that describes how the person must test the waste according to the applicable methods set forth in subpart C of R.61-70.261 or according to an equivalent method approved by the Department under R.61-79.260.21 and in accordance with the requirements in 262.11(d)(2)(i) and (ii) when available knowledge is inadequate to make an accurate determination.

262.11(e). Revise subsection to read, "If the waste is determined to be hazardous, the generator must refer to R.61-79.261, 264, 265, 266, 268, and 273 for other possible exclusions or restrictions pertaining to management of the specific waste."

262.11(f). Add new subsection (f) to adopt language that describes the recordkeeping requirements for small and large quantity generators.

262.11(g). Add new subsection (g) to adopt language that describes if the waste is determined to be hazardous, small quantity generators and large quantity generators must identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in subparts C and D of R.61-79.261. Prior to shipping the waste off site, the generator also must mark its containers with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to section 262.32.

262.12. Revise section to remove current language and adopt language that describes the notification requirements upon generators that was previously in section 262.13.

262.13. Revise section title to read, "Generator category determination." Add new introductory text to adopt language that describes how a generator must determine its generator category based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in R.61-79.260.10.

262.13(a). Revise subsection and add items (1) through (3) to adopt language that describes how the generator category for the month is determined by a generator of either acute or non-acute hazardous waste.

262.13(b). Revise subsection and add items (1) through (4) to adopt language that describes how the generator category for the month is determined by a generator of both acute and non-acute hazardous waste.

Table 1 to 262.13. Add new Table 1 to adopt language to list and describe how the generator categories are determined based on quantity of waste generated in a calendar month.

262.13(c). Revise subsection and add items (1) through (8) to adopt language that describes how the generator must include all hazardous waste that is generated when making the monthly quantity-based determinations required, unless the hazardous waste adheres to one of the listed exemptions.

262.13(d). Revise subsection and add items (1) through (3) to adopt language that describes how a generator does not need to include certain items when determining the quantity of hazardous waste generated in a calendar month.

262.13(e). Revise subsection to read, "Based on the generator category as determined under this section, the generator must meet the applicable independent requirements listed in R.61-79.262.10. A generator's category also determines which of the provisions of R..61-79.262.14, 262.15, 262.16, or 262.17 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste." Remove items 262.13(e)(1) through (3).

262.13(f). Revise subsection to read, "Mixing hazardous wastes with solid wastes."

262.13(f)(1). Add new item (1) and items (1)(i) through (iii) to adopt language to describe requirements and guidelines for mixing very small quantity generator wastes with solid wastes.

262.13(f)(2). Add new item (2) and items (2)(i) and (ii) to adopt language to describe requirements and guidelines for mixing small quantity generator and large quantity generator wastes with solid wastes.

262.14. Add new section titled "Conditions for exemption for a very small quantity generator."

262.14(a). Add new subsection (a) to adopt language that describes how hazardous waste generated by the very small quantity generator is not subject to the requirements of R.61-79.124, 262 (except sections 262.10-262.14) through 268, and 270, and the notification requirements of section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements provided that the very small quantity generator meets all the conditions for exemption listed in 262.14(a)(1) through (5).

262.14(a)(1). Add new item (1) to adopt language that describes a condition for exemption for very small quantity generators that in a calendar month generates less than or equal to the amounts specified in the definition of "very small quantity generator" in section 260.10.

262.14(a)(2). Add new item (2) to adopt language that describes a condition for exemption for very small quantity generators that the generator complies with 262.11(a) through (d).

262.14(a)(3). Add new item (3) and items (3)(i) and (ii) to adopt language that describes the condition for exemption for very small quantity generators that if the generator accumulates at any time greater than 1 kilogram (2.2 pounds) of acute hazardous waste or 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in sections 261.31 or 261.33(e), all quantities of that acute hazardous waste are subject to the additional conditions for exemption listed in sections 262.14(a)(3)(i) and 262.14(a)(3)(ii).

262.14(a)(4). Add new item (4) and items (4)(i) through (iii) to adopt language that describes additional conditions for exemption on all quantities of that hazardous waste if the very small quantity generator accumulates at any time 1,000 kilograms (2,200 pounds) or greater of non-acute hazardous waste.

262.14(a)(5). Add new item (5) and items (5)(i) through (viii) to adopt language that describes how a very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is authorized under specific conditions described in items (5)(i) through (viii).

262.14(b). Add new subsection (b) to adopt language that describes the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfills is prohibited.

262.14(c). Add new subsection (c) to adopt language that describes how a very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with subpart L of this part in lieu of sections 262.15, 262.16, and 262.17.

262.15. Add new section titled "Satellite accumulation area regulations for small and large quantity generators."

262.15(a). Add new subsection (a) to adopt language that describes how a generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste listed in section 261.31 or 261.33(e) or 1 kg (2.2 pounds) of solid acute hazardous waste listed in section 261.31 or 261.33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of R.61-79.124, 264 through 267, and 270, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in 262.16(b) or 262.17(a), except as required in section 262.15(a)(7) and (8).

262.15(a)(1). Add new item (1) to adopt language that describes the condition for exemption for satellite accumulation if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with 262.16(b) or 262.17(a).

262.15(a)(2). Add new item (2) to adopt language that describes the condition for exemption for satellite accumulation is a generator must use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

262.15(a)(3). Add new item (3) and items (3)(i) through (iii) to adopt language that describes the special standards for incompatible wastes for satellite accumulation for small and large quantity generators.

262.15(a)(4). Add new item (4) and items (4)(i) and (ii) to adopt language that describes how a container holding hazardous waste must be closed at all times during accumulation, except: when adding, removing or consolidating waste; when temporary venting of a container is necessary for the proper operation of equipment; or when temporary venting of a container is necessary to prevent dangerous situations, such as build-up of extreme pressure.

262.15(a)(5). Add new item (5) and items (5)(i) and (ii) to adopt language that describes how a generator must mark or label its container with the criteria listed in items (5)(i) and (ii).

262.15(a)(6). Add new item (6) and items (6)(i) through (iii) to adopt language that describes how a generator who accumulates either acute hazardous waste listed in section 261.31 or 261.33(e) or non-acute hazardous waste in excess of the amounts listed in paragraph (a) of this section at or near any point of generation must follow the requirements described in (6)(i) through (iii).

262.15(a)(7). Add new item (7) to adopt language that describes how all satellite accumulation areas operated by a small quantity generator must meet the preparedness and prevention regulations of section 262.16(b)(8) and emergency procedures at 262.16(b)(9).

262.15(a)(8). Add new item (8) to adopt language that describes how all satellite accumulation areas operated by a large quantity generator must meet the Preparedness, Prevention and Emergency Procedures in R.61-79.262 subpart M.

262.15(b). Add and reserve new subsection (b).

262.16. Add new section titled, "Conditions for exemption for a small quantity generator that accumulates hazardous waste." Add new introductory paragraph to adopt language that describes how a small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61-79.124, 264 through 266, and 270, or the notification requirements of the SC Hazardous Waste Management Act section 44-56-120 and section 3010 of RCRA, provided that all the conditions for exemption listed in 262.16(a) through (f) are met.

262.16(a). Add new subsection (a) to adopt language that describes how the generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in section 260.10.

262.16(b). Add new subsection (b) to adopt language that describes how the generator accumulated hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in paragraphs (d) and (e) of this section with accumulation conditions listed in 262.16(b)(1) through (9).

262.16(b)(1). Add new item (1) to adopt language that describes how the accumulation limit of the quantity of hazardous waste on site should never exceed six thousand (6,000) kilograms (13,200 pounds).

262.16(b)(2). Add new item (2) and items (2)(i) through (v) to adopt language to describe the accumulation of hazardous waste in containers requirements for a small quantity generator.

262.16(b)(3). Add new item (3) to adopt language to introduce the conditions for accumulation of hazardous waste in tanks.

262.16(b)(3)(i). Add new item (3)(i) and reserve.

262.16(b)(3)(ii). Add new item (3)(ii) and items (3)(ii)(A) through (D) to adopt language that describes that a small quantity generator of hazardous waste must comply with the general operating conditions described in new items.

262.16(b)(3)(iii). Add new item (3)(iii) and items (3)(iii)(A) through (E) to adopt language that describes that a small quantity generator that accumulates hazardous waste in tanks must inspect, where present, the materials in (3)(iii)(A) through (E).

262.16(b)(3)(iv). Add new item (3)(iv) to adopt language that describes how a small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, where applicable, the areas identified in 262.16(b)(3)(iii)(A) through (E).

262.16(b)(3)(v). Add new item (3)(v) and reserve.

262.16(b)(3)(vi). Add new item (3)(vi) to adopt language that describes how a small quantity generator accumulating hazardous waste in tanks must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with 261.3(c) or (d), that

any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of R.61-79.262, 263, 265 and 268.

262.16(b)(3)(vii). Add new item (3)(vii) to adopt language that describes how a small quantity generator must comply with specified special conditions in new items (3)(vii)(A) through (C) for accumulation of ignitable or reactive waste.

262.16(b)(4). Add new item (4) to adopt language that describes how the small quantity generator must comply with the requirements in new items (4)(i) through (iii) if the accumulation of hazardous waste is placed on drip pads.

262.16(b)(5). Add new item (5) to adopt language that describes the required procedures for accumulation of hazardous waste in containment buildings. Add new items (5)(i) and (ii) to adopt language that describes the required records the generator must maintain for accumulation of hazardous waste in containment buildings.

262.16(b)(6). Add new item (6) and items (6)(i) through (ii) to adopt language that describe the requirements for labeling and marking of containers and tanks of accumulated hazardous waste.

262.17(b)(7). Add new item (7) to adopt language that describes how a small quantity generator must comply with all the applicable land disposal restriction requirements under R.61-79.268.

262.16(b)(8). Add new item (8) to adopt language to introduce preparedness and prevention for small quantity generators.

262.16(b)(8)(i). Add new item (8)(i) to adopt language that describes the maintenance and operation of a facility. A small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

262.16(b)(8)(ii). Add new item (8)(ii) to adopt language that describes the required equipment for a small quantity generator. All areas where hazardous waste is either generated or accumulated must be equipped with the items described in new items (8)(ii)(A) through (D).

262.16(b)(8)(iii). Add new item (8)(iii) to adopt language that describes the testing and maintenance of required equipment for a small quantity generator. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

262.16(b)(8)(iv). Add new item (8)(iv) to adopt language that describes access to communications or alarm systems for personnel described in new items (8)(iv)(A) and (B).

262.16(b)(8)(v). Add new item (8)(v) to adopt language that describes the required aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

262.16(b)(8)(vi). Add new item (8)(vi) and new items (8)(vi)(A) through (C) to adopt language that describes the required arrangements with local authorities, including the police department, fire department, and other emergency response teams that small quantity generators must follow.

262.16(b)(9). Add new item (9) to adopt language that describes the emergency procedures for the small quantity generator. The small quantity generator complies with the following conditions described in 262.16(b)(9)(i) through (iv) for those areas of the generator facility where hazardous waste is generated and accumulated.

262.16(b)(9)(i). Add new item (9)(i) to adopt language that describes how at all times there must be at least one employee, who will be designated the emergency coordinator, either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (b)(9)(iv) of this section.

262.16(b)(9)(ii). Add new item (9)(ii) to adopt language that describes how the small quantity generator must post the following information in 262.16(b)(9)(ii)(A) through (C) next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: the name and emergency telephone number of the emergency coordinator; location of fire extinguishers and spill control material, and, if present, fire alarm; and the telephone number of the fire department, unless the facility has a direct alarm.

262.16(b)(9)(iii). Add new item (9)(iii) to adopt language that describes how the small quantity generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

262.16(b)(9)(iv). Add new item (9)(iv) and new items (9)(iv)(A) through (C) to adopt language that describes how the emergency coordinator in a small quantity generator facility or his designee must respond to any emergencies that arise. The applicable responses for each possible emergency are described in 9)(iv)(A) through (C).

262.16(c). Add new subsection (c) to adopt language to describe transporting small quantity waste over two hundred (200) miles. A small quantity generator who must transport its waste, or offer its waste for transportation, over a distance of two hundred (200) miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on site for two hundred seventy (270) days or less without a permit or without having interim status provided that the generator complies with the conditions of paragraph (b) of this section.

262.16(d). Add new subsection (d) to adopt language to describe accumulation time limit extension for the small quantity generator. A small quantity generator who accumulates hazardous waste for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if it must transport its waste, or offer its waste for transportation, over a distance of two hundred (200) miles or more) is subject to the requirements of R.61-79.264, 265, 268, and 270 of this chapter unless it has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than one hundred eighty (180) days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case-by-case basis.

262.16(e). Add new subsection (e) and items (e)(1) and (2) to adopt language to describe the rejected load requirements for the small quantity generator.

262.16(f). Add new subsection (f) to adopt language to describe how a small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with subpart L of R.61-79.262 in lieu of section 262.17.

262.17. Add new section titled, “Conditions for exemption for a large quantity generator that accumulates hazardous waste.” Add new introductory text to adopt language to describe how a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61-79.124, 264 through 266, and 270, or the notification requirements of section 3010 of RCRA, provided that all of the following conditions for exemption are met in 262.17(a) through (g).

262.17(a). Add new subsection (a) to adopt language that describes accumulation for a large quantity generator. A large quantity generator accumulates hazardous waste on site for no more than ninety (90) days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in

paragraphs (b) through (e) of this section. The following accumulation conditions in 262.17(a)(1) through (9) also apply.

262.17(a)(1). Add new item (1) to adopt language that describes accumulation of hazardous waste in containers for large quantity generators. If the hazardous waste is placed in containers, the large quantity generator must comply with the requirements in 262.17(a)(1)(i) through (vii).

262.17(a)(1)(i). Add new item (1)(i) to adopt language that describes air emission standards for large quantity generators. The applicable requirements of subparts AA, BB, and CC of R.61-79.265.

262.17(a)(1)(ii). Add new item (1)(ii) to adopt language that describes the condition of containers for large quantity generators. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

262.17(a)(1)(iii). Add new item (1)(iii) to adopt language that describes the compatibility of waste with container for large quantity generators. The large quantity generator must use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

262.17(a)(1)(iv). Add new item (1)(iv) and new items (1)(iv)(A) and (B) to adopt language that describes the management of containers for large quantity generators.

262.17(a)(1)(v). Add new item (1)(v) to adopt language that describes inspections of large quantity generators. At least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

262.17(a)(1)(vi). Add new item (1)(vi) and new items (1)(vi)(A) and (B) to adopt language that describes the special conditions for accumulation of ignitable and reactive wastes for large quantity generators.

262.17(a)(1)(vii). Add new item (1)(vii) and items (1)(vii)(A) through (C) to adopt language that describes special conditions for accumulation of incompatible wastes for large quantity generators including: incompatible wastes, or incompatible wastes and materials, must not be placed in the same container, unless in compliance with 265.17(b); hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material, unless in compliance with 265.17(b); and, a container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

262.17(a)(2). Add new item (2) to adopt language that describes accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator must comply with the applicable requirements of subpart J, except 265.197(c) of Closure and post-closure care and section 265.200—Waste analysis and trial tests, as well as the applicable requirements of AA, BB, and CC of R.61-79.265.

262.17(a)(3). Add new item (3) and new items (3)(i) through (iii) to adopt language that describes accumulation of hazardous waste on drip pads for large quantity generators. If the hazardous waste is placed on drip pads, the large quantity generator must comply with the requirements described in (a)(3)(i) through (iii).

262.17(a)(4). Add new item (4) to adopt language that describes accumulation of hazardous waste in containment buildings for large quantity generators.

262.17(a)(4)(i). Add new item (4)(i) to adopt language that describes how the large quantity generator must maintain the professional engineer certification that states the building complies with the design standards specified in section 265.1101. This certification must be in the generator's files prior to operation of the unit.

262.17(a)(4)(ii). Add new item (4)(ii) to adopt language that describes how the following records in 262.17(a)(4)(ii)(A) through (C) by use of inventory logs, monitoring equipment, or any other effective means must be maintained by the large quantity generator: a written description of procedures to ensure that each waste volume remains in the unit for no more than ninety (90) days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the ninety(90) day limit, and documentation that the procedures are complied with; or documentation that the unit is emptied at least once every ninety (90) days; and inventory logs or records with the previous information must be maintained on site and readily available for inspection.

262.17(a)(5). Add new item (5) to adopt language to introduce the labeling and marking of containers and tanks requirements for large quantity generators.

262.17(a)(5)(i). Add new item (5)(i) and new items (5)(i)(A) through (C) to adopt language that describes the required markings or labels a large quantity generator must have on its containers.

262.17(a)(5)(ii). Add new item (5)(ii) and items (5)(ii)(A) through (D) to adopt language that describes the requirements of a large quantity generator accumulating hazardous waste in tanks concerning labeling and marking.

262.17(a)(6). Add new item (6) to adopt language that describes how the large quantity generator must comply with the standards in subpart M of R.61-79.262, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

262.17(a)(7). Add new item (7) to adopt language to introduce personnel training requirements for large quantity generators.

262.17(a)(7)(i)(A). Add new item (7)(i)(A) to adopt language that describes how facility personnel must successfully complete a program of classroom instruction, online training (e.g. computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

262.17(a)(7)(i)(B). Add new item (7)(i)(B) to adopt language that describes how the personnel training program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

262.17(a)(7)(i)(C). Add new item (7)(i)(C) and items (7)(i)(C)(*1*) through (*6*) to adopt language that describes how, at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems.

262.17(a)(7)(i)(D). Add new item (7)(i)(D) to adopt language that describes how the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the conditions of exemption in this section for facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations.

262.17(a)(7)(ii). Add new item (7)(ii) to adopt language that describes how the facility personnel must successfully complete the program required in paragraph (a)(7)(i) of this section within six (6) months after the

date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training standards of paragraph (a)(7)(i) of this section.

262.17(a)(7)(iii). Add new item (7)(iii) to adopt language that describes how the facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.

262.17(a)(7)(iv). Add new item (7)(iv) and items (7)(iv)(A) through (D) to adopt language that describes how the large quantity generator must maintain the required documents and records, listed in (7)(iv)(A) through (D), at the facility.

262.17(a)(7)(v). Add new item (7)(v) to adopt language that describes how training records on current personnel must be kept until closure of the facility at least three (3) years from the date the employee last worked at the facility.

262.17(a)(8). Add new item (8) to adopt language that describes how a large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility must meet the conditions in (8)(i) through (v).

262.17(a)(8)(i). Add new item (8)(i) and items (8)(i)(A) and (B) to adopt language that describes how a large quantity generator must perform one of the requirements described in (8)(i)(A) or (B) for the notification for closure of a waste accumulation unit.

262.17(a)(8)(ii). Add new item (8)(ii) and items (8)(ii)(A) through (C) to adopt language that describes how a large quantity generator must perform one of the requirements described in paragraphs (8)(ii)(A) through (C) when providing notification for closure of the facility.

262.17(a)(8)(iii). Add new item (8)(iii) and items (8)(iii)(A)(1) through (4) to adopt language that describes closure performance standards for container, tank systems, and containment building waste accumulation units.

262.17(a)(8)(iv). Add new item (8)(iv) to adopt language that describes how the generator must comply with the closure performance standards for drip pad waste accumulation units.

262.17(a)(8)(v). Add new item (8)(v) to adopt language that describes how the closure requirements of paragraph (a)(8) of this section do not apply to satellite accumulation areas.

262.17(a)(9). Add new item (9) to adopt language that describes how the large quantity generator must comply with all applicable requirements under R.61-79.268 for land disposal restrictions.

262.17(b). Add new subsection (b) to adopt language that describes how a large quantity generator who accumulates hazardous waste for more than ninety (90) days is subject to the requirements of R.61-79.124, 264 through 268, and 270, and the notification requirements of section 3010 of RCRA, unless it has been granted an extension to the ninety (90) day period. Such extension may be granted by the Department if hazardous wastes must remain on site for longer than ninety (90) days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty (30) days may be granted at the discretion of the Department on a case-by-case basis.

262.17(c). Add new subsection (c) and items (c)(1) through (4) to adopt language that describes how a large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than ninety (90) days, but not more than one hundred eighty (180) days without being subject to R.61-79.124, 264 through 267, and 270, and the notification requirements of section 3010 of RCRA, provided that it complies with all of the additional conditions for exemption listed in paragraphs (c)(1) through (4).

262.17(d). Add new subsection (d) to adopt language that describes how a large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more for off-site metals recovery, may accumulate F006 waste on site for more than ninety (90) days, but not more than two hundred seventy (270) days without being subject to R.61-79.124, 264 through 267, 270, and the notification requirements of section 3010 of RCRA, if the large quantity generator complies with all of the conditions for exemption of paragraphs (c)(1) through (4) of this section.

262.17(e). Add new subsection (e) to adopt language that describes how a large quantity generator accumulating F006 in accordance with paragraphs (c) and (d) of this section who accumulates F006 waste on site for more than one hundred eighty (180) days (or for more than two hundred seventy (270) days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred (200) miles or more), or who accumulates more than twenty thousand kilograms (20,000 kg) of F006 waste on site is an operator of a storage facility and is subject to the requirements of R.61-79.124, 264, 265, and 270, and the notification requirements of section 3010 of RCRA, unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kg accumulation limit.

262.17(f). Add new subsection (f) and items (f)(1) through (3) to adopt language that describes how large quantity generators may accumulate on site hazardous waste received from very small quantity generators under control of the same person (as defined in section 260.10), without a storage permit or interim status and without complying with the requirements of R.61-79.124, 264 through 268, and 270, and the notification requirements of section 3010 of RCRA, provided that they comply with the conditions described in paragraphs (f)(1) through (3).

262.17(g). Add new subsection (g) and items (g)(1) and (2) to adopt language that describes how a large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of section 264.72 or 265.72 may accumulate the returned waste on site in accordance with paragraphs (a) and (b) of this section Upon receipt of the returned shipment, the generator must follow one of the requirements in (g)(1) or (2).

262.18. Add new section titled, "EPA identification numbers and re-notification for small quantity generators and large quantity generators."

262.18(a). Add new subsection (a) to adopt language that describes how a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Department.

262.18(b). Add new subsection (b) to adopt language that describes how a generator who has not received an EPA identification number must obtain one by applying to the Department using EPA Form 8700-12. Upon receiving the request, the Department will assign an EPA identification number to the generator.

262.18(c). Add new subsection (c) to adopt language that describes how a generator must not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

262.18(d). Add new subsection (d) to adopt language that describes the re-notification process. For small quantity generators, listed in 262.18(d)(1), the generator must re-notify the Department starting in 2021 and every four years thereafter using EPA Form 8700-12, which must be submitted by September 1st of each year in which re-notifications are required. For large quantity generators, listed in 262.18(d)(2), the generator must re-notify the Department by March 1st of each even-numbered year thereafter using EPA Form 8700-12. A large quantity generator may submit the re-notification as part of its Biennial Report required under section 262.41.

262.18(e). Add new subsection (e) to adopt language that describes how a recognized trader must not arrange for import or export of hazardous waste without having received an EPA identification number from the Department.

262 Subpart B. Revise subpart title to read, "Manifest Requirements Applicable to Small and Large Quantity Generators."

262 Subpart C. Revise subpart title to read, "Pre-Transport Requirements Applicable to Small and Large Quantity Generators."

262.32(b). Revise subsection to remove "or offering hazardous waste". Revise subsection (b) to change punctuation at the end of the paragraph from "." to ":." Add numerals 262.32(b)(1) through (4) to existing items. Add new item (b)(5) to adopt language to state the EPA Hazardous Waste Number(s) must be included on a container of one hundred nineteen (119) gallons or less used in transportation of hazardous waste off-site.

262.32(c). Add new subsection (c) to adopt language that describes how a generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Number(s), as required by paragraph (b)(5) or (d).

262.32(d). Add new subsection (d) to adopt language that describes how lab packs that will be incinerated in compliance with 268.42(c) are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.

262.34. Remove and reserve section.

262.35. Revise section to add section title, "Liquids in landfills prohibition." Revise section to add new introductory paragraph to read, "The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet additional requirements as specified in sections 264.314 and 265.314."

262 Subpart D. Revise subpart title to read, "Recordkeeping and Reporting Applicable to Small and Large Quantity Generators."

262.40(c). Revise subsection to read, "See R.61-79.262.11(f) for recordkeeping requirements for documenting hazardous waste determinations."

262.41(b). Revise subsection to remove "262.56."

262.41(c). Revise subsection to read, "Exports of hazardous waste to foreign countries are not required to be reported on the Biennial Report form. A separate annual report requirement is set forth at section 262.83(g) for hazardous waste exporters."

262.43. Revise section to add introductory text to read "The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in R.61-79.261."

262.44. Revise section title to read, "Recordkeeping for small quantity generators." Revise introductory text to read, "A small quantity generator is subject only to the following independent requirements of this subpart."

262.200. Remove definition for "Central Accumulation Area." Revise definition for "Trained professional" to replace: "265.16" with "R.61-79.262.17," "262.34(d)(5)(iii)" with "R.61-79.262.16," and "conditionally exempt" with "very."

262.201. Revise 262.201(a) and (b) to clarify cross references.

262.202(a) and (b). Revise item to clarify cross references.

262.203(a). Revise subsection to clarify eligible academic entity requirements.

262.203(b)(2). Revise item to replace “conditionally exempt” with “very.”

262.204(a). Revise subsection for clarification.

262.204(b)(2) Revise item to replace “conditionally exempt” with “very.”

262.206(b)(3)(iii). Revise item to remove the period after “necessary” and add a colon.

262.207(d)(2). Revise item to add “(a) through (d)” after “262.11.”

262.208(a). Revise subsection to replace “6” with “12” before “months” in items (1) and (2).

262.208(d)(2). Revise item to read, “If a laboratory accumulates more than 1 quart of liquid reactive acutely hazardous unwanted material or more than one (1) kilogram (2.2 pounds) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:”

262.208(d)(2)(i). Revise item to insert “or 1 kg” after “1 quart.”

262.208(d)(2)(ii). Revise item to insert “or 1 kg” after “1 quart.”

262.209(b). Revise subsection to clarify.

262.210(a). Revise subsection to insert “(a) through (d)” after “262.11”.

262.210(b)(3). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61-79.262.13.”

262.210(d)(2). Revise item to replace “Conditionally exempt” with “Very” and “261.5(f)(3) for acute hazardous waste, or 261.5(g)(3) for hazardous waste” with “R.61-79.262.14.”

262.211(c). Revise subsection to replace “262.34(a)” with “R.61-79.262.16,” “large” with “small,” “262.34(d)” with “R.61-79.262.17,” “small” with “large,” and “262.34(a)(3)” with “sections 262.16(b)(6) and 262.17(a)(5).”

262.211(d). Revise subsection to insert “(a) through (d)” after “262.11.”

262.211(e)(3). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61-79.262.13.”

262.212(d). Revise subsection to insert “(a) through (d)” after “262.11.”

262.213(a)(1). Revise item to insert “liquid” after “or one (1) quart of,” and “or one (1) kilogram of solid reactive acutely hazardous unwanted material” after “reactive acutely hazardous unwanted material,” anywhere it appears in the item.

262.213(a)(2). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61-79.262.13” anywhere it appears in the item.

262.213(a)(3). Revise item to replace “status” with “category,” “conditionally exempt” with “very,” and “261.5” with “R.61-79.260.10.” Insert “non-acute” after “more than one hundred (100) kilograms per month of.”

262.213(b)(2). Revise item to replace “status” with “category” and “261.5(c) and (d)” with “R.61-79.262.13.”

262.214(b)(5). Revise item to insert “(a) through (d)” after “standards at R.61-79.262.11” and “R.61-79.” before “262.209.”

262.216(a). Revise subsection to replace “262.34(c)” with “262.15.”

262.216(b). Revise subsection to replace “261.5(b)” with “section 262.14” and “conditionally exempt” with “very.”

262 Subpart L. Add new subpart titled, “Alternative Standards for Episodic Generation.”

262.230. Add new section title to read, “Applicability.” Add introductory text to adopt language that describes how this subpart is applicable to very small quantity generators and small quantity generators as defined in section 260.10 of this chapter.

262.231. Add new section title to read, “Definitions for this subpart.” Add, in alphabetical order, the following new definitions: “Episodic event,” “Planned episodic event,” and “Unplanned episodic event.”

262.232. Add new section title to read, “Conditions for a generator managing hazardous waste from an episodic event.”

262.232(a). Add new subsection (a) to adopt language that describes how a very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the conditions in 262.232(a)(1) through (7).

262.232(a)(1). Add new item (1) to adopt language that describes how the very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under R.61-79.262.233, in order to maintain its existing generator category for hazardous waste generated.

262.232(a)(2). Add new item (2) to adopt language that describes the notification requirement for very small quantity generators prior to initiating a planned episodic event and in the event of an unplanned episodic event.

262.232(a)(3). Add new item (3) to adopt language that describes how the very small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700-12 in order to maintain its existing generator category.

262.232(a)(4). Add new item (4) and items (4)(i) through (iii) to adopt language that describes how a very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks, the generator must follow the conditions described in (a)(4)(i) through (iii).

262.232(a)(5). Add new item (5) to adopt language that describes how the very small quantity generator must comply with the hazardous waste manifest provisions of subpart B of this part when it sends its episodic event hazardous waste off site to a designated facility, as defined in section 260.10 of this chapter.

262.232(a)(6). Add new item (6) to adopt language that describes how the very small quantity generator has up to sixty (60) calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in section 260.10 of this chapter.

262.232(a)(7). Add new item (7) and items (7)(i) through (vi) to adopt language that describes how very small quantity generators must maintain records listed in (a)(7)(i) through (vi), for three (3) years from the end date of the episodic event.

262.232(b). Add new subsection (b) to adopt language that describes how a small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with the conditions in 262.232(b)(1) through (6).

262.232(b)(1). Add new item (1) to adopt language that describes how the small quantity generator is limited to one episodic event per calendar year unless a petition is granted under section 262.233 in order to maintain its existing generator category during an episodic event.

262.232(b)(2). Add new item (2) to adopt language that describes how the small quantity generator must notify the Department no later than thirty (30) calendar days prior to initiating a planned episodic event using EPA Form 8700-12 in order to maintain its existing generator category during an episodic event. In the event of an unplanned episodic event, the small quantity generator must notify the Department within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit EPA Form 8700-12. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

262.232(b)(3). Add new item (3) to adopt language that describes how the small quantity generator must have an EPA identification number or obtain an EPA identification number using EPA Form 8700-12.

262.232(b)(4). Add new item (4) and items (4)(i) and (ii) to adopt language that describes how a small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the conditions listed in (b)(4)(i) and (ii) apply.

262.232(b)(5). Add new item (5) to adopt language that describes how the small quantity generator must treat hazardous waste generated from an episodic event on site or manifest and ship such hazardous waste off site to a designated facility (as defined by 260.10) within sixty (60) calendar days from the start of the episodic event.

262.232(b)(6). Add new item (6) to adopt language that describes how the small quantity generator must maintain the following records, listed (b)(6)(i) through (vi), for three (3) years from the end date of the episodic event.

262.233. Add new section title to read, “Petition to manage one additional episodic event per calendar year.”

262.233(a). Add new subsection (a) and items (a)(1) and (2) to adopt language that describes how a generator may petition the Department for a second episodic event in a calendar year without impacting its generator category under the conditions described in 262.233(a)(1) and (2).

262.233(b). Add new subsection (b) and items (b)(1) through (5) to adopt language that describes how the generator’s petition must include the requirements listed in (b)(1) through (5).

262.233(c). Add new subsection (c) to adopt language that describes how the petition must be made to the Department in writing, either on paper or electronically.

262.233(d). Add new subsection (d) to adopt language that describes how the generator must retain written approval in its records for three (3) years from the date the episodic event ended.

262 Subpart M. Add new subpart titled, "Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators."

262.250. Add new section titled, "Applicability." Add new introductory text to adopt language that describes how the regulation of subpart M applies to those areas of a large quantity generator where hazardous waste is generated or accumulated on site.

262.251. Add new section titled, "Maintenance and operation of facility." Add new introductory text to adopt language that describes how a large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or environment.

262.252. Add new section titled, "Required equipment." Add new introductory text and subsections (a) through (d) to adopt language that describes how all areas deemed applicable by section 262.250 must be equipped with the items in paragraphs (a) through (d) of this section (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below).

262.253. Add new section titled, "Testing and maintenance of equipment." Add new introductory text to adopt language that describes how all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

262.254. Add new section titled, "Access to communications or alarm system."

262.254(a). Add new subsection (a) to adopt language that describes how all personnel involved in the operation of pouring, mixing, spreading, or otherwise handling hazardous waste must have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under section 262.252.

262.254(b). Add new subsection (b) to adopt language that describes how the employee must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under section 262.252 in the event there is only one employee on the premises while the facility is operating.

262.255. Add new section titled, "Required aisle space." Add new introductory text to adopt language that describes how the large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

262.256. Add new section titled, "Arrangements with local authorities."

262.256(a). Add new subsection (a) to adopt language that describes how the large quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

262.256(a)(1). Add new item (1) to adopt language that describes how a large quantity generator attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.

262.256(a)(2). Add new item (2) to adopt language that describes how the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility as part of coordination with local authorities.

262.256(a)(3). Add new item (3) to adopt language that describes how the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority where more than one police or fire department might respond to an emergency.

262.256(b). Add new subsection (b) to adopt language that describes how the large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

262.256(c). Add new subsection (c) to adopt language that describes how a facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

262.260. Add new section titled, "Purpose and implementation of contingency plan."

262.260(a). Add new subsection (a) to adopt language that describes how a large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

262.260(b). Add new subsection (b) to adopt language that describes how the provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

262.261. Add new section titled, "Content of contingency plan."

262.261(a). Add new subsection (a) to adopt language that describes how the contingency plan must describe the actions facility personnel must take to comply with sections 262.260 and 262.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

262.261(b). Add new subsection (b) to adopt language that describes how the generator need only amend the Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with part 112 of this chapter or some other emergency or contingency plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this part.

262.261(c). Add new subsection (c) to adopt language that describes how the plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee, pursuant to section 262.256.

262.261(d). Add new subsection (d) to adopt language that describes how the plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see section 262.264), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

262.261(e). Add new subsection (e) to adopt language that describes how the plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

262.261(f). Add new subsection (f) to adopt language that describes how the plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

262.262. Add new section titled, "Copies of contingency plan." Add new introductory text to adopt language that describes how a copy of the contingency plan and all revisions to the plan must be maintained at the large quantity generator and follow 262.262(a) through (c).

262.262(a). Add new subsection (a) to adopt language that describes how the large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

262.262(b). Add new subsection (b) and items (b)(1) through (8) to adopt language that describes how a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide, which must contain the requirements listed in (b)(1) through (8), of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.

262.262(c). Add new subsection (c) to adopt language that describes how generators must update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.

262.263. Add new section titled, "Amendment of contingency plan." Add new introductory text and subsections (a) through (e) to adopt language that describes how the contingency plan must be reviewed, and immediately amended, if necessary, whenever the following applies, listed in (a) through (e): applicable regulations are revised; the plan fails in an emergency; the generator facility changes in a way that materially increases the potential for fires, explosions, or releases of hazardous waste constituents, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

262.264. Add new section titled, "Emergency coordinator." Add new introductory text to adopt language that describes how there must be at least one employee either on the generator's premises or on call with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in section 262.265 at all times. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the

facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

262.265. Add new section titled, "Emergency procedures."

262.265(a). Add new subsection (a) and items (a)(1) and (2) to adopt language that describes how whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately do the requirements in (a)(1) and (2): activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and notify appropriate state or local agencies with designated response roles if their help is needed.

262.265(b). Add new subsection (b) to adopt language that describes how whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

262.265(c). Add new subsection (c) to adopt language that describes how concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

262.265(d). Add new subsection (d) and items (1) and (2) to adopt language that describes how if the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment, outside the facility, the emergency coordinator must report the findings described in (d)(1) and (2).

262.265(e). Add new subsection (e) to adopt language that describes how the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility during an emergency. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

262.265(f). Add new subsection (f) to adopt language that describes how the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate if the generator stops operations in response to a fire, explosion, or release.

262.265(g). Add new subsection (g) to adopt language that describes how immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in R.61-79.262, 263, and 265.

262.265(h). Add new subsection (h) and items (h)(1) and (2) to adopt language that describes how the emergency coordinator must ensure that, in the affected area(s) of the facility no hazardous waste that may be incompatible with the release material is treated, stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

262.265(i). Add new subsection (i) and items (i)(1) through (6) to adopt language that describes how the generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen (15) days after the incident, the generator must submit a written report on the incident to the Department that includes the requirements listed in (i)(1) through (6).

263.12. Revise introductory text to add alphanumeric (a) and for clarification.

263.12(b). Add new subsection (b) and items (b)(1) and (2) to adopt language that describes how when consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons or less with the words "Hazardous Waste"; and the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of R.61-79.261, or in compliance with 262.32(c).

264.1(g)(1). Revise item to replace "261.5" with "R.61-79.261.14."

264.1(g)(3). Revise item to replace "262.34" with "262.14, 262.15, 262.16, or 262.17."

264.15(b)(4). Revise item to insert text at the end to read, "R.61-79.270 requires the inspection schedule to be submitted with part B of the permit application. The Department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Department may modify or amend the schedule as may be necessary." Remove comment for 264.15(b)(4).

264.71(c). Revise item to insert text at the end to read, "The provisions of sections 262.15, 262.16, and 262.17 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of sections 262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 262.17(f)." Remove comment to 264.71(c).

264.174. Revise section to read, "At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. See sections 264.15(c) and 264.171 for remedial action required if deterioration or leaks are detected."

264.1030(b)(2). Revise item to replace "262.34(a)" with "R.61-79.262.17."

264.1050(b)(3). Revise item to replace "262.34(a)" with "R.61-79.262.17."

265.1(c)(5). Revise item to replace "261.5 of this chapter" with "R.61-79.262.14."

265.1(c)(7). Revise item to read, "A generator accumulating waste onsite in compliance with applicable conditions for exemption in R.61-79.262.14 through 262.17, and R.61-79.262 subparts K and L, except to the extent the requirements of R.61-79.262 are included in those sections and subparts."

265.71(c). Revise subsection to insert text at the end to read, "The provisions of R.61-79.262.15, 262.16, and 262.17 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of R.61-79.262.15, 262.16, and 262.17 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under 262.17(f)." Remove comment for 265.71(c).

265.174. Revise text to remove phrase "and the containment system." Insert new sentence at the end to read, "See R.61-79.265.171 for remedial action required if deterioration or leaks are detected." Remove comment for 265.174.

265.201. Remove and reserve section.

265.1030(b)(2) and (b)(3). Revise items to replace “262.34(a)” with “R.61-79.262.17.”

265.1050(b)(2) and (b)(3). Revise items to replace “262.34(a)” with “R.61-79.262.17.”

266.255(a). Revise subsection to replace “R.61-79.262.34” with “R.61-79.262.16 or 262.17.”

268.1(e)(1). Revise item to read, “Wastes generated by very small quantity generators, as defined in R.61-79.260.10.”

268.7(a)(5). Revise item to replace “262.34” with “R.61-79.262.15, 262.16, and 262.17.”

268.50(a)(1). Revise item to replace clarify new section references.

268.50(a)(2)(i). Revise item to remove “the date each period of accumulation begins;” and insert “with:.”

268.50(a)(2)(i)(A). Add new item (2)(i)(A) to adopt language that describes how each container of hazardous waste is clearly marked with the words “Hazardous Waste.”

268.50(a)(2)(i)(B). Add new item (2)(i)(B) to adopt language that describes how each container of hazardous waste is clearly marked with the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of R.61-79.261; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s).

268.50(a)(2)(i)(C). Add new item (2)(i)(C) to adopt language that describes how each container of hazardous waste is clearly marked with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

268.50(a)(2)(i)(D). Add new item (2)(i)(D) to adopt language that describes how each container of hazardous waste is clearly marked with the date each period of accumulation begins.

270.1(a)(3). Revise item to read, “Technical regulations. The RCRA permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in R.61-79.264, 266, 267, and 268.”

270.1(c)(2). Revise item to insert “and exemptions” after “Specific exclusions” and “RCRA” before “permit.”

270.1(c)(2)(i). Revise item to read, “Generators who accumulate hazardous waste onsite in compliance with all of the conditions for exemption provided in R.61-79.262.14, 262.15, 262.16, and 262.17.”

270.1(c)(2)(iii). Revise item to read, “Persons who own or operate facilities solely for the treatment, storage or disposal of hazardous waste excluded from regulations under this Part by R.61-79.261.4 or 261.14 (very small quantity generator exemption).”

270.42(l). Revise subsection to reserve it.

270.42 Appendix I to 270.42 Section O. Revise section to remove and reserve O.1.

273.8. Revise section title to read, "Applicability—household and very small quantity generator waste."

273.8(a)(2). Revise item to replace "Conditionally exempt" with "Very," and "261.5" with "261.14."

273.81(b). Revise subsection to replace "conditionally exempt" with "very."

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comment(s) on the proposed amendment by mail to David Scaturo in the Bureau of Land and Waste Management at the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; fax at (803) 898-0590; or email at scaturd@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 26, 2018, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its December 13, 2018, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: http://www.scdhec.gov/Agency/docs/AGENDA.PDF.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/.

Preliminary Fiscal Impact Statement:

The proposed amendments 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 requirements of this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to realize the benefits of and maintain state consistency with the EPA's November 28, 2016, amendments to 40 CFR 260 through 279.

Legal Authority: 1976 Code Section 44-56-30.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this proposed amendment. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

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

The Department proposes amending R.61-79 to adopt the EPA's Hazardous Waste Generator Improvements Rule, published on November 28, 2016, at 81 FR 85732-85829. The rule amends the existing hazardous waste generator regulatory program by reorganizing the hazardous waste generator regulations to improve their usability by the regulated community. This rule clarifies how the RCRA hazardous waste generator regulatory program works and addresses gaps in the existing regulations to strengthen environmental protections. This rule provides greater flexibility for generators to manage hazardous waste in a cost-effective and protective manner, and makes technical corrections and changes to address inadvertent errors and remove outdated references to programs that no longer exist. While the majority of the rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department proposes adopting the rule in a single drafting that requires General Assembly review.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the state or its political subdivisions resulting from this proposed revision. There will likely be a slight increase in costs to the regulated community for compliance from this proposed revision. The amendments to R.61-79 will reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the RCRA hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates regarding costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed revision to R.61-79 will provide continued protection of the environment and public health, as indicated above.

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

If the regulation is not implemented, there will be a detrimental effect on the environment and public health because the South Carolina would not be implementing or realizing the benefits of the EPA's Hazardous Waste Generator Improvements Rule.

Statement of Rationale:

R.61-79 contains requirements for hazardous waste management, including identification of waste, standards for generators, transporters, and owners/operators of treatment, storage, and disposal ("TSD") facilities, procedures for permits for TSD facilities, investigation and cleanup of hazardous waste; and closure and post-closure requirements. As an authorized state program, the regulation must be equivalent to and consistent with the U.S. EPA's RCRA regulations, 42 U.S.C. Sections 6901 et seq. The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA's Hazardous Waste Generator Improvements Rule is equivalent to current state regulations

and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department proposes adopting the rule in a single drafting that requires General Assembly review.

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. 4840
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-56-30

61-79. Hazardous Waste Management Regulations.

Preamble:

The Department of Health and Environmental Control (Department) proposes amending R.61-79, Hazardous Waste Management Regulations, to adopt the "Imports and Exports of Hazardous Waste Rule" published on November 28, 2016 at 81 FR 85696-85729 and on August 29, 2017 at 82 FR 41015-41016 by the United States Environmental Protection Agency ("EPA"). The proposed amendment will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. This amendment will make existing import- and export-related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development, enable electronic submittal to the EPA of all import and export-related documents (e.g., export notices, export annual reports), and enable electronic validation of consent in the Automated Export System ("AES") for export shipments subject to the Resource Conservation and Recovery Act ("RCRA") export consent requirements prior to exit. Adoption of this rule is required to comply with federal law and will bring R.61-79 into conformity with the federal regulation. General Assembly review is not required.

The Department had a Notice of Drafting published in the April 27, 2018, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendment:

260.10 Definitions. Add, in alphabetical order, the following new definitions: "AES filing compliance date," "Electronic import-export reporting compliance date," and "Recognized trader."

261.4(d)(1). Revise item to insert "and (4)" after "paragraph (d)(2)."

261.4(d)(4). Add new item (4) to adopt language that describes how, in order to qualify for the exemption in 261.4(d)(1)(i) and (ii), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed twenty-five (25) kilograms.

261.4(e)(1). Revise item to read, "Except as provided in paragraph (e)(2) and (4) of this section, persons who generate or collect samples for the purpose of conducting treatability studies as defined in R.61-79.260.10, are not subject to any requirement of R.61-79.261 through 263 or to the notification requirements of SC Hazardous Waste Management Act 44-56-120 and Section 3010 of RCRA, nor are such samples included in the quantity determinations of R.61-79.262.13 when:."

261.4(e)(4). Add new item (4) to adopt language that describes how, in order to qualify for the exemption in 261.4(e)(1)(i), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed twenty-five (25) kilograms.

261.6(a)(3)(i). Revise item to replace ", unless provided otherwise in an international agreement as specified in 262.58:" with "exports and imports of such recyclable materials must comply with the requirements of R.61-79.262 subpart H."

261.6(a)(5). Revise item to read, "Hazardous waste that is exported or imported for purpose of recovery is subject to the requirements of R.61-79.262 subpart H."

261.39(a)(5)(ii). Revise item to read, "Notifications must be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system."

261.39(a)(5)(v). Revise item to read, "The export of CRTs is prohibited unless all of the following occur:."

261.39(a)(5)(v)(A). Add new item (5)(v)(A) to adopt language that describes how the receiving country must consent to the intended export.

261.39(a)(5)(v)(B). Add new item (5)(v)(B) to adopt language that introduces the requirements of the exporter or a U.S. authorized agent for the export of CRTs.

261.39(a)(5)(v)(B)*(1).* Add new item (v)(B)*(1)* to adopt language that describes how the exporter must submit Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b).

261.39(a)(5)(v)(B)*(2).* Add new item (v)(B)*(2)* and items (v)(B)(*2*)(*i*) to (v)(B)(*2*)(*vii*) to adopt language that describes how the exporter or U.S. authorized agent must include the following specific items in the EEI, along with the other information required under 15 CFR 30.6: EPA license code; commodity classification code; EPA consent number; country of ultimate destination; date of export; quantity of waste in the shipment; and EPA net quantity reported in kilogram.

261.39(a)(5)(vi). Revise first sentence to read, "When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change using the allowable methods listed in paragraph (a)(5)(ii) of this section, except for changes to the telephone number in paragraph (a)(5)(i)(A) of this section and decreases in the quantity indicated pursuant to paragraph (a)(5)(i)(C) of this section." Revise the second sentence to replace "(a)(5)(i)" with "(H)."

261.39(a)(5)(ix). Revise item to add text to specify recordkeeping requirements.

261.39(a)(5)(xi). Revise item to remove the first sentence and adopt new language that describes annual report requirements.

262.10(d). Revise subsection to read, "Any person who exports or imports hazardous wastes must comply with R.61-79.262.18 and R.61-79.262 subpart H."

262.41(c). Revise last sentence to read, "A separate annual report requirement is set forth at section 262.83(g) for hazardous waste exporters."

262 Subpart E. Remove and reserve subpart.

262 Subpart F. Remove and reserve subpart.

262 Subpart H. Revise section title to read, "Transboundary Movements of Hazardous Waste for Recovery and Disposal."

262.80(a). Revise subsection to read, "The requirements of this subpart apply to transboundary movements of hazardous wastes."

262.80(b). Revise subsection to read, "Any person (including exporter, importer, disposal facility operator, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and the SC Hazardous Waste Management Act and any exporter duties, if applicable, under this subpart."

262.81 Definitions. Revise section to clarify and revise the following existing definitions: "Competent authority," "Countries concerned," "Country of export," "Country of import," "Country of transit," "Exporter," "Importer," "OECD area," "Recovery operations," and "Transboundary movement." Add, in alphabetical order, the following definitions: "Disposal operations," "EPA Acknowledgment of Consent," "Export," "Foreign exporter," "Foreign importer," "Foreign receiving facility," "Import," "OECD Member country," and "Receiving facility." Remove the definitions for: "Recognized trader" and "Recovery facility."

262.82(a). Revise first sentence to replace "by the national procedures of the United States, as defined in 262.80(a)" with "whether the waste is or is not hazardous waste." Revise the second sentence to replace "262.89(d)" with "in R.61-79.260.11."

262.82(a)(1). Revise item to describe green list wastes that are subject to the requirements of this subpart.

262.82(a)(2). Revise item to describe amber list wastes that are subject to the requirements of this subpart.

262.82(a)(3). Revise item to describe mixtures of wastes that are subject to the requirements of this subpart.

262.82(a)(4)(i). Revise item to read, "If such wastes are hazardous wastes, such wastes are subject to the requirements of this subpart."

262.82(a)(4)(ii). Revise item to read, "If such wastes are not hazardous wastes, such wastes are not subject to the requirements of this subpart."

262.82(b)(1). Revise item to read, "The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;."

262.82(b)(2). Revise item to remove the phrase "and the transboundary movement must be in compliance with applicable international transport agreements;." Add note to paragraph (b)(2) to adopt language that describes how these international agreements include, but are not limited to, the Chicago Convention (1994), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

262.82(b)(3). Revise item to read, "Any transit of hazardous waste through one or more countries must be conducted in compliance with all applicable international and national laws and regulations."

262.82(c). Revise subsection to describe the duty to return wastes subject to the Amber control procedures during transit through the United States.

262.82(d). Revise subsection to read, "Laboratory analysis exemption. Export or import of a hazardous waste sample is exempt from the requirements of this subpart if the sample is destined for laboratory analysis to assess

its physical or chemical characteristics, or to determine its suitability for recovery or disposal operations, does not exceed twenty-five (25) kilograms in quantity, is appropriately packaged and labeled, and complies with the conditions of R.61-79.261.4(d) or (e)."

262.82(e). Revise subsection to read, "EPA Address for submittals by postal mail or hand delivery. Submittals required in this subpart to be made by postal mail or hand delivery should be sent to the following addresses:."

262.82(e)(1). Revise item to read, "For postal mail delivery, the Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460."

262.82(e)(2). Revise item to read, "For hand delivery, the Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch, Environmental Protection Agency, William Jefferson Clinton South Bldg., Room 6144, 1200 Pennsylvania Ave., NW., Washington, DC 20004."

262.83. Revise title to read, "Exports of hazardous waste."

262.83(a). Revise subsection to read, "General export requirements. Except as provided in paragraphs (a)(5) and (6) of this section, exporters that have received an AOC from EPA before December 31, 2016 are subject to that approval and the requirements listed in the AOC that existed at the time of that approval until such time the approval period expires. All other exports of hazardous waste are prohibited unless:." Add new items (1) through (6) to adopt language that describes the general export requirements.

262.83(b). Revise heading to read, "Notifications—."

262.83(b)(1). Revise item to describe and clarify general notifications of hazardous waste shipments and state what information is required in the notifications.

262.83(b)(2). Revise item to clarify export requirements to pre-consented recovery facilities in OECD Member countries. Remove items (2)(i) and (ii).

262.83(b)(3). Add new item (3) to adopt language that describes how notifications must list interim recycling operations or interim disposal operations.

262.83(b)(4). Add new item (4) to adopt language that describes how when the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to EPA using the allowable methods in 262.83(b)(1) of this section. Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an EPA AOC letter documenting the countries' consents to the changes.

262.83(b)(5). Add new item (5) to adopt language that describes EPA coordination for countries of import and recovery or disposal operations not covered under the international agreement.

262.83(b)(6). Add new item (6) to adopt language that describes where the countries of import and transit consent to the proposed transboundary movement(s) of the hazardous waste(s), EPA will forward an EPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, EPA will notify the exporter.

262.83(b)(7). Add new item (7) to adopt language that describes how U.S. exporters must comply with the export requirements in section 262.83.

262.83(b)(8). Add new item (8) to adopt language that describes how upon request by EPA, the exporter must furnish to EPA any additional information which the country of import requests in order to respond to a notification.

262.83(c). Revise subsection to read, "RCRA manifest instructions for export shipments. The exporter must comply with the manifest requirements of sections 262.20 through 262.23 except that:."

262.83(c)(1). Add new item (1) to adopt language that describes how the exporter must enter the name and site address of the foreign receiving facility in lieu of the name, site address, and EPA number of the designated permitted facility.

262.83(c)(2). Add new item (2) to adopt language that describes how the exporter must check the export box and enter the U.S. port of exit from the United States.

262.83(c)(3). Add new item (3) to adopt language that describes how the exporter must list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a Continuation Sheet(s) (EPA Form 8700–22A).

262.83(c)(4). Add new item (4) to adopt language that describes how the exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).

262.83(d). Revise subsection to read, "Movement document requirements for export shipments:." Remove items (3) through (14) and note to (d)(14).

262.83(d)(1). Revise item to read, "All exporters must ensure that a movement document meeting the conditions of paragraph (d)(2) of this section accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until it reaches the foreign receiving facility, including cases in which the hazardous waste is stored and/or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in paragraphs (d)(1)(i) and (ii) of this section." Add new items (1)(i) and (ii) to adopt language that describes the exceptions of paragraph (d)(1).

262.83(d)(2). Revise item to read, "The movement document must include the following paragraphs (d)(2)(i) through (xv) of this section:." Add new items (2)(i) through (xv) to adopt language that describes each requirement in the movement document.

262.83(e). Revise subsection to clarify the duty to return hazardous waste to the United States or re-export hazardous waste to a third country.

262.83(f). Add new subsection (f) titled, "Export contract requirements," and items (1) through (9) to adopt language that describes the exports of hazardous waste contract requirements.

262.83(g). Add new subsection (g) to adopt language that describes annual reports required by the exporters, and new items (1) through (6) to adopt language that describes the required content within the annual report.

262.83(h). Add new subsection (h) titled, "Exception reports," and new items (1) and (2) to adopt language that describes the required content within the exception reports.

262.83(i). Add new subsection (i) titled, "Recordkeeping," and new items (1) through (3) to adopt language that describes the recordkeeping requirements for exporters.

262.84. Revise section title to read, "Imports of hazardous waste."

262.84(a). Revise subsection heading to read, "General import requirements."

262.84(a)(1). Revise item to read, "With the exception of paragraph (a)(5) of this section, importers of shipments covered under a consent from EPA to the country of export issued before December 31, 2016, are subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this part and the special requirements of this subpart."

262.84(a)(2). Revise item to read, "In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to EPA in accordance with paragraph (b) of this section."

262.84(a)(3). Add new item (3) to adopt language that describes how the importer must comply with the contract requirements in 262.84(f).

262.84(a)(4). Add new item (4) to adopt language that describes how the importer must ensure compliance with the movement documents requirements in 262.84(d).

262.84(a)(5). Add new item (5) to adopt language that describes how the importer must ensure compliance with the manifest instructions for import shipments in 262.84(c).

262.84(b). Revise subsection to read, "Notifications. In cases where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, but EPA does regulate the waste as hazardous waste."

262.84(b)(1). Revise item to remove "Date movement commenced;" and adopt language that describes how the importer is required to provide notification of the transboundary movement of hazardous waste.

262.84(b)(2). Revise item to read, "Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to paragraph (b)(1) of this section must also include the final recovery or disposal facility name, address, telephone and fax numbers, e-mail address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in section 262.81."

262.84(b)(3). Revise item to read, "Renotifications. When the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to EPA using the allowable methods in paragraph (b)(1) of this section. Any shipment using the requested changes cannot take place until EPA and the countries of transit consent to the changes and the importer receives an EPA AOC letter documenting the consents to the changes."

262.84(b)(4). Revise item to read, "A notification is complete when EPA determines the notification satisfies the requirements of paragraph (b)(1)(i) through (xiii) of this section."

262.84(b)(5). Revise item to read, "Where EPA and the countries of transit consent to the proposed transboundary movement(s) of the hazardous waste(s), EPA will forward an EPA AOC letter to the importer documenting the countries' consents and EPA's consent. Where any of the countries of transit or EPA objects to the proposed transboundary movement(s) of the hazardous waste or withdraws a prior consent, EPA will notify the importer."

262.84(b)(6). Revise item to read, "Export of hazardous wastes originally imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in section 262.83(b)(7)."

262.81(b)(7). Remove item (7).

262.84(c). Revise subsection title to read, "RCRA Manifest instructions for import shipments." Add new items (1) through (5) to adopt language that describes the importer manifest requirements.

262.84(d). Revise subsection title to read, "Movement document requirements for import shipments."

262.84(d)(1). Add new item (1) and items (1)(i) and (ii) to adopt language that describes how the importer must ensure that a movement document accompanies each transboundary movement of hazardous wastes.

262.84(d)(2). Add new item (2) and items (2)(i) through (xv) to adopt language that describes the requirements to be included in the movement document.

262.84(e). Revise to read, "Duty to return or export hazardous wastes. When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consent(s), the provisions of paragraph (f)(4) of this section apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of paragraph (b)(6) of this section apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer."

262.84(f). Add new subsection (f) titled, "Import contract requirements."

262.84(f)(1). Add new item (1) to adopt language that describes how the imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

262.84(f)(2). Add new item (2) to adopt language that describes how the contracts or equivalent arrangements must specify the name and EPA ID number, where available, of 262.84(f)(2)(i) through (iv), which include: the foreign company from where each import shipment of hazardous waste is initiated; each person who will have physical custody of the hazardous wastes; each person who will have legal control of the hazardous wastes; and the receiving facility.

262.84(f)(3). Add new item (3) to adopt language that describes how contracts or equivalent arrangements must specify the use of a movement document in accordance with 262.84(d).

262.84(f)(4). Add new item (4) to adopt language that describes how contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous wastes. Add items (4)(i) and (4)(ii) to adopt language that describes what the contracts must specify.

262.84(f)(5). Add new item (5) to adopt language that describes how contracts must specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC15 through DC17, as appropriate, will provide the notification required in section 262.83(b)(7) prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in section 262.81.

262.84(f)(6). Add new item (6) to adopt new language that describes how contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements. Add new note to item (f)(6) that describes why financial guarantees are required.

262.84(f)(7). Add new item (7) to adopt new language that describes how contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of Subpart F 262.

262.84(f)(8). Add new item (8) to adopt new language that describes how importers or disposal or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

262.84(g). Add new subsection (g) to read, “Confirmation of recovery or disposal. The receiving facility must do the following:” to introduce receiving facility requirements. Add new items (1) and (2) to adopt language that describe the requirements of the receiving facility.

262.84(h). Add new subsection (h) titled, “Recordkeeping.”

262.84(h)(1). Add new item (1) and items (i) and (ii) to adopt language that describes the records the importer must keep and provide upon request.

262.84(h)(2). Add new item (2) and items (i) through (iv) to adopt language that describes the records the receiving facility must keep.

262.84(h)(3). Add new item (3) to adopt language that describes how importers and receiving facilities must satisfy the described recordkeeping requirements.

262.84(h)(4). Add new item (4) to adopt language that describes how the periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Department.

262.85. Remove and reserve subpart.

262.86. Remove and reserve subpart.

262.87. Remove and reserve subpart.

262.88. Add and reserve subpart.

262.89. Remove and reserve subpart.

Appendix to Part 262. Revise II Part 262, Item 16, Instructions for International Shipment Block, to remove the last sentence.

263.10(d). Revise subsection to read, "A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to this subpart and to all other relevant requirements of R.61-79.262 subpart H, including, but not limited to, R.61-79.262.83(d) and 262.84(d) for movement documents."

263.20(a)(2). Revise item to read, "Exports. For exports of hazardous waste subject to the requirements of part 262 subpart H, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by section 262.83(d)."

263.20(c). Revise subsection to clarify manifest transport requirements.

263.20(e)(2). Revise item to read, "A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by sections 262.83(d) or 262.84(d) accompanies the hazardous waste; and."

263.20(f)(2). Revise item to read, "Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by sections 262.83(d) or 262.84(d) accompanies the hazardous waste at all times." Revise the note to remove "either" and add ", movement document," after "manifest."

263.20(g)(4). Revise item to remove the first sentence and add "For paper manifests only,." Add new items (g)(4)(i) and (g)(4)(ii) to adopt language that describes how transporters must send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in section 264.71(a)(2)(v), and, for shipments initiated prior to the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

264.12(a). Revise subsection to read, "The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to part 262 subpart H from a foreign source must submit the following required notices:."

264.12(a)(1). Revise item to read, "As per section 262.84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in section 262.84(b)(1) at least sixty (60) days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter."

264.12(a)(2). Revise item to adopt language that describes the requirements of keeping a copy of the movement document.

264.12(a)(3). Add new item (3) to adopt language that describes how, as per section 262.84(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export,

such owner or operator of the facility must inform EPA, using the allowable methods listed in section 262.84(b)(1) of the need to return or arrange alternate management of the shipment.

264.12(a)(4). Add new item (4) to adopt language that describes how, as per section 262.84(g), such owner or operator of a facility to receive hazardous waste from a foreign source must abide by (a)(4)(i) and (a)(4)(ii).

264.12(a)(4)(i). Add new item (4)(i) to adopt language that describes how the owner or operator shall send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty (30) days after completing recovery or disposal on the waste in the shipment and no later than one (1) calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to EPA electronically using WIETS, or its successor system.

264.12(a)(4)(ii). Add new item (4)(ii) to adopt language that describes how the owner or operator shall send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one (1) year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in 40 CFR 262.81 if the facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17.

264.71(a)(3). Revise item to remove previous language and insert, "The owner or operator of a facility receiving hazardous waste subject to part 262 subpart H, from a foreign source must:."

264.71(a)(3)(i). Add new item (3)(i) to adopt language that describes how the owner or operator of a facility receiving hazardous waste lists the relevant consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a Continuation Sheet(s) (EPA Form 8700-22A).

264.71(a)(3)(ii). Add new item (3)(ii) to adopt language that describes how the owner or operator of a facility receiving hazardous waste sends a copy of the manifest within thirty (30) days of delivery to EPA using the addresses listed in section 262.82(e) until the facility can submit such a copy to the e-Manifest system per 264.71(a)(2)(v).

264.71(d). Revise subsection to adopt language that describes the requirements of keeping the movement document.

265.12(a). Revise subsection to read, "The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to part 262 subpart H, from a foreign source must submit the following required notices."

265.12(a)(1). Revise item to read, "As per section 262.84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in section 262.84(b)(1) at least sixty (60) days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter."

265.12(a)(2). Revise item to read, "As per section 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's WIETS, or its successor system. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility."

265.12(a)(3). Add new item (a)(3) to adopt language that describes how, if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, such owner or operator of the facility must inform EPA, using the allowable methods listed in section 262.84(b)(1) of the need to return or arrange alternate management of the shipment, as per section 262.84(f)(4).

265.12(a)(4). Add new item (a)(4) and items (a)(4)(i) and (ii) to adopt language that describes how the owner or operator of a facility receiving hazardous waste from a foreign source must submit notices of confirmation of recovery or disposal.

265.71(a)(3). Revise item to read, "The owner or operator of a facility that receives hazardous waste subject to part 262 subpart H from a foreign source must:."

265.71(a)(3)(i). Add new item (3)(i) to adopt language that describes how the owner or operator must list the relevant consent number from consent document supplied by EPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a Continuation Sheet(s) (EPA Form 8700-22A).

265.71(a)(3)(ii). Add new item (3)(ii) to adopt language that describes how the owner or operator must send a copy of the manifest to EPA using the addresses listed in section 262.82(e) within thirty (30) days of delivery until the facility can submit such a copy to the e-Manifest system per 265.71(a)(2)(v).

265.71(d). Revise subsection to adopt language that describes the requirements of the owner or operator of a facility for the movement document.

266.70(b)(1). Revise item to clarify notification requirements.

266.70(b)(3). Revise item to read, "For precious metals exported to or imported from other countries for recovery, part 262, subpart H and 265.12."

266.80(a)(6) Table 1-266.80 Applicability and requirements. Revise item, third column, to read, "are exempt from R.61-79.262 (except for R.61-79.262.11, 262.18 and subpart H), 263, 264, 265, 266, 268, 270, 124, and the notification requirements at the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA." Revise fourth column to read, "are subject to R.61-79.261, 262.11, 262.18, and R.61-79.262 subpart H." Remove items (6)(a) through (6)(c).

266.80(a)(7) Table 1-266.80 Applicability and requirements. Revise third column to read, "are exempt from R.61-79.263, 264, 265, 266, 268, 270, 124, and the notification requirements at the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA." Revise fourth column to read, "must comply with applicable requirements in R.61-79.262, subpart H." Remove items (7)(a) through (7)(c).

266.80(a)(8) Table 1-266.80 Applicability and requirements. Add new item (8) into Table 1-266.80 Applicability and requirements. Adopt new language in the first column to read, "Will be reclaimed other than through regeneration"; second column to read, "Import these batteries from foreign country and store these batteries but you aren't the reclaimer"; third column to read, "are exempt from R.61-79.262 (except for R.61-79.262.11, 262.18 and subpart H), 263, 264, 265, 266, 270, 124, and the notification requirements at SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA"; and fourth column to read, "are subject to R.61-79.261, 262.11, 262.18, 262 subpart H, and applicable provisions under R.61-79.268."

266.80(a)(9) Table 1-266.80 Applicability and requirements. Add new item (9) into Table 1-266.80 Applicability and requirements. Adopt new language in the first column to read, "Will be reclaimed other than through regeneration"; second column to read, "Import these batteries from foreign country and store these batteries before you reclaim them"; third column to read, "must comply with 266.80(b) and as appropriate other regulatory provisions described in 266.80(b)"; and fourth column to read, "are subject to parts 261, section 262.11, section 262.18, part 262 subpart H, and applicable provisions under part 268."

266.80(a)(10) Table 1-266.80 Applicability and requirements. Add new item (10) into Table 1-266.80 Applicability and requirements. Adopt new language in the first column to read, "Will be reclaimed other than through regeneration"; second column to read, "Import these batteries from foreign country and don't store these batteries before you reclaim them"; third column to read, "are exempt from parts 262 (except for section 262.11, section 262.18 and subpart H), 263, 264, 265, 266, 270, 124, and the notification requirements at SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA"; and fourth column to read, "are subject to parts 261, section 262.11, section 262.18, part 262 subpart H, and applicable provisions under part 268."

273.20. Revise sentence to read, "A small quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of part 262, subpart H."

273.39(a). Revise subsection to insert ", movement document" after "manifest, bill of lading."

273.39(b). Revise subsection to insert ", movement document" after "manifest, bill of lading."

273.40. Revise sentence to read, "A large quantity handler of universal waste who sends universal waste to a foreign destination is subject to the requirements of part 262, subpart H."

273.56. Revise sentence to read, "A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of part 262, subpart H."

273.62(a). Revise subsection to insert ", movement document" after "manifest, bill of lading."

273.70. Revise section to insert "the requirements of part 262 subpart H and" after "the United States are subject to."

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comment(s) on the proposed amendment by mail to David Scaturo in the Bureau of Land and Waste Management at the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; fax at (803)898-0590; or email at scaturdm@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 26, 2018, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its December 13, 2018, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street,

Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: http://www.scdhec.gov/Agency/docs/AGENDA.PDF.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of the amendment is to maintain state consistency with regulations of the United States Environmental Protection Agency (EPA), which published the final rule on November 28, 2016, at 81 FR 85696-85729.

Legal Authority: 1976 Code Section 44-56-30.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this proposed amendment. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

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

The Bureau of Land and Waste Management proposes adopting the Imports and Exports of Hazardous Waste Rule published on November 28, 2016, at 81 FR 85696-85729. The rule amends the existing import and export of hazardous wastes regulations from and into the United States. This rule provides greater protection to human health and the environment by making existing import- and export-related requirements more consistent with the current import-export requirements for shipments between member of the Organization for Economic Cooperation and Development (OECD), enables electronic submittal to EPA of all import- and export-related documents, and enables electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit. Adoption of this rule is required to comply with federal law and will bring R.61-79 into conformity with the federal regulation.

DETERMINATION OF COSTS AND BENEFITS:

These regulatory amendments are exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal law.

There is no anticipated increased cost to the state or its political subdivisions resulting from this proposed revision. There will likely be a slight increase in costs to the regulated community for compliance from this proposed revision. Amendments to R.61-79 will make existing import- and export-related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development, enable electronic submittal to the EPA of all import- and export-related documents, and enable electronic validation of consent in the Automated Export System for export shipments to the RCRA export consent requirements prior to exit.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed revision to R.61-79 will provide continued protection of the environment and human health in accordance with updates to federal law.

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

If the regulation is not implemented the EPA's delegation of authority to the state to implement environmental protection programs would be compromised. As a delegated state program, the EPA requires that the state's regulations be at least as stringent as, and equivalent to, the federal regulations. Adoption of these proposed revisions will ensure equivalency with federal requirements.

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. 4838
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 48-5-10 et seq.

61-67.1. Requirements for State Water Pollution Control Revolving Fund Loan Assistance.

Preamble:

The Department of Health and Environmental Control ("Department") proposes repeal of R.61-67.1. The regulation describes the process the Department and the former South Carolina Budget and Control Board followed in administering the State Water Pollution Revolving Fund received in federal grants from the Environmental Protection Agency ("EPA"). In 1992, the General Assembly repealed S.C. Code Section 48-6-10 *et seq*. and replaced it with the South Carolina Water Quality Revolving Fund Authority Act (S.C. Code Section 48-5-10 *et seq*.). Passage of the South Carolina Water Quality Revolving Fund Authority Act ("Act") has rendered R.61-67.1 obsolete. The Act provides authority for the Department and the South Carolina Water Quality Revolving Fund Authority to administer the South Carolina clean water and drinking water revolving funds program and federal grants received as supplements to the revolving funds from the EPA. The South Carolina Water Quality Revolving Fund Authority comprises the members of the State Fiscal Accountability Authority, with administrative and implementation support from the South Carolina Rural Infrastructure Authority ("RIA").

Repeal of the regulation will have no impact or implications for the current administration and implementation of the South Carolina Clean Water State Revolving Fund ("CWSRF"). The CWSRF, like its predecessor, the State Water Pollution Revolving Fund under the repealed Title 48, Chapter 6, provides low interest loans to public utilities and local governments for wastewater and stormwater infrastructure projects. The Department and RIA are able to effectively administer and implement the state revolving funds program using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental

permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

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

The Department had a Notice of Drafting published in the June 22, 2018, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Repeal:

Regulation 61-67.1 will be repealed in its entirety as it is obsolete due to repeal of the original authorizing statute (Title 48, Chapter 6 of the South Carolina Code). Please see the Statement of Need and Reasonableness herein

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed repeal to Charles Gorman of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; gormancm@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 26, 2018, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed repeal during its December 13, 2018, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: http://www.scdhec.gov/Agency/docs/AGENDA.PDF.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/.

Preliminary Fiscal Impact Statement:

There are no anticipated new costs associated with the repeal of this regulation to the state or its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-67.1, Requirements for State Water Pollution Control Revolving Fund Loan Assistance.

Purpose: The Department proposes repealing R.61-67.1, Requirements for State Water Pollution Control Revolving Fund Loan Assistance. This regulation it is obsolete due to repeal of the original authorizing statute (Title 48, Chapter 6 of the South Carolina Code). In 1992, the General Assembly repealed Title 48, Chapter 6 and replaced it with the South Carolina Water Quality Revolving Fund Authority Act (Title 48, Chapter 5).

Legal Authority: 1976 Code Sections 48-5-10 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this proposed repeal. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the repeal and any associated information.

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

In the interest of good government and efficiency, the Department proposes to repeal R.61-67.1, Requirements for State Water Pollution Control Revolving Fund Loan Assistance. The regulation describes the process the Department of Health and Environmental Control ("Department") and the former South Carolina Budget and Control Board followed in administering the State Water Pollution Revolving Fund received in federal grants from the Environmental Protection Agency ("EPA"). In 1992, the General Assembly repealed S.C. Code Section 48-6-10 et seq. and replaced it with the South Carolina Water Quality Revolving Fund Authority Act (S.C. Code Section 48-5-10 et seq.). Passage of the South Carolina Water Quality Revolving Fund Authority Act ("Act") has rendered R.61-67.1 obsolete. The Act provides authority for the Department and the South Carolina Water Quality Revolving Fund Authority to administer the South Carolina clean water and drinking water revolving funds program and federal grants received as supplements to the revolving funds from the EPA. The South Carolina Water Quality Revolving Fund Authority comprises the members of the State Fiscal Accountability Authority, with administrative and implementation support from the South Carolina Rural Infrastructure Authority ("RIA").

In accordance with the Act, the State Water Pollution Revolving Fund ("SRF") authorized under the former statute (Title 48, Chapter 6) remains in existence and is now referred to as the Clean Water State Revolving Fund ("CWSRF"). The CWSRF, like the former State Water Pollution Revolving Fund, provides low interest loans to public utilities and local governments for wastewater and stormwater infrastructure projects. The General Assembly amended Title 48, Chapter 5 in 1997 to include the Drinking Water State Revolving Fund ("DWSRF"), which provides low interest loans to public utilities and local governments for public drinking water infrastructure projects. The 1987 amendments to the Federal Water Pollution Act, otherwise known as the Clean Water Act, authorized federal funding for the CWSRF and the former State Water Pollution Revolving Fund. The 1996 amendments to the Safe Drinking Water Act authorized federal funding for the DWSRF. The CWSRF and DWSRF are revolving funds because they receive repayments and interest from the loans made from the funds. Additional money comes into the funds through interest on investments and annual federal grants received from EPA. Repeal of the regulation will have no impact or implications for the current administration and implementation of the CWSRF or DWSRF.

The Department does not propose replacing this regulation with a new regulation. The Department and RIA are able to effectively administer and implement the SRF program using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

DETERMINATION OF COSTS AND BENEFITS:

The Department anticipates no fiscal or economic impact on the state or its political subdivisions and the regulated community by the repeal of this regulation. Repeal of the regulation will have no impact or implications for the current administration and implementation of the South Carolina CWSRF. The CWSRF, like its predecessor, the State Water Pollution Revolving Fund under the repealed Title 48, Chapter 6, provides low interest loans to public utilities and local governments for wastewater and stormwater infrastructure projects. The Department and RIA are able to effectively administer and implement the CWSRF and DWSRF using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental

permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Repealing the regulation will have no effect on the environment and public health. The Department and RIA are able to effectively administer and implement the CWSRF and DWSRF using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

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

Repealing R.61-67.1 has no legal effect, as it has been obsolete since repeal of S.C. Code Section 48-6-10 et seq.

Statement of Rationale:

R.61-67.1 needs to be repealed as it is obsolete due to repeal of the original authorizing statute (Title 48, Chapter 6). The General Assembly repealed Title 48, Chapter 6 and replaced it with the South Carolina Water Quality Revolving Fund Authority Act (Title 48, Chapter 5). The Department does not propose replacing this regulation with a new regulation. The Department and RIA are able to effectively administer and implement the CWSRF and DWSRF using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

Text:

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

Document No. 4842
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-1-140(2), 44-1-150, and 44-1-180

61-25. Retail Food Establishments.
61-37. Retail Food Establishment Inspection Fees.

Preamble:

The intent of R.61-25, Retail Food Establishments, is to safeguard public health and provide consumers safe, unadulterated food and food products at the retail level. This regulation governs restaurants, grocery stores, school cafeterias, and other establishments where food is prepared and served to the public. R.61-25 was last amended in 2014.

The proposed amendments herein will enable the Department of Health and Environmental Control ("Department"), through regulation, to meet the current standards of the 2017 United States Food and Drug Administration ("FDA") Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. It is amended every two (2) years and published in full every four (4) years by the national Conference for Food Protection, comprised of food safety regulators, food scientists, industry representatives, and members of academia.

These amendments also include proposed revisions to selected sections of Chapter 9 of R.61-25 to reflect the current business models of the food service industry based on comments and suggestions from the regulated community.

The amendments also include combining R.61-25 with revised provisions of R.61-37, Retail Food Establishment Inspection Fees, last amended in 2002. Specifically, the Department proposes revising fee schedules currently residing in R.61-37, placing the fee schedules in R.61-25, and combining the two regulations by repealing R.61-37, while allowing for necessary program support through an increase in inspection fees. This would provide the retail food industry with one streamlined regulation.

The proposed amendments to R.61-25 also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, and codification, and overall improvement of the text of the regulation.

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

The Department had a Notice of Drafting published in the August 24, 2018, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments and Repeal:

R.61-25

In Chapters 1 through 9 of the proposed amendments to R.61-25, capitalization, punctuation, spelling, and grammatical errors have been corrected. The superscripts for Priority (P) and Priority Foundation (Pf), as found in the FDA Food Code, have been added to all relevant citations. The word "Section" has been added to references in all citations where it was missing for clarity. To improve readability, all subsection titles have been bolded. For brevity and space, these modifications are not listed.

In Contents

Amended: All chapter titles were changed from all capitalization to capitalizing the first letter of each word for consistency.

Added: New section 4-303 "Cleaning Agents and Sanitizers."

Renamed Sections 9-2 and 9-11 of Chapter 9 to more accurately fit the content of these revised sections.

In Chapter 1, Purpose and Definition, the following changes apply:

Section 1-2

Deleted: (19) "Conditional employee," as the term is not used in the regulation; renumbered remaining items.

Amended: (35) to add "work" to the description of a person under a contractual agreement.

Amended: (54) "Hermetically sealed container" to add the word "commercial" to conform to the Food Code.

Added: (58) "Intact meat" from the 2017 FDA Food Code.

Amended: (73) "Nuisance" to clarify that premises is included but not limited to the structure.

Amended: (79)(b) "Personal care items" to remove unnecessary wording of "and other such items".

Amended: (106) "Retail food establishment" by changing "any" to "an" to match the intent of exemptions in Chapter 8-103.12(A) and by deleting "temporary food establishments" from the examples as they are not issued a retail food establishment permit.

Amended: (112) "Service animal" to clarify that the ADA service animal definition does not include "comfort animals" or any other type of support animal not recognized as a service animal under the ADA and its implementing regulations.

Amended: (117) to correct denotations of the E.coli strains listed.

Amended: (127)(b)(ii) Time/temperature control for safety food (TCS) Tables A and B to match the tables and wording in the 2017 FDA Food Code and include the term PA for product assessment.

Amended: (132)(a)(i) and (b)(i) to add "the violation of " for clarity and that Priority and Priority Foundation violations are denoted in the body of the regulation with superscript of either "P" or "Pf."

In Chapter 2, Management and Personnel, the following changes apply:

Section 2-1

Added: 2-102.11(C)(9) requiring knowledge of major allergens and renumbered remaining items.

Amended: 2-102.12 to add "and Food Handler Certification" to title.

Amended: 2-102.12(A) to add requirement for the certified food protection manager to be present at the facility frequently and to be responsible for ensuring employee health policies are implemented.

Added: 2-102.12(B) requiring that at all times during food service operations a person in charge with a Food Handler Certification be on duty and renumbered remaining items.

Added: 2-103.11(I) to supplement the duties of the person in charge from the 2017 FDA Food Code and renumbered remaining items.

Section 2-2

Amended: 2-201.11 Section title to add "Permit Holder."

Amended: 2-201.11(A) to remove "person in charge" and replace with "permit holder." Added that the food employee is to report illness to the person in charge.

Amended: 2-201.11(B)-(E) by striking existing (B) through (D) and replacing them with new (B) through (E) to conform to the 2017 FDA Food Code. This section provides guidance to industry on identification and reporting of illnesses.

Amended: 2-201.12 to add all of that section from the 2017 FDA Food Code not adopted from the 2013 FDA Food Code. This section provides clear guidance to industry on managing exclusion and restrictions of ill workers.

Added: 2-201.13 to conform to the 2017 FDA Food Code. This section provides clear guidance to industry on how to manage reinstating excluded and restricted ill workers.

Section 2-3

Amended: 2-203.11(A) to delete duplicative “on their hands and arms”.

Section 2-4

Added: 2-401.13 Use of Bandages, Finger Cots, or Finger Stalls from the 2017 FDA Food Code.

Amended: 2-402.11(A) to clarify when beard restraints are needed.

Amended: 2-403.11 to include 9-3 “Outdoor Pet Dining.”

Section 2-5

Amended: 2-501.11 to require that vomiting and diarrheal event clean-up procedures be in writing.

In Chapter 3, Food, the following changes apply:

Section 3-2

Amended: 3-201.11(E)(2) to delete written buyer specifications as the new definition of “intact beef” now addresses this need.

Amended: 3-202.12 to correct the quoted CRF reference and delete “or Pesticide Residues” that is not part of the title of that section.

Section 3-3

Amended: 3-302.11(A) to correct reference from (c) to (d) and to add fruits and vegetables to the list of foods that must be separated from raw animal foods during storage, preparation, holding, and display.

Section 3-4

Amended: 3-304.11, 3-304.15 and 3-304.17 to add the word “Section” to references for clarity.

Amended: 3-401.11(A)(1)(b) to add “intact” description to “meat.”

Amended: 3-401.11(A)(2)-(3) to change required cooking time as per 2017 FDA Food Code.

Amended: 3-401.11(B)(1)-(2) to update language and the oven cooking Tables 3.2 and 3.3 to comport with the 2017 FDA Food Code.

Amended: 3-401.13 to change "fruits and vegetables” to the more inclusive “plant foods.”

Amended: 3-404.11(A) to reflect the entire section, not just (B)-(E).

Section 3-5

Added: 3-502.11(H) to clarify that a HACCP plan is not required for special processes that are for flavor enhancement only. A written statement must be provided indicating foods to be enhanced and food safety measures taken.

Amended: 3-502.12(B) to correct reference of (B) to (C).

Amended: 3-502.12(C) to add the requirement for a label indicating that fish must be kept frozen until time of use.

Amended: 3-502.12(D)(1) and (E)(2) to correct reference of (B) to (C).

Section 3-6

Added: 3-602.11 (B)-(D) These provisions specify labeling requirements from the 2017 FDA Food Code providing for allergen labeling on packaged "grab and go" foods where there is no interaction with a server. Labeling will not apply to takeout or delivered food. The requirement allows the consumer to be aware of allergens present.

In Chapter 4, Equipment, Utensils, and Linens, the following changes apply:

Section 4-1

Amended: 4-101.17 to correct internal references, allow single use of cedar cooking planks, and move the allowance of wicker baskets when suitably lined to (F).

Section 4-2

Amended: 4-204.16 to change "shall not" to "may not."

Section 4-3

Added: 4-303.11 This is a new section on cleaning agents and sanitizers from the 2017 FDA Food Code. Clarifies that both must be present and available for use during operations.

Section 4-4

Amended: 4-402.11 to add "in place" to clarify the term "fixed".

Amended: 4-501.114(F) to correct reference from (C) to (A)-(D).

Amended: 4-502.12 to add the word "Section" to reference for clarity.

Amended: 4-602.11(D)(2)(a) to add degrees to temperatures in chart.

Amended: 4-602.11(D) to add new subsections (4) and (6) on cleaning schedules previously not included. Clarifies when certain equipment must be cleaned.

Amended: 4-603.15(D) to add "in place" for clarity.

Amended: 4-903.11(A) and (D) to provide new allowance for storage of packaged food on pallets less than 6" off floor from the 2017 FDA Food Code.

In Chapter 5, Water, Plumbing, and Waste, the following changes apply:

Section 5-1

Amended: 5-103.11(B) to remove the requirement for separate hot water systems for food preparation areas to allow for more flexibility in system design. Hot water systems should meet the local plumbing requirements and are evaluated operationally by the Department.

Section 5-2

Amended: 5-202.14 to clarify that an internal to the building water supply backflow preventer needs to be ASSE certified.

Amended: 5-203.11 to clarify language that the number of handsinks required is related to the size and scope of the food service operation.

Section 5-3

Amended: 5-303.13 to correct the title to this subsection.

Section 5-4

Amended: 5-402.12 to add "areas" after food preparation in all references as needed for better clarity and readability.

Section 5-5

Amended: 5-501.111 to add "receptacles" to the requirement for clarity.

In Chapter 6, Physical Facilities, the following changes apply:

Section 6-2

Amended: 6-202.14 by adding "or for a public access restroom, an alcove opening as approved by local building codes" to allow for the industry standard of using alcove openings and to harmonize with building codes.

Amended: 6-202.15(A)(3) by adding "tight-fitting" to the requirement for outer doors to comport with the current FDA Food Code.

Amended: 6-202.15(D) removed "temporary food establishment" as it was redundant to information in Section 9-8 Temporary Food Service Establishments.

In Chapter 7, Poisonous or Toxic Materials, the following changes apply:

Section 7-2

Amended: 7-202.12(A)(2)-(4) to add certification requirements for pesticide applicators from the 2017 FDA Food Code at the request of S.C. pesticide regulators.

Amended: 7-204.12(A) to add clarification from the 2017 FDA Food Code regarding chemicals used in treatment, storage, and processing of fruits and vegetables.

Deleted: 7-204.12(B) to remove provision on the use of ozone as an antimicrobial agent to match deletion in 2017 FDA Food Code.

In Chapter 8, Compliance and Enforcement, the following changes apply:

Section 8-2

Amended: 8-201.14, "contents of a HACCP plan" section, to include reorganizing existing language and adding clarified sections (A)-(C), (E), and (F) from 2017 FDA Food Code regarding the plan to be submitted and what needs to be submitted as part of the flow diagram and supporting documents.

Amended: 8-202.14(D)(4) added "each" before "critical control point" to provide clarity.

Section 8-3

Amended: 8-301.12(A)(19) to clarify introductory language and by adding (g) to allow the Department to make risk-based decisions for permit exemptions for additional non-time/temperature control for safety foods that use a low-risk food process.

Added: 8-301.12(A)(20) to extend permit exemption to include individuals preparing and selling additional non-time temperature control for food safety foods ("cottage food" items such as jams/jellies/dried seasonings) from their homes and renumbered remaining items.

Amended: 8-301.12(A)(21) to remove restriction on using a blender to make single-serve smoothies with additional non-time temperature control for food safety food ingredients in (b) and to add new (g)-(h), exempting time-controlled waffle/funnel cake/mini donut mix for hotel breakfast service and roadside sale.

Amended: 8-301.12(A)(22) to delete "Vending machines" from (22) and moved them to new (23).

Added: 8-301.12(A)(23) to separately address exempt vending machines (moved from (22).

Added: 8-301.12(C) to clarify that operations that are exempt from permit requirements are subject to the Department's authority to investigate complaints as necessary to protect the public from food safety related health risk.

Amended: 8-302.13(D). As part of combining R.61-37 into this regulation, the Department has added a new $100.00 fee for first-time permit/preoperational inspections in addition to the annual inspection fee.

Amended: 8-303.20(A)(1) through (A)(6) to reorganize and clarify how long the new owner has to make an application, pay fees, and achieve compliance at an inspection. This includes: deleting 8-303.20(A)(1)(a) and (A)(1)(b); adding a new paragraph (A)(2) and renumbering the following paragraphs; amending 8-303.20(A)(3)(b) to correct reference from 8-302.12 to 8-303.10; amending 8-303.20(A)(3)(c) to clarify when the facility will be deemed to be operating without a permit; amending 8-303.20(A)(4) to clarify that the Department will conduct an inspection to determine compliance after receiving a complete application; adding 8-303.20(A)(5) and (6), which clarify the implications of failing to submit a complete and timely application, pay fees, or obtain compliance at the permit inspection, and when the facility will be deemed operating without a permit; and renumbering remaining items.

Added: 8-304.11(A)(3). As part of combining R.61-37 into this regulation, added the fee renewal requirement and scale and other material information currently contained in R.61-37. The fee scale has been increased to provide for necessary support of the program.

Amended: 8-304.11(A)(4) to remove requirement to maintain a copy of the regulation and instead require access to and knowledge of the regulation.

Added: 8-304.11(A)(5) to require a facility to operate at least 15 consecutive days a year or one day a week for 15 weeks to retain its permit.

Added: 8-304.11(B)(8) to require the permit holder to notify the Department when the billing or mailing address changes.

Added: 8-304.11(B)(9) to require the permit holder to notify the Department of a change in the capacity of a shared use kitchen.

Amended: 8-304.11(C) to delete the word "also" for grammatical correctness.

Amended: 8-304.11(D) and (E) to update internal reference to "(B) and (C)" instead of "(A) and (B)."

Section 8-4

Amended: 8-402.20(C) to clarify that the Department may obtain a warrant if access is denied.

Amended: 8-402.40 to clarify Department enforcement options when a facility denies the Department access to the retail food establishment.

Amended: 8-403.10(E) to prohibit covering, obscuring, defacing, relocating, or removing the posted food grade.

Amended: 8-405.11 (A)(3) and (C)(4) added "from the date of the inspection" to provide clarity of when follow up would occur.

Added: 8-404.11(F) from 2017 FDA Food Code allowing a facility to continue to operate in emergency situations if it has a written emergency operating plan approved by the Department.

Amended: 8-405.11(A)(1) and (A)(3) to clarify that the ten (10)-day period is from the date of the inspection.

Amended: 8-405.11(A)(2) to require all core violations, regardless of grade, to be corrected as soon as possible.

Section 8-5

Amended: 8-501.20 to remove references to conditional employees as they are not addressed in other parts of the regulation.

Section 8-7

Deleted: 8-701.11 "Implementation of Regulations," as none of the proposed additions will require delayed implementation, and all previously delayed items are now in regulatory effect.

Section 8-9

Amended: 8-904 to correct the title to read "Permit Suspension."

Amended: 8-904.10 to correct the title to read "Conditions Warranting Summary Suspension."

Amended: 8-904.30 to correct the title to read "Contents of the Summary Suspension Notice."

Amended: 8-904.50 to correct the title to read "Term of Summary Suspension, Reinstatement of Permit."

Amended: 8-904.110(A)(5) to clarify the Department's authority to suspend a facility's permit for failure to notify the Department of facility changes.

Amended: 8-904.110(A)(7) to add "obscuring" to current wording.

Amended: 8-904.110(A)(9) to clarify the Department's authority to suspend a permit upon a facility's failure to pay a civil penalty required by a Department order.

Amended: 8-904.110(A)(10) by adding new language to reflect the requirement to operate for fifteen (15)consecutive days annually or at least one (1) day every week for at least fifteen (15) weeks and renumbered existing (10) to (11).

Added: 8-904.110(B)(6) to authorize the Department to revoke a facility's permit upon a failure to operate as a retail food establishment at least fifteen (15) consecutive days annually or at least one (1) day a week for fifteen (15) weeks.

Amended: 8-904.120 to distinguish notice requirements of ordinary suspensions from those of summary suspensions.

Amended: 8-913.10 to clarify the Department's authority to impose civil penalties for violation of an order of the Department.

Chapter 9, Standards for Additional Retail Food Establishment Operations, the following changes apply:

Deleted: References to thermometer scales in requirements for thermometers in all sections.

Section 9-1

Amended: (A)(1) Mobile food establishment definition to add that a mobile food unit can be a watercraft and is movable or portable.

Amended: (A)(2) commissary definition to provide that a retail food establishment that serves a highly susceptible population and is regulated by the Department as a health care facility may not be used as a commissary.

Amended: (B)(3) to remove the requirement for daily return to commissary and storage at commissary; added new requirements (a)-(c) to allow for up to seventy-two (72) hours of operation before servicing for fully self-contained units and to allow Department approval of alternative storage locations for all types of units.

Amended: (F)(1)(b)(i) Service window size requirement so that windows can be configured as needed but no bigger than 576 inches square.

Amended: (H)(5) to align hot water requirement with 5-103.11.

Added:(H)(6) to allow for units to hook up to a public water supply on a temporary basis at location provided that they can also hook up to approved wastewater disposal system. This provision supports the allowance for longer times between servicing at commissary.

Amended: (I)(3) to delete "only" and to add "or approved sewage disposal site."

Amended: (K)(2) to clarify enclosure exemption is for units that serve only commercially, fully cooked, TCS foods that only require heating, not cooking.

Deleted: (K)(3) to remove exemption from CFPM requirements for mobile pushcarts. Mobile units will comply with Food Handler section of 2-102.12 or be exempted under 2-102.20 (B), depending on menu.

Deleted: (L)(8)(a) to delete requirement for drawings and renumbered remainder of section.

Amended: (L)(12) to delete the lettering size requirement, delete the requirement to print the commissary name and permit number, and require that signage must be conspicuous to the consumer as a replacement for these requirements.

Section 9-2

Amended: Section title to read "Meat/Meat Product and Fish/Fish Product Sales" and made corresponding changes to all subsections. This allows for broader use of this section for roadside meat/fish sales and removes any requirement to inspect vehicles for any other type of food transport or storage unit not subject to Department regulatory authority. Clarified that this section applies to the transportation of meat and fish products from source to point of sale.

Amended: (C)(1) to clarify that ice must be obtained from approved sources.

Amended: (C)(7) to clarify language pertaining to temperature measuring during transport.

Amended: (D) to clarify the subsection title and requirements related to refrigeration.

Section 9-3

Amended: (D)(3) and (D)(4) to change "exclusive" to "exclusively used" for clarity.

Amended: (D)(6) to add that the waste container needs to be in the outdoor pet dining area and used exclusively for storing pet waste.

Amended: (E)(1) to require that signs shall be posted at all dining entrances stating that the facility is pet friendly and has an outdoor pet friendly dining area.

Amended: (E)(6) to remove restriction allowing pets on chairs and to change the restriction to apply to food contact surfaces.

Section 9-5

Amended: (A)(1) to add that a retail food establishment that serves a highly susceptible population and is regulated by the Department as a health care facility may not be used as a shared use operation.

Added: (B)(1) to move duties of the facilitator from (C)(1)(a) to the general section to clarify that it is applicable to the entire section.

Amended: (C) and (D) to combine sections (C) "Permits" and (D) "Compliance" into a single section titled "Compliance" to be consistent with other Chapter 9 sections.

Amended: (C)(1)(a) to remove language moved to (B)(1), to require the facilitator to provide the number of shared use operators the facility can accommodate and to require that the shared use operation will not exceed this number of operators without Department notification.

Section 9-6

Amended: (G)(2) to change “meet” to “have at” for readability and clarity.

Section 9-7

Amended: The introduction to add that the standard is applicable to a smokehouse room.

Section 9-8

Amended: (A) to add “movie or filming location” to the list of allowed events.

Added: (E)(7)-(8) to require that food must be kept covered and that covers or lids may only be removed for stirring and similar actions.

Amended: (H)(3) changed “backsiphonage” to “backflow” to match term used in Chapter 5 for consistency.

Deleted: (J)(3) The reference to mechanical ventilation is not required as it was an unnecessary statement.

Amended: (K)(7) to correct error in section references in (K)(7) and renamed section 9-11.

Section 9-9

Added: (D)(13)-(14) to require that food must be kept covered and that covers or lids may only be removed for stirring and similar actions.

Amended: (G)(3) changed “backsiphonage” to “backflow” to match term used in Chapter 5 for consistency.
Deleted: (I)(4) The reference to mechanical ventilation is not required as it was an unnecessary statement.

Section 9-10

Amended: (G)(3) changed “backsiphonage” to “backflow” to match term used in Chapter 5 for consistency.

Deleted: (I)(4) The reference to mechanical ventilation is not required as it was an unnecessary statement. Renumbered remaining subparagraph.

Section 9-11

Amended: Section title to read “Retail Food Establishment – South Carolina Farmers Markets, Seasonal Series and Remote Service” to allow this section to cover other types of events and activities not previously covered by the regulation. Made corresponding changes to introduction.

Added: (A)(3) to define “remote service operation.”

Amended: (B)(1) to add remote service sites.

Amended: (B)(3)-(4) to expand the number of days a week allowed for these functions to two days a week to accommodate the schedules of the farmers’ markets and similar events.

Added: (D)(9)-(10) to require food must be kept covered and that covers or lids may only be removed for stirring and similar actions.

Amended: (F)(1) to remove requirement for markets to provide a handsink and changed handsink requirements to match Chapter9-9 and 9-10 facilities that operate for the same time period.

Added: (F)(1)(a)-(b) as part of handsink clarification requirements.

Amended: (F)(2) to remove requirement for one hundred (100)-degree Fahrenheit temperature water at handwashing facility and to require handwashing facility to be of adequate storage capacity to meet the demand of the food service operation.

Amended: (F)(3) to delete specific water storage requirements and replace them with requirement for soap and disposable towels.

Amended: (H) Title to include "and Refuse Removal" to accurately reflect the section.

Deleted: (I)(1) to remove the exemption from CFPM for seasonal series and community-based farmers' markets as the revised Food Handler requirements in the body of the regulation cover these operations.

Deleted: (I)(3) The reference to mechanical ventilation is not required as it was an unnecessary statement.

Amended: (J)(1) to add that remote service does not require pre-approval authorization.

R.61-37

R.61-37 is repealed and stricken in its entirety, as its amended requirements are being incorporated into R.61-25, Chapter 8.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comment(s) on the proposed amendment and repeal by mail to Sandra D. Craig, Director, Division of Food and Lead Risk Assessments in the Bureau of Environmental Health Services at the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; fax at 803-896-0645; or email at craigsd@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 26, 2018, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment and repeal during its December 13, 2018, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: http://www.scdhec.gov/Agency/docs/AGENDA.PDF.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/.

Preliminary Fiscal Impact Statement:

There are no anticipated new costs to the state or its political subdivisions associated with the implementation of this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-25, Retail Food Establishments; and 61-37, Retail Food Establishment Inspection Fees.

Purpose: This amendment strikes the text of the existing R.61-37, Retail Food Establishment Inspection Fees, in total and amends R.61-25, Retail Food Establishments, to incorporate revised fee schedules currently residing in R.61-37, as well as to meet the current standards of the 2017 United States Food and Drug Administration ("FDA") Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers a practical, scientifically-sound technical and legal basis for regulating the retail food establishment segment of the food industry by addressing the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. The amendments include proposed revisions to selected sections of Chapter 9 of R.61-25 to reflect the current business models of the food service industry and incorporate comments and suggestions from the regulated community. The amendments also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

Legal Authority: 1976 Code Sections 44-1-140(2), 44-1-150, and 44-1-180.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this proposed amendment and repeal. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment/repeal and any associated information.

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

The proposed amendments will allow the Department, through regulation, to meet the current standards of the 2017 United States Food and Drug Administration ("FDA") Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. It is amended every two (2) years and published in full every four (4) years via the Conference for Food Protection, a national conference of food safety regulators, food scientists, industry representatives, and members of academia.

The proposed amendments also revise Chapter 9 of the regulation to reflect current business models within the food service industry.

The proposed amendments also incorporate an increase in inspection fees, which will provide necessary program support. The proposed amendments merge R.61-37 into R.61-25 to provide the retail food industry with one streamlined regulation.

The proposed amendments also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments seek to benefit food safety in South Carolina and the health of South Carolina's citizens, as the intent of this regulation is to provide consumers with safe, unadulterated food and food products at the retail level. The amendment of R.61-25 will allow the regulation to conform to the current national standard set by the 2017 FDA Food Code. For the food service industry, including many establishments associated with national chains, the current edition of the FDA Food Code provides a needed uniformity and consistency with food safety rules nationally. Other proposed changes to the regulation improve the overall clarity, organization, quality, and consistency of the regulation, which benefits the public and regulated community by facilitating improved understanding and implementation of the regulation.

The proposed increase in fees will benefit the Bureau of Environmental Health Services ("Bureau") and ease the burden on the general public by facilitating additional program support through increasing existing fees instead of requesting additional state taxpayer funding. The additional funds will generate more resources to fund Department development and provision of compliance assistance tools and training for the regulated community to support facilities in developing practical food safety systems for their operations.

The proposed fee increase is based on the Bureau's review of comparable regional food safety programs and evaluation of program needs due to retail food service industry growth. Existing program fees were established in 2000 and have not increased since such time. The following proposed fee changes would both ensure fees for South Carolina facilities remain in keeping with fees charged by other southeastern states and also generate much needed funds for the Bureau's permit and inspection programs. Under the proposed regulation, the base annual inspection fee of sixty dollars ($60.00) would be increased to one hundred dollars ($100.00). As proposed, the annual inspection fee increases by increments of fifty dollars ($50.00) per tier up to a maximum inspection fee of four hundred and fifty dollars ($450.00), as compared to increments of thirty dollars ($30.00) per tier up to a maximum inspection fee of two hundred and seventy dollars ($270.00) under the current regulation. To meet the growing demands for service and inspection, the Department also proposes an increase to the initial permitting fee to include a one-time fee of one hundred dollars ($100.00) in addition to the applicable tiered annual inspection fee. This increased fee will support the cost of conducting pre-operational and permit inspections.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation will not compromise the protection of the environment or the public health. The proposed regulation will help to ensure that consumers are receiving safe, unadulterated food and food products at the retail level. The amendment of R.61-25 to conform to the most recent edition of the FDA Food Code also provides effective means of reducing the risks of foodborne illnesses within retail food establishments, thus protecting consumers and industry from potentially devastating public health consequences and financial losses.

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

There will be no adverse effect on the environment if the regulations are not implemented. Not implementing these regulations could have detrimental effect on public health. Not implementing these regulations will prevent the implementation of the latest sanitary standards and will impede the comprehensive approach to food safety management needed in addressing food protection in the retail food industry. This could have a detrimental effect on the health of South Carolina's citizens and visitors. Failure to provide the necessary fee funding for the program may result in a decrease in effectiveness of the food safety oversight program as the industry continues

to expand in size. The lack of increased fee funding also reduces Department compliance assistance resources for the regulated industry.

Statement of Rationale:

These amendments provide the retail food industry the regulatory framework to meet the latest sanitation requirements for providing safe, unadulterated food and food products to consumers. The FDA Food Code offers proven scientific reasons behind regulation and actively seeks input from the scientific and academic communities as their understanding of foodborne pathogens increases. The amendment of R.61-25 to conform to the most recent edition of the FDA Food Code provides a comprehensive approach to food safety management, superior supporting documents and training, and is consistent with the national integrated food safety management system. Furthermore, the R.61-25 amendments and R.61-37 repeal provide the retail food industry with one streamlined regulation while allowing for necessary program support through an increase in inspection fees. The proposed revisions to Chapter 9 of the regulation are intended to better reflect current business models within the food service industry. Other proposed changes to the regulation improve the overall clarity, organization, and quality, of the regulation.

Text:

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

Document No. 4837
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-29-40

61-120. South Carolina Immunization Registry.

Preamble:

The Department of Health and Environmental Control ("Department") proposes amending R.61-120 to enable the Department to provide specific Healthcare Effectiveness Data and Information Set ("HEDIS") data from the South Carolina Immunization Registry ("Registry") to health plans for public health purposes and to measure performance on important dimensions of care and service, including immunization data for clients. Proposed amendments are also intended to provide details regarding the availability and use of a patient portal, which will be a feature of a new Registry allowing patients to access their personal immunization records. The proposed amendments will also remove obsolete language and make general improvements and clarifications to the text. General Assembly review is required.

The Department had a Notice of Drafting published in the April 27, 2018, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendment:

The Table of Contents is revised to reflect the changes in the proposed text of the regulation.

Section C.1.a is revised to delete language pertaining to the implementation schedule of the Registry, which has already occurred, and to clarify the registration requirements for immunization providers. Section C.2.a is revised for punctuation. Section C.8 is revised to update a section reference.

Section D, Implementation Schedule, is deleted in its entirety.

Section E, Permitted Uses and Disclosure of Immunization Registry Information, is recodified to Section D, same title. Section D.4.c is revised to clarify that the Department may print a South Carolina Certificate of Immunization for a patient upon written request of the patient, parent or legal guardian. New Section D.4.d is added to allow a patient, parent or legal guardian to obtain a copy of the patient's immunization record through a Department authorized electronic patient portal. Section D.4.o (formerly D.4.n) is revised for punctuation and clarity. New Section D.4.p is added to provide an immunization record to health plans of its members and enrollees who received immunization during the time in which they were enrolled, which shall be used solely for public health and HEDIS purposes. The outline enumeration for this section has been revised accordingly.

Section E.3, previously Section F.3, is revised to update a section reference.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendment by mail to Stephen White, Immunization Division, Communicable Disease Prevention and Control, 2100 Bull Street, Columbia, S.C. 29201, or via email at immunizationregulation@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 26, 2018, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendment during its December 13, 2018, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: http://www.scdhec.gov/Agency/docs/AGENDA.PDF.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/.

Preliminary Fiscal Impact Statement:

There are no anticipated additional costs to the state and its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-120, South Carolina Immunization Registry.

Purpose: The purpose of these proposed amendments to R.61-120 is to enable the Department to provide specific HEDIS data from the Registry to health plans for public health purposes and measure performance on important dimensions of care and service, including immunization data for clients. Proposed amendments are also intended to provide details regarding the availability and use of a patient portal, which will be a feature of a new Registry allowing patients to access their personal immunization records. The proposed amendments will also remove obsolete language and make general improvements and clarifications to the text.

Legal Authority: 1976 Code Section 44-29-40.

Plan for Implementation: The DHEC Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this proposed amendment. Additionally, printed copies are available for a fee from the

Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

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

The Department promulgated R.61-120 pursuant to Section 44-29-40 of the South Carolina Code of Laws, which requires the Department to establish a statewide immunization registry and promulgate regulations for its operation and implementation. The amendments to R.61-120 are needed in order to enable the provision of HEDIS data to health plans to be used for public health purposes, including analysis of immunization data for clients. Additionally, amendments will allow patients to access their personal immunization records once the new Registry becomes active and without the need of going through one's healthcare provider. These amendments will benefit the public through greater analysis of immunization rates and coverage, as well as easier access to one's personal immunization record.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated costs to the state or its political subdivisions. The amendment establishing a patient portal for the Registry is expected to lessen the costs, both in time and money, associated with getting a copy of one's personal immunization record.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments herein will not compromise the protection of the environment or public health. Provision of HEDIS data to health plans is expected to benefit public health through additional analysis of immunization coverage.

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 amendments are not implemented. Failure to amend the regulation could negatively impact public health to the extent that the benefits of the amendments would not be realized.

Statement of Rationale:

The Department proposes amending R.61-120 to enable the Department to provide specific HEDIS data from the Registry to health plans for public health purposes and to measure performance on important dimensions of care and service, including immunization data for clients. Proposed amendments are also intended to provide details regarding the availability and use of a patient portal, which will be a feature of a new Registry allowing patients to access their personal immunization records. The proposed amendments will also remove obsolete language and make general improvements and clarifications to the text.

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. 4829
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

65-30. Guidelines Established.

Preamble:

Regulation 65-30 provides for leave protection for pregnant employees, regardless of marital status.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on September 28, 2018.

Section-by-Section Discussion

Entire Regulation would change to reflect the various protections now afforded to individuals under the Pregnancy Accommodations Act who have medical needs arising from pregnancy, childbirth, or related medical conditions.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 4, 2018 at 10:30 a.m. in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-30. Guidelines Established.

Written comments should be submitted in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 30, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-30.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-30. Guidelines Established.

Purpose: The regulation relates to pregnancy discrimination under the Human Affairs Law.

Legal Authority: 1976 Code Section 1-13-70.

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.

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

South Carolina Code Section 1-13-80, as amended on May 17, 2018 through the Pregnancy Accommodations Act, provides employees with certain protections due to medical needs arising from pregnancy, childbirth, or related medical conditions. The existing regulation regarding pregnancy is now outdated, and needs to be consistent with the language found in the amended statute.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health, since the positive public health effects were already accomplished through the statutory changes of the South Carolina Pregnancy Accommodations Act.

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

Regulation 65-30, Guidelines Established, currently explains pregnancy discrimination in the context of maternity leave only. With the passage of the Pregnancy Accommodations Act, all accommodations (including leave) arising from pregnancy, childbirth, and related medical conditions, are to be assessed as reasonable accommodation requests under the Human Affairs Law. As such, the former regulatory language is now outdated and it should be updated to be in harmony with the statutory provisions.

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. 4830
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

65-235. Hearing Procedures (Review and Enforcement).

Preamble:

Regulation 65-235 governs the requirements for the Agency's procedures during the course of a Fair Housing Law administrative hearing, to include when and where the hearing should be held, as well as the process for appealing a final decision of the agency.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on September 28, 2018.

Section-by-Section Discussion

Fixes inconsistency in itemization.

A.(2) Updates the specific location where a hearing may be heard, to include the agency's sole office in Columbia, South Carolina.

G. Changed "circuit court" to "Administrative Law Court."

A.(1) & (2) Changing to H.(1)(a), (b), and (c). Identifies the Administrative Law Court as the appropriate forum for seeking judicial review.

B.(1), (2), (3) & (4) Delete.

C.(1), (2) & (3) Changing to H.(2)(a), (b), and (c). Identifies the Administrative Law Court as the appropriate forum for seeking judicial review.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 4, 2018, at 10:30 a.m. in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-235, Hearing Procedures (Review and Enforcement).

Written comments should be submitted in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 30, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-235.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-235. Hearing Procedures (Review and Enforcement).

Purpose: The regulation governs the requirements for administrative hearings in the Fair Housing Law.

Legal Authority: 1976 Code Sections 31-21-30 and 31-21-100.

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.

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

As reflected in 1976 Code Sections 31-21-130, hearings must be timely held following a cause determination. The Commission does not always have access to locations suitable for hearings in each county. Therefore, the Commission frequently uses its sole location in Columbia for holding hearings. Additionally, the statute states that matters are appealable to the Administrative Law Court rather than the Court of Common Pleas. Finally, the numbering of the regulation is amiss and needs revision.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

Regulation 65-235, Hearing Procedures (Review and Enforcement), should be changed so that hearings may ordinarily be held at the Commission's sole location in Columbia, South Carolina. Additionally, the appropriate forum for judicial review of an administrative hearing decision is the Administrative Law Court of South Carolina (see S.C. Code Ann. §31-21-130(O)(2)). Finally, the numbering of the regulation needs correction for citation purposes.

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. 4828
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

65-24. Notices to be Posted.

Preamble:

Regulation 65-24 states that State Agencies should, in conspicuous places, post notices for their employees regarding employee rights under the Human Affairs Law. With the passage of the South Carolina Pregnancy Accommodations Act, all employers are required to post notices describing the rights of employees found therein. This Regulation, therefore, needs to be updated to reflect those notice requirements.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on September 28, 2018.

Section-by-Section Discussion

Entire Regulation would change to reflect that all employers shall post, keep posted, and maintained in conspicuous places upon their premises (where notices to employees and applicants for employment are customarily posted) a notice to be prepared and distributed by the Commission setting forth excerpts from or

summaries of, pertinent provisions of the Human Affairs Law, to include the recently enacted Pregnancy Accommodations Act provision.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 4, 2018, at 10:30 a.m. in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-24, Notices to be Posted.

Written comments should be submitted in writing to Lee Ann W. Rice, Staff Counsel, 1026 Sumter Street, Suite 101, Columbia, SC 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 30, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-24.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-24. Notices to be Posted.

Purpose: The regulation governs the requirements for posting notices of employee rights at employers' places of work.

Legal Authority: 1976 Code Section 1-13-70.

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.

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

As reflected in 1976 Code Section 1-13-80, as amended, notices of the right to be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions must be conspicuously posted at an employer's place of business in an area accessible to employees. The proposed amendment would alter the regulation by including all employers, rather than merely state agencies.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health, since the positive public health effects were already accomplished through the statutory changes of the South Carolina Pregnancy Accommodations Act.

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

Regulation 65-24, Notices to be Posted, should be changed to assist employers with complying with the statutory changes of the Pregnancy Accommodations Act. That act requires conspicuous posting of written notice at the employer's place of business of an employee's right to be free from discrimination under the Act. As such, the regulation regarding Notices should be updated to reflect the expanded requirements of all employers, rather than merely state agencies. The Pregnancy Accommodations Act further states that "The commission shall develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies, and applicants for employment about their rights and responsibilities under this item." Lastly, the Commission is authorized to promulgate "regulations requiring the posting of notices prepared or approved by the Commission." S.C. Code. Ann. § 1-13-70 (c).

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. 4835
DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-13-80, 38-90-150 and 38-90-630

69-70. Annual Audited Financial Reporting Regulation.

Preamble:

The Department is proposing to make changes to Regulation 69-70 to aid the Department's monitoring of the financial condition of insurers. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. States must adopt the changes on or before January 1, 2020. The Notice of Drafting was published in the *State Register* on September 28, 2018.

Section-by-Section Discussion

Entire Document	Adds language compliant with the NAIC's Model Regulation.
Section 3.A.(3)	Adds language compliant with the NAIC's Model Regulation.
Section 3.A.(10)	Adds definition of "Internal audit function".
Section 14.A.(2)	Adds language compliant with the NAIC's Model Regulation that states: The Audit committee of an insurer or Group of insurers shall be responsible for overseeing the insurer's internal audit function and granting the person or persons performing the function suitable authority and resources to fulfill their responsibilities if required by Section 15 of this Regulation.
Section 14.	Renumbers subsections 2 through 10.
Section 15.	Adds new Section entitled "Internal Audit Function Requirements" compliant with the NAIC's model Regulation which outlines the Requirements of the Internal Audit Function.
Sections 16.-21.	Updates the numbering of Sections 16 through 21.

Section 17. Adds new exemptions compliant with the NAIC's Model Regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 10:00 a.m. on November 27, 2018, at the Administrative Law Court, 2nd Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by November 26, 2018, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on November 26, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-70.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-70. Annual Audited Financial Reporting Regulation.

Purpose: The Department is proposing to make changes to Regulation 69-70 to add the definition of "internal audit function" and to add certain internal audit function requirements. These amendments will aid the Department's monitoring of the financial condition of insurers. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. States must adopt the changes on or before January 1, 2020.

Legal Authority: 1976 Code Sections 1-23-110, 38-3-110, 38-13-80, 38-90-150 and 38-90-630.

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.

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

These amendments will aid the Department's monitoring of the financial condition of insurers. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. States must adopt the changes on or before January 1, 2020.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

These amendments will aid the Department's monitoring of the financial condition of insurers. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. States must adopt the changes on or before January 1, 2020.

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. 4836
DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-21-430

69-80. Corporate Governance Annual Disclosure Regulation.

Preamble:

This new Corporate Governance Annual Disclosure Regulation is based upon the (NAIC) Model Regulation #306. States must adopt the changes on or before January 1, 2020 to maintain their accreditation. This new regulation requires an annual corporate disclosure to its lead regulator. In the disclosure, insurers document information about the corporate governance structure framework and disclose policies and practices used by the board of directors on critical issues. This information will enable the director to gain and maintain an understanding of an insurer's corporate governance framework which should enable the Department to provide more effective oversight. The Notice of Drafting was published in the *State Register* on September 28, 2018

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the South Carolina Code Annotated, such a hearing will be held before the Administrative Law Judge beginning at 11:00 a.m. on November 27, 2018, at the Administrative Law Court, 2nd Floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. If no qualifying request is received by November 26, 2018, the hearing will be cancelled. Requests for a hearing and written comments should be submitted in writing to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, South Carolina, 29201. To be considered, all comments or hearing requests must be received no later than 5:00 p.m. on November 26, 2018.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-80.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 69-80. Corporate Governance Annual Disclosure Regulation.

Purpose: The purpose of this new Regulation is to adopt the requirements of the (NAIC) Model Regulation #306 and to set forth the procedures for filing and the required contents of the Corporate Governance Annual Disclosure (CGAD), deemed necessary by the director to carry out the provisions of Section 38-21-400 et seq. States must adopt the changes on or before January 1, 2020 to maintain their accreditation. This new regulation requires an annual corporate disclosure to its lead regulator. In the disclosure, insurers document information about the corporate governance structure framework and disclose policies and practices used by the board of directors on critical issues. This information will enable the director to gain and maintain an understanding of an insurer's corporate governance framework which should enable the Department to provide more effective oversight.

Legal Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-21-430.

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.

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

This Regulation is necessary based upon the (NAIC) Model Regulation #306. States must adopt the changes on or before January 1, 2020 to maintain their accreditation. This new regulation requires an annual corporate disclosure to its lead regulator. In the disclosure, insurers document information about the corporate governance structure framework and disclose policies and practices used by the board of directors on critical issues. This information will enable the director to gain and maintain an understanding of an insurer's corporate governance framework which should enable the Department to provide more effective oversight.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

This proposed regulation is based upon the (NAIC) Model Regulation #306. States must adopt the changes on or before January 1, 2020 to maintain their accreditation. This new regulation requires an annual corporate disclosure to its lead regulator. In the disclosure, insurers document information about the corporate governance

structure framework and disclose policies and practices used by the board of directors on critical issues. This information will enable the director to gain and maintain an understanding of an insurer's corporate governance framework which should enable the Department to provide more effective oversight.

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. 4843
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-45-50(B), 40-45-530, and 40-45-540

10-30. Board of Physical Therapy Examiners.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-30 to add a fee for the compact privilege, as required by 2018 Act No. 226.

Section-by-Section Discussion

10-30(1). No change.
10-30(2). No change.
10-30(2)(a). No change.
10-30(2)(b). No change.
10-30(3). No change.
10-30(4). No change.
10-30(5). No change.
10-30(6). No change.
10-30(7). New section establishing fee for compact privilege.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 12, 2018. Written comments may be directed to Mack Williams, Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to add a fee for the compact privilege, as required by 2018 Act No. 226.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to add a fee for the compact privilege, as required by 2018 Act No. 226.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-45-50(B), 40-45-530, and 40-45-540.

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

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

The proposed regulations will add a fee for the compact privilege as required by 2018 Act No. 226.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will add a fee for the compact privilege as required by 2018 Act No. 226.

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. 4844
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-35-50

10-21. Long Term Health Care Administrators Board.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Board of Long Term Health Care Administrators, proposes to amend Regulation 10-21(D) to delete the fee for labels for license lists, delete the fee for criminal background checks, and reduce the license list fee from $20 to $10.

Section-by-Section Discussion

10-21(A)(1)-(5) No change.
10-21(B)(1)-(5) No change.
10-21(C)(1)-(5) No change.
10-21(D)(1)(a) No change.
10-21(D)(1)(b) No change.
10-21(D)(2) No change.
10-21(D)(3) No change.
10-21(D)(4) No change.
10-21(D)(5) Strike $20 and replace with $10.
10-21(D)(6) Delete.
10-21(D)(7) Renumber. No change.
10-21(D)(8) Renumber. No change.
10-21(D)(9)(a) Renumber. No change.
10-21(D)(9)(b) Renumber. No change.
10-21(D)(9)(c) Renumber. No change.
10-21(D)(10) Delete.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 11:00 a.m. on December 12, 2018. Written comments may be directed to April Koon, Administrator, Board of Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to reduce or remove fees.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to reduce or remove fees.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-35-50.

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

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

The proposed regulations will reduce or remove fees.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will reduce and remove fees.

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. 4845
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ACCOUNTANCY
CHAPTER 1
Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

1-01. General Requirements for Licensure as a CPA.
1-02. Examinations.
1-04. Reciprocity.
1-05. Firm registration.
1-08. Continuing Professional Education.
1-09. Peer Review.
1-10. Professional Standards.
1-11. Application for Licensure as an Accounting Practitioner.
1-12. Safeguarding Client Files When a Licensee is Incapacitated, Disappears, or Dies.

Preamble:

The South Carolina Board of Accountancy proposes to amend R.1-01 regarding the general requirements for licensure as a CPA, R.1-02 regarding examinations, R.1-04 regarding reciprocity, R.1-05 regarding firm registration, R.1-08 regarding continuing professional education, R.1-09 regarding peer review, R.1-10 regarding professional standards, R.1-11 regarding licensure for accounting practitioners, and R-1-12 regarding safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

Section-by-Section Discussion

1-01(A)-(B) No change.
1-01(C) Clarifying the requirement of a transcript and striking language accepting a transcript from any college certified by the State Department for teaching training.
1-01(D) Clarifying that the four core courses must be completed before earning qualifying experience and updating incorrect statutory reference.
1-02(A) Striking redundant sentence that requires documentary evidence of a hardship for an accommodation for the CPA Exam.
1-02(B) Striking incorrect spelling of website and replacing with correct spelling; striking web address.
1-02(C) Adding new line stating a state rules and regulations course designated by the Board will be required.
1-04(A)–(C) Re-lettering and renumbering the requirements for reciprocity to separate education and experience. For experience, adding line requiring documentation of compliance with current requirements in the state. For education, modifying requirement to show documentation of education requirements that are substantially similar to state requirements.
1-05(A) Adding resident managers and firm names to the title. Changing applying for firm registration to obtaining a firm registration.
1-05(B) No change.
1-05(C) Adding line stating that a firm must not use a misleading firm name.
1-05(C) (1)-(3) Adding that firm name: may include former partners' names if they are deceased or no longer practicing; shall not include names of non-licensed owners; and is subject to Board approval.
1-06(A) No change.
1-06(B) No change.
1-07 No change.
1-08(A) No change.
1-08(A)(1)No substantive change. Restructuring sentence.
1-08(A)(2) No change.
1-08(A)(2)(a) Add as approved by the Board.
1-08(A)(2)(b) Clarifying what is considered a self-study program.

1-08(A)(2)(c) No change.
1-08(A)(2)(d) No change.
1-08(A)(2)(e) Clarifying requirements of two-hour state rules and regulations program. Clarifying how it will be counted towards ethics credit.
1-08(A)(2)(f) New section establishing how many nano-learning credits will be permitted and stating they are not available for carry-over credit.
1-08(A)(2)(g) New section provide a licensee or resident manager of a firm on behalf of a non-licensed owner may apply for accommodations to complete the required CPE.
1-08(A)(3)-(4) No change.
1-08(B) No change.
1-08(B)(1) No change.
1-08(B)(2) Striking requirement that licensee retain documentation of CPE for five years and adding requirement that they retain evidence to support fulfillment of the requirements for five years.
1-08(B)(3) Re-letter and renumber to add language concerning credit hours and nano-learning credits, and requirements for nano-learning programs to qualify for credit.
1-08(B)(4) No change.
1-08(B)(4)(a)-1-08(B)(4)(g). No change.
1-08(B)(5) No change.
1-08(B)(6) No change.
1-08(B)(7) Striking writer and replacing with licensee.
1-08(B)(8) -1-08(B)(10) No change.
1-08(B)(11) Striking section. Combined with 1-08(B)(2).
1-08(B)(12) Renumbering and clarifying that carry-over credit will not be allowed for self-study, nano-learning, articles authored, university or college courses taught, university or college courses completed or any other category where an earning limitation applies.
1-08(B)(13) Renumbering.
1-08(C)(1)-(3) No change.
1-08(D) No change.
1-08(D)(1) No change.
1-08(D)(2) Replacing containing with that includes.
1-08(E) No change.
1-08(E)(1) Adding a list of items a CPE course sponsor must provide a licensee at the end of a course.
1-08(E)(2)(a)-(e) No change.
1-08(F) (1)-(2) No change.
1-09(A)(1)-(8) No change.
1-09(B) No change.
1-09(C) No change.
1-09(C)(1) No change.
1-09(C)(2) Striking American Institute of Certified Public Accountants as it is spelled out in prior sections. Correcting spelling of website.
1-09(D) No change.
1-09(E) No change.
1-09(F) No change.
1-09(F)(1) No change.
1-09(F)(1)(a) No change.
1-09(F)(1)(b) No change.
1-09(F)(1)(c) Replacing FLOA with peer review acceptance letter.
1-09(F)(1)(d) Stating what must be included in the Peer Review Report, and adding that the firm's letter of response and the peer review acceptance letter must be included in the package. Striking requirement that Letter of Comments, Letter of Response and FLOA must be included for fail and second consecutive reports. Striking modified and replacing with pass with deficiencies reports.
1-09(F)(2) Replace FLOA with peer review acceptance letter.
1-09(F)(3) No change.

1-09(G) No change.
1-09(G)(1) Striking modified and replacing with pass with deficiencies. Providing list of documents report must contain and striking requirement that Letter of Comments, Letter of Response, CLOA and FLOA must be submitted to the Board.
1-09(G)(2) Replacing CLOA including any significant action with pass with deficiencies or fail peer review report. Providing list of documents report must contain and adding that the firm's letter of response and peer review acceptance letter must be submitted. Striking language stating its acceptance of the finding and implementation of the plan for follow up action must be included.
1-09(H)(1)-(2) No change.
1-10 No change.
1-10(A) Striking American Institute of Certified Public Accountants as it is spelled out in prior sections. Add exception to rule that licensees may rely upon interpretations of standards published by the Professional Ethics Executive Committee in instances where the Board has a policy that differs, is more specific or is more restrictive.
1-10(B)-(C) No change.
1-10(D) Striking permit holder and replacing with registered firm. Sentence structure changes.
1-11(A) No change.
1-11(A)(1)-(2) No change.
1-11(A)(3) Adding the requirement of a transcript and strike language accepting a transcript from any college certified by the State Department for teaching training.
1-11(B) Striking American Institute of Certified Public Accountants as it is spelled out in prior sections.
1-11(B)(1)-(2) No changes.
1-12(A)-(B) No changes.
1-12(C) Replacing appointed with appointed under Regulation 1-12(B).
1-12(C)(1) Replacing licensee's with licensee whose practice has been discontinued or interrupted.
1-12(C)(2) No change.
1-12(C)(3) Adding on the appointed licensee's website for thirty (30) days and adding whose practice has been discontinued or interrupted last resided.
1-12(C)(4)-(6) No change.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:00 a.m. on December 17, 2018. Written comments may be directed to Susanna Sharpe, Assistant Administrator, Board of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The board is amending its regulations to make clarifications and update licensure, examination, reciprocity, firm registration, continuing education, peer review, professional standards, and client files.

DESCRIPTION OF REGULATION:

Purpose: The board proposes to amend R.1-01 regarding the general requirements for licensure as a CPA, R.1-02 regarding examinations, R.1-04 regarding reciprocity, R.1-05 regarding firm registration, R.1-08 regarding continuing professional education, R.1-09 regarding peer review, R.1-10 regarding professional standards, R.1-11 regarding licensure for accounting practitioners, and R-1-12 regarding safeguarding client files in the event of a licensee's incapacitation, disappearance or death.

Legal Authority: 1976 Code Sections 40-1-70 and 40-2-70.

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

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

The proposed regulations will make clarifications and update licensure, examination, reciprocity, firm registration, continuing education, peer review, professional standards, and client files.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will make clarifications and update licensure, examination, reciprocity, firm registration, continuing education, peer review, professional standards, and client files.

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. 4846
DEPARTMENT OF LABOR, LICENSING AND REGULATION
AUCTIONEERS' COMMISSION
CHAPTER 14
Statutory Authority: 1976 Code Section 40-6-40

14-7. Professional Standards.
14-8. Falsification of Documents.
14-9. Declaratory Rulings.
14-10. Promulgation, Amendment, Repeal of Rules.
14-14. Duplicate Wall or Pocket Card License; Fees.
14-17. License Certification.

Preamble:

The South Carolina Auctioneers' Commission proposes to repeal: R.14-7, 14-8, 14-14 and 14-17 as they are duplicative of statute; R.14-9 as it is not supported by statute; and R. 14-9 and 14-10 as they imply an appearance before the Commission is not guaranteed to the public upon request.

Section-by-Section Discussion

14-7. Repeal.
14-8. Repeal.
14-9. Repeal.
14-10. Repeal.
14-14. Repeal.
14-17. Repeal.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:00 a.m. on December 13, 2018. Written comments may be directed to Amy Holleman, Administrator, Auctioneers' Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulations are amended in conjunction with Governor McMaster's Executive Order 2017-09 requiring agencies to review existing regulations and repeal any that are not necessary for the public's protection. The Auctioneers' Commission has reviewed its regulations and concluded that many duplicate statute and should be repealed. The Commission is further repealing a regulation that is not supported by statute and one that is unclear and unnecessary.

DESCRIPTION OF REGULATION:

Purpose: The Commission is amending its regulations to repeal: R.14-7, 14-8, 14-14 and 14-17 as they are duplicative of statute; R.14-9 as it is not supported by statute; and R. 14-9 and 14-10 as they imply an appearance before the Commission is not guaranteed to the public upon request.

Legal Authority: 1976 Code Section 40-6-40.

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

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

The proposed regulations are amended in conjunction with Governor McMaster's Executive Order 2017-09 requiring agencies to review existing regulations and repeal any that are not necessary for the public's protection. The Auctioneers' Commission has reviewed its regulations and concluded that many duplicate statute and should be repealed. The Commission is further repealing a regulation that is not supported by statute and one that is unclear and unnecessary.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will repeal unnecessary and duplicative regulations and regulations that are not supported by statute.

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. 4847
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-800. International Building Code.

Preamble:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, of the Code of Regulations regarding the International Building Code.

Section-by-Section Discussion

Title. Strike 2012 and add 2018.
8-800. Strike 2015 and add 2018.
8-801. Strike prior section modifying Section 403.2.1 and replace with Section 202 definitions for vapor retarder, ground contact, and primitive camp structure.
8-802. Strike prior section modifying Section 706.3 and replace with Section 312.1 adding primitive camp structure in the list of examples.
8-803. Strike prior section modifying Table 706.4 and replace with Section 706.1 regarding fire walls.
8-804. Renumber prior section 8-804 to 8-805 and insert new 8-804 adding an exception to Section 903.2.1.2 Group A-2 for structures where agritourism activity occurs with a certain occupancy limitation.
8-805. Strike prior 8-805 modifying Section 1009.4 regarding elevators. Renumber prior section 8-804 to 8-805 pertaining to Section 903.2.9 Group S-1. Adding that the section does not apply to self-storage facilities that are single-story, fire areas less than 12,000 square feet and accessible from exterior entry points only with no interior hallways, spaces or corridors.
8-806. Strike prior section modifying Section 1014.2 regarding egress through intervening spaces. Replace with Section 1016.2 regarding egress through intervening spaces.
8-807. Renumber prior section 8-807. Add new section modifying 1803.2 creating an exception to the requirements for geotechnical investigations.
8-808. New section modifying Section 1907.1 regarding minimum slab provisions.
8-809. New section modifying Section 2303.2.2 regarding treatment of wood products.
8-810. Renumber prior section 8-807 adopting Appendix H.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 18, 2018. Written comments may be directed to Roger K. Lowe, Administrator, Building Codes Council, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to incorporate modifications to the 2018 International Building Codes adopted by the South Carolina Building Codes Council.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to incorporate modifications to the 2018 International Building Codes adopted by the South Carolina Building Codes Council.

Legal Authority: 1976 Code Sections 40-1-70 and 6-9-40.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Building Codes Council, pursuant to S.C. Code Section 6-9-40, will determine if the modifications become effective on July 1, 2019 or January 1, 2020. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The proposed regulations will incorporate modifications to the 2018 International Building Codes adopted by the South Carolina Building Codes Council.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will reflect modifications made to the 2018 International Building Codes adopted by the Building Codes Council.

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. 4848
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD
CHAPTER 29
Statutory Authority: 1976 Code Section 40-11-60

29-2. Group One Licensure Requirements.
29-3. Financial Statements.
29-4. Inactive License.
29-5. Construction Management License Requirements.
29-6. Residential Construction Licensure Requirements.
29-7. Fees.
29-8. Administrative Penalties
29-9. Change of Address.
29-11. Owner-Prepared Financial Statement.
29-12. General Contractors-Highway Classification.
29-70. Definitions.
29-75. Application, Fees.
29-80. Certificate Holder; Grandfathered Qualifier.
29-85. Transfer of Qualifications.
29-90. Renewals.
29-95. Contract Bids, Awards.
29-100. Exemptions.
29-105. Plan Review Fees.
29-110. Violations, Complaints.

Preamble:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to repeal the following regulations: R.29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110. The Board further intends to add the language of 29-11 into 29-3. Finally, the Board intends to amend R.29-3, 29-5, 29-7, 29-8, 29-9, and 29-12.

Section-by-Section Discussion

29-2 Repeal.
29-3 (A)-(C) No change.
29-3 (D) Insert language from 29-11.
29-4 Repeal.
29-5 (A)-(D) Re-letter and number to separate requirements for architectural or engineering entity acting as a construction manager and general or mechanical contractor acting as a construction manager. Also adding that, in addition to a letter, an application can be filed to ask the department to list the entity as a construction manager.
29-6 Repeal.
29-7(A) Replace Section 40-11-50 with Chapter 10 of the Code of Regulations.
29-7(B) Strike references to adjusting fees annually for period of one year or less and replace with biennial adjustment.
29-8 (A)(1)-(8) No change.
29-8 (A)(9) Replace references to home address and home and office telephone number with business street address and business telephone number.
29-9 (A) Replace references to home address and home and office telephone number with business street address and business telephone number.
29-9(B) No change.
29-11 Repeal.

29-12 Re-letter; move modifying phrase to the first sentence.
29-70 Repeal.
29-75 Repeal.
29-80 Repeal.
29-85 Repeal.
29-90 Repeal.
29-95 Repeal.
29-100 Repeal.
29-105 Repeal.
29-110 Repeal.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 13, 2018. Written comments may be directed to Roger Lowe, Administrator, Contractor's Licensing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in accordance with changes voted upon by the Contractor's Licensing Board following its regulatory review conducted pursuant to Executive Order 2017-08. Regulations 29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110 are repealed as unnecessary or duplicative of statute. Regulations 29-3 and 29-11 are combined. Regulations 29-3, 29-5, 29-7, 29-8, 29-9, and 29-12 are amended to conform to existing practices.

DESCRIPTION OF REGULATION:

Purpose: The Board proposes repealing Regulations 29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110 as they are unnecessary or duplicative of statute. Regulation 29-11 is added to the related 29-3. Regulations 29-3, 29-5, 29-7, 29-8, 29-9, and 29-12 are amended to conform to existing practice and law.

Legal Authority: 1976 Code Section 40-11-60.

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

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

These regulations are amended in accordance with changes voted upon by the Contractor's Licensing Board following its regulatory review conducted pursuant to Executive Order 2017-08. Regulations 29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110 are repealed as unnecessary or duplicative

of statute. Regulations 29-3 and 29-11 are combined. Regulations 29-3, 29-5, 29-7, 29-8, 29-9, and 29-12 are amended to conform to existing practices.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The Board proposes repealing Regulations 29-2, 29-4, 29-6, 29-70, 29-75, 29-80, 29-85, 29-90, 29-95, 29-100, 29-105, and 29-110 as they are unnecessary or duplicative of statute. Regulation 29-11 is added to the related 29-3. Regulations 29-3, 29-5, 29-7, 29-8, 29-9, and 29-12 are amended to conform to existing practice and law.

Text:

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

Document No. 4849
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTOR'S LICENSING BOARD
CHAPTER 29
Statutory Authority: 1976 Code Section 40-11-60

Preamble:

The South Carolina Contractor's Licensing Board proposes to amend its regulations to establish a bond claim procedure in compliance with the requirements set forth in 2018 Act No. 217.

Section-by-Section Discussion

29-13. Surety Bond Claim Forms. (New Section).

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 1:00 p.m. on December 13, 2018. Written comments may be directed to Roger Lowe, Administrator, Contractor's Licensing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

In 2018, the General Assembly passed Act 217, requiring the Contractor's Licensing Board to accept a surety bond from a surety in an amount of two times the required net worth for the applicant's license group with his initial or renewal application in lieu of providing a financial statement showing a minimum net worth for a license group. Section D of the newly-designated S.C. Code Section 40-11-262 provides that claims may be filed against the bond "on a form approved by the board in accordance with procedures established by the board in regulation."

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will establish procedures for filing a claim against a surety bond.

Legal Authority: 1976 Code Section 40-11-60.

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

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

In 2018, the General Assembly passed Act 217, requiring the Contractor's Licensing Board to accept a surety bond from a surety in an amount of two times the required net worth for the applicant's license group with his initial or renewal application in lieu of providing a financial statement showing a minimum net worth for a license group. Section D of the newly-designated S.C. Code Section 40-11-262 provides that claims may be filed against the bond "on a form approved by the board in accordance with procedures established by the board in regulation."

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The proposed regulation will establish procedures for filing a claim against a surety bond.

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. 4850
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36
Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

Chapter 36. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

Preamble:

The South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists proposes to amend regulations to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors and to update existing regulations.

Section-by-Section Discussion

Title. Add “Addiction Counselors”.
36-01 No change.
36-01(1) Strike intern and replace with associate.
36-01(2)-(3) No change.
36-01(4) Strike intern and replace with associate.
36-01(5) Add hyphen to entry-level.
36-01(6)-(10) No change.
36-01(11) Add Addiction Counselor Supervisor.
36-01(12-13) No change.
36-01(14) Strike the list of the chapter’s licensees and retaining their respective section references in the regulation, adding the section for addiction counselors.
36-01(15) Add a definition for National Educational Accrediting Body.
36-02 – 36-03 No change.
36-04 Strike intern and replace with associate.
36-04(1) No change.
36-04(2) Add clinical mental health to the phrase counseling program and strike Council for Accreditation of Counseling and Related Educational Programs as it was previously referenced.

36-04(3) Restructure paragraph to move master's degree, specialist's degree or doctoral degree to the beginning of the section; replace 48 hours of graduate semester hours with 60; strike related discipline in lieu of counseling; strike college or university in lieu of program; and add a national educational accrediting body such as CACREP or one that follows similar educational standards and from an accredited college or university.
36-04(3)(a)-(k) No change.
36-01(4) No change.
36-01(5) Strike intern and add associate.
36-01(6) New section requiring submission of a disclosure statement as found in Section 40-75-270 of the Code.
36-05 No change.
36-05(1) No change.
36-05(2) Strike intern and replace with associate.
36-05(3) Strike 100 and replace with a minimum of sixty hours of supervision must be individual/triadic and replace the remaining 20 with 60 that may be individual/triadic or group.
36-06 No change.
36-06(1)-(2) No change.
36-06(3) Add Either a or b.
36-06(3)(a) Add (a) hold a doctoral degree in Counselor Education and Supervision, or.
36-06(3)(b) Add (b) add provide.
36-06(3)(b)(i) Re-letter evidence of five years' continuous clinical experience immediately preceding application. Strike explanation of continuous clinical experience.
36-06(3)(b)(ii) Re-letter evidence of a minimum of 36 hours of individual/triadic supervision; add over no less than a two-year period and add no more than six associates, in lieu of interns.
36-06(3)(b)(iii) Re-letter evidence of a minimum of three semester hours of graduate study in supervision oriented to discipline or training.
36-07 Replace Interns with Associates.
36-07(1)-(2) No change.
36-07(3) Restructure paragraph to move master's degree, specialist's degree or doctoral degree to the beginning of the section; replace 48 hours of graduate semester hours with 60; strike college or university in lieu of program; and add a national educational accrediting body such as COAMFTE or one that follows similar educational standards or from a post-degree program accredited by COAMFTE or from an accredited college or university.
36-07(3)(a)-(h) No change.
36-07(4) No change.
36-07(5) Strike Intern and replace with Associate.
36-08 No change.
36-08(1) No change.
36-08(2) Replace Intern with Associate.
36-08(3) Strike 100 and replace with sixty hours of supervision must be individual/triadic and replace the remaining 20 with 60 that may be individual/triadic or group.
36-09 No change.
36-09(1)-(2) No change.
36-09(3) Strike two years of the five years must be clinical supervision under a LMFT-S.
36-09(4) Add over no less than a two-year period and add no more than six associates, in lieu of interns.
36-09(5) No change.
36-10 New Section. Licensing Provisions for Addiction Counselor Associates.
36-11 New Section. Licensing Provisions for Addiction Counselors.
36-12 New Section. Licensing Provisions for Addiction Counselor Supervisors.
36-13 Renumber. No change.
36-14 Renumber.
36-14(A) Add lettering. Add addiction counselor.
36-14(A)(1) Add that substantially equivalent education may be met by documenting five years of active unrestricted licensure, in good standing, within the ten-year period immediately preceding the application.
36-14(A)(2)-(3) No change.

36-14(B) Add lettering and numbers (1)-(3). Add requirements for endorsement for supervisors. They must hold a current, active, unrestricted supervisor license in good standing under the laws of another state or territory that had requirements that were, at the date of initial licensure, substantially equivalent to or higher than the requirements in this state, submit an application on a form approved by the board along with the required fee, and provide other documentation as required by the Board.
36-15 Renumber. No change.
36-16 Renumber. Add addiction counselors.
36-16(1) Add addiction counselors. Add that a first-time licensee is not required to obtain continuing education for the licensing period in which the initial license was obtained. After this first renewal, the continuing education requirements shall apply. Reword language to include references to addiction counselors as one of the disciplines referenced.
36-16-(2) Add addiction counselor certifying body. Strike NAADAC and SCAADAC. Add "or body" approved by the board.
36-16(3) No change.
36-16(4) (a)-(c) No change.
36-16(4)(d). Strike language.
36-16(4)(e)-(f) No change.
36-17 Renumber. No change.
36-17(1)-(2) No change.
36-17(3)(a) No change.
36-17(3)(b) Strike interns and replace with associates.
36-18 Renumber. Add addiction counselors.
36-19 Renumber. No change.
36-20 Renumber. No change.
36-21 Renumber. No change.
36-22 Renumber. Strike all. Replace with cross-reference to the American Counseling Association Code of Ethics for Counselor associates and counselors.
36-23 Renumber. New section. Cross-reference adoption of the Association for Addiction Professionals' Code of Ethics.
36-24 Renumber.
36-24(A)-(G) No change.
36-24(H) (1)-(2) No change.
36-24(H)(3) Strike interns and replace with associates.
36-24(H)(4)-(7) No change.
36-25 Renumber. No change.
36-25(A)-(C) No change.
36-25(D) No change.
36-25(D)(1) Strike interns and replace with associates.
36-25(D)(2)-(6) No change.
36-25(E)-(G) No change.
36-25(H) No change.
36-25(H)(1) No change.
36-25(H)(2) Strike interns and replace with associates.
36-25(I)-(O) No change.
36-26 Renumber.
36-26(1) Strike intern and replace with associate.
36-26(2)-(14) No change.
36-27 Renumber. No change.
36-27(A) No change.
36-27(B) (1)-(4) No change.
36-27(B)(5) Strike eight and replace with twelve.
36-27(B)(6) No change.
36-27(C) No change.

36-27(D)(1)-(2) No change.
36-27(D)(3) No change.
36-27(D)(3)(a) No change.
36-27(D)(3)(b) Strike four and replace with six supervisees. Strike one and one half hours and replace with two hours.
36-27(D)(4) No change.
36-27(D)(4)(a)-(d) No change.
36-27(D)(4)(e) Strike eight and replace with twelve supervisees.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 19, 2018. Written comments may be directed Marlo Koger-Thomas, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations

Legal Authority: 1976 Code Sections 40-1-70 and 40-75-60.

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

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

The proposed regulations will add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will add licensure qualifications, educational requirements, a code of ethics, and other associated criteria for the regulation of addiction counselors to conform to the requirements of Act 249 of 2018 and to update existing regulations.

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. 4851
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR DIETETICS
CHAPTER 40
Statutory Authority: 1976 Code Sections 40-1-70 and 40-20-50

40-5.2 Licensure by Registration.
40-5.3 Licensure by Endorsement.

Preamble:

The Panel for Dietetics proposes to amend 40-5.2 and 40-5.3 to eliminate redundancy.

Section-by-Section Discussion

40-5.2 No change.
40-5.2(1) No change.
40-5.2(2) No change.
40-5.2(3) No change.
40-5.2(4) No change.
40-5.2(5) Delete.
40-5.3 No change.
40-5.3(1) No change.
40-5.3(2) No change.
40-5.3(3) No change.
40-5.3(4) No change.
40-5.3(5) Delete.

40-5.3(6) Renumber.

A Notice of Drafting was published in the *State Register* on September 28, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 21, 2018. Written comments may be directed April Koon, Administrator, Panel for Dietetics, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulations would delete the requirement that applicants for licensure by registration and licensure by endorsement provide to the Panel for Dietetics a copy of their academic transcript(s) from all degree-granting institutions of higher education. In both circumstances, applicants will have already provided official copies of their transcripts to the Commission for Dietetic Registration, therefore the requirements of tendering the same to the Panel are duplicative and an unnecessary burden on the applicant.

DESCRIPTION OF REGULATION:

Purpose: The purpose of this regulation is to reduce the burden of requesting that an official copy of a transcript from a degree-granting institution of higher education be sent to the Panel for its review in circumstances where the national credentialing body has already reviewed and approved the same.

Legal Authority: 1976 Code Sections 40-1-70 and 40-20-50.

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

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

The proposed regulations would delete the requirement that applicants for licensure by registration and licensure by endorsement provide to the Panel for Dietetics a copy of their academic transcript(s) from all degree-granting institutions of higher education. In both circumstances, applicants will have already provided official copies of their transcripts to the Commission for Dietetic Registration, therefore the requirements of tendering the same to the Panel are duplicative and an unnecessary burden on the applicant. This change was proposed in conjunction with the regulatory review the Panel conducted pursuant to Governor McMaster's Executive order 2017-09.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The purpose of this regulation is to reduce the burden of requesting that an official copy of a transcript from a degree-granting institution of higher education be sent to the Panel for its review in circumstances where the national credentialing body has already reviewed and approved the same.

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. 4852
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93
Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

93-60. Board of Examiners; Officers and Duties.
93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation and parole.
93-80. Administrator-in-Training Program Requirements.
93-110. Examination; Scheduling and Grading.
93-130. Provisional Licenses.

Preamble:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-60 to correct the Board name, 93-70(D) to conform to the mandates of statute, 93-80(D) to clarify employment requirements for preceptors, 93-110(B) to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam; and 93-130 to delete language regarding the failure to appear for an examination.

Section-by-Section Discussion

93-60 Title: Amend Board of “Examiners” to Board of “Long Term Health Care Administrators”.
93-60A. No change.
93-60B. No change.
93-70A. No change.

93-70A(1). No change.
93-70B. No change.
93-70C. No change.
93-70D. Strike language prohibiting applicants convicted of a felony or misdemeanor involving moral turpitude from being allowed to take the licensure examination and amend to permit Board consideration of matter, including pardon.
93-80A. No change.
93-80A(1). No change.
93-80A(1)(a). No change.
93-80A(1)(b). No change.
93-80A(2). No change.
93-80A(2)(a). No change.
93-80A(2)(b). No change.
93-80A(2)(c). No change.
93-80B. No change.
93-80C. No change.
93-80D. No change.
93-80D(1). No change.
93-80D(2). No change.
93-80D(3)(a). Delete "employed as" before the phrase, "a licensed nursing home administrator" and add "and be" after the same phrase.
93-80D(3)(b). Delete "employed as" before the phrase, "a licensed community residential care administrator" and add "and be employed" before the same phrase "by a facility".
93-80E. No change.
93-80F. No change.
93-80G. No change.
93-80H. No change.
93-80I. No change.
93-80J. No change.
93-80K. No change.
93-80L. No change.
93-80L(1) No change.
93-80L(2) No change.
93-110A. No change.
93-110B. No change.
93-110B(1). Delete "two-part" and change "a" to "an."
93-110B(2). Delete "two-part" and change "a" to an."
93-110C. No change.
93-110D. No change.
93-110E. No change.
93-110F. No change.
93-110G. No change.
93-110H. No change.
93-110I. No change.
93-110J. No change.
93-110K. Strike the first sentence and replace with, "An applicant who fails to pass the examination may apply to retake the examination as approved by the Board." Delete the second sentence.
93-130A. No change.
93-130B. No change.
93-130B(1). No change.
93-130B(2). No change.
93-130B(3). No change.
93-130B(4). No change.

93-130C. No change.
93-130D. No change.
93-130E. No change.
93-130F. No change.
93-130G. No change.
93-130H. Delete.
93-130I. Re-letter. No change.
93-130J. Re-letter. No change.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:00 a.m. on December 14, 2018. Written comments may be directed to April Koon, Administrator, Board of Long Term Health Care Administrators, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Board of Long Term Health Care Administrators proposes to repeal certain language that exceeds statutory authority. Additionally, they would correct the Board's name, clarify language regarding the employment requirements for serving as preceptors, remove a phrase indicating an examination is offered in two parts, modify a phrase allowing the Board to consider requests to re-take an examination, and delete language regarding the failure to appear for an examination.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations delete certain language within R.93-70(D) that exceeds statutory authority. Additionally, the proposed regulations would amend: R.93-60 to correct the Board name from "Examiners" to "Long Term Health Care Administrators"; 93-80(D) to clarify employment requirements for preceptors; 93-110 to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam and 93-130 to delete language regarding the failure to appear for an examination.

Legal Authority: 1976 Code Sections 40-1-70 and 40-35-60.

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

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

The proposed regulations delete certain language within R.93-70(D) as it exceeds statutory authority. Additionally, the proposed regulations would amend: R.93-60 to correct the Board name from "Examiners" to "Long Term Health Care Administrators"; 93-80(D) to clarify employment requirements for preceptors; 93-110

to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam and 93-130 to delete language regarding the failure to appear for an examination.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will delete certain language within R.93-70(D) as it exceeds statutory authority. Additionally, the proposed regulations would amend: R.93-60 to correct the Board name from "Examiners" to "Long Term Health Care Administrators"; 93-80(D) to clarify employment requirements for preceptors; 93-110 to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam and 93-130 to delete language regarding the failure to appear for an examination.

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. 4853
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

81-80. Requirements to Take Step 3 of the United States Medical Licensing Examination.

Preamble:

The South Carolina Board of Medical Examiners proposes to amend R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina administer Step 3 of the United States Medical Licensing Examination.

Section-by-Section Discussion

81-80. Strike language stating the Board of Medical Examiners will administer 3 of the United States Medical Licensing Examination.
81-80 (A)- (B) No change.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 11:00 a.m. on December 14, 2018. Written comments may be directed to Sheridon Spoon, Administrator, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to delete the requirement that the State Board of Medical Examiners of South Carolina administer Step 3 of the United States Medical Licensing Examination.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Medical Examiners proposes to R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina administer Step 3 of the United States Medical Licensing Examination.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110.

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

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

The South Carolina Board of Medical Examiners proposes to amend R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina administer Step 3 of the United States Medical Licensing Examination.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The South Carolina Board of Medical Examiners proposes to amend R.81-80 to delete the requirement that the State Board of Medical Examiners of South Carolina shall administer Step 3 of the United States Medical Licensing Examination.

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. 4854
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF OCCUPATIONAL THERAPY
CHAPTER 94
Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-60

94-07. Reactivation of Inactive or Lapsed Licenses.
94-10. Code of Ethics.

Preamble:

The South Carolina Board of Occupational Therapy proposes to amend R.94-07 to provide more options to allow individuals to reinstate a license, and to amend R.94-10, its code of ethics, to achieve consistency with the national standards.

Section-by-Section Discussion

94-07 No change.
94-07(1) For licensees inactive or lapsed for three years but less than five years, strike 500 hours of clinical practice and replace with 250, add requirement that supervision take place by OT licensed in the state, and add requirement of 16 hours of in-person, Board-approved CE/competency courses in the area the licensee intends to practice.
94-07(2) For licensees inactive or lapsed for five years but less than ten years, strike 750 hours of clinical practice and replace with 350, add “clinical practice” to phrase regarding supervised practice, strike phrase requiring successful completion of courses approved by the board, and add requirement of 36 hours of in-person, Board-approved CE/competency courses in the area the licensee intends to practice.
94-07(3) For licensees inactive or lapsed for ten or more years, strike 1000 hours of clinical practice and replace with 500, add “clinical practice” to phrase regarding supervised practice, and add requirement of 50 hours of in-person, Board-approved CE/competency courses in the area the licensee intends to practice.
94-10 Strike all and replace with updated Code of Ethics.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 p.m. on December 14, 2018. Written comments may be directed to Mack Williams, Administrator, Board of Occupational Therapy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

R.94-07 is amended to provide more options to allow individuals to reinstate a license, and R.94-10, the code of ethics, is amended to achieve consistency with the national standards.

DESCRIPTION OF REGULATION:

Purpose: The board is amending R.94-07 to provide more options to allow individuals to reinstate a license and amending R.94-10, its code of ethics, to achieve consistency with the national standards.

Legal Authority: 1976 Code Sections 40-1-70 and 40-36-60.

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

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

The proposed regulations will provide more options to allow individuals to reinstate a license and achieve consistency in the Board's Code of Ethics with the national standard.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will provide more options to allow individuals to reinstate a license and achieve consistency in the Board's Code of Ethics with the national standard.

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. 4855
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTOMETRY
CHAPTER 95
Statutory Authority: 1976 Code Sections 40-1-70 and 40-37-40(A)(7)

95-3. Licensure Requirements.
95-4. Continuing Education.
95-5. Licensure By Endorsement.

Preamble:

The South Carolina Board of Examiners in Optometry proposes to amend: R.95-3 to eliminate the requirement that all portions of the national examination be passed; R.95-4 to reduce continuing education requirements, require the use of an electronic continuing education tracking service offered through the Agency, and establish the number of hours of online CE credits that may be obtained during the biennial licensure period; and R.95-5 to eliminate and modify certain requirements for obtaining licensure by endorsement.

Section-by-Section Discussion

95-3(A) No change.
95-3(B) Strike language requiring passing score on all parts of the national exam and replace with language requiring passing score on state exam and parts of national exam as require by the Board.
95-4(A) No change.
95-4(B) Strike language requiring licensee to maintain CE records and replace with requirement that they report hours to Department's electronic tracking system.
95-4(C) Delete.
95-4(D) Adjust lettering. No change.
95-4(E) Adjust lettering. Strike language allowing an unlimited number of CE hours from courses sponsored by national, regional and state optometric organizations and replace with optometric or medical organizations and optometry or medical schools as approved by the Board. Strike remaining language.
95-4(F) Adjust lettering. Add language allowing ten hours of continuing education per biennial licensure period to be obtained through online courses unless otherwise approved by the Board. Strike remaining language.
95-4(G) Delete.
95-4(H) Delete.
95-5(A) No change.

95-5(B) Delete.
95-5(C) Adjust lettering. Strike current endorsement language and replacing with requirement that endorsement candidate obtain passing score on SC jurisprudence exam.

A Notice of Drafting was published in the *State Register* on September 28, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 12:00 p.m. on December 21, 2018. Written comments may be directed to April Koon, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

Executive Order 2017-09, issued by Governor McMaster, required cabinet agencies to repeal or amend regulations if the purpose of the regulation could be accomplished in a less burdensome manner. The Board of Examiners in Optometry reviewed its regulations and concluded that certain regulations related to examinations, continuing education and endorsement based on out-of-state licensure could be deleted or amended to reduce the burden on licensees while adequately protecting the health and safety of the public.

DESCRIPTION OF REGULATION:

Purpose: The purpose of the regulation changes is reduce the regulatory burden on licensees of this state and those wishing to become licensed in this state.

Legal Authority: 1976 Code Sections 40-1-70 and 40-37-40(A)(7).

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

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

Executive Order 2017-09, issued by Governor McMaster, required cabinet agencies to repeal or amend regulations if the purpose of the regulation could be accomplished in a less burdensome manner. The Board of Examiners in Optometry reviewed its regulations and concluded that certain regulations related to examinations, continuing education and endorsement based on out-of-state licensure could be deleted or amended to reduce the burden on licensees while adequately protecting the health and safety of the public.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The rationale behind the proposed regulation changes is to reduce the regulatory burden on licensees of this state and those wishing to become licensed in this state while continuing to afford the public the protections afforded by regulating a profession or occupation.

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. 4856
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHYSICAL THERAPY EXAMINERS
CHAPTER 101
Statutory Authority: 1976 Code Sections 40-1-70 and 40-45-60

101-01. Definitions.
101-04. General Licensing Provisions for Physical Therapists.
101-05. General Licensing Provisions for Physical Therapist Assistants.
101-07. Continuing Education.
101-16. Physical Therapy Compact Rules and Amendments. (New Section)

Preamble:

The South Carolina Board of Physical Therapy Examiners proposes to amend its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

Section-by-Section Discussion

101-01(1) No change.
101-01(2) Strike an “organized continuing experience” and replace with Certified Activities and Approved Activities.
101-01(3) Add that contact hour may mean participation in Certified Activities or Approved Activities.

101-01(4) Strike definition of Academic semester credit hour and replace with definition of continuing competency.
101-01(5) Add definition of Certified Activities.
101-01(6) Add definition of Approved Activities.
101-04(1)-(5) No change.
101-04(6) Add criminal record check requirement.
101-05(1)-(4) No change.
101-05(5) Add criminal record check requirement.
101-07 Strike language stating continuing education requirements become effective upon approval by the Governor and replace with language discussing need for continuing competence.
101-07(1) Strike and replace language regarding biennial CE requirements. Add language, previously found in 101-07(2) stating CE requirements do not apply the first biennium renewal period following initial licensure.
101-07(2) Strike language regarding CE requirements for the first biennium renewal period following initial licensure and add language stating subjects required for CE.
101-07(3) Strike language stating standards for approval of CE and replace with language stating that at least 15 hours of the required 30 contact hours must be from Certified Activities and listing Certified Activities.
101-07(4) Striking language regarding automatically approved CE and replacing with language stating that up to 15 hours of CEU credit may be obtained through Approved Activities and listing Approved Activities.
101-07(5) Striking list of unacceptable activities for CE and replacing with a list of activities for which no contact hours or CEUs will be awarded.
101-07(6)(a) Striking language regarding reporting forms available from the Board.
101-07(6)(b) Striking language requiring licensee to keep corroborating documents documenting CE and official transcripts of college course work and replacing with the requirement that licensees keep documentation of Certified Activities and Approved Activities.
101-07(7)(a)-(b) No change.
101-08 Strike CE activity and replace with purposes of meeting the requirements of this Section.
101-16 Add new section incorporating Compact Commission Rules.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 19, 2018. Written comments may be directed to Mack Williams**,** Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

Legal Authority: 1976 Code Sections 40-1-70 and 40-45-60.

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

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

The proposed regulations will conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

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. 4857
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137
Statutory Authority: 1976 Code Sections 40-60-10(I)(3) and 40-60-360

137-100.02. Qualifications.
137-200.02. Residential Mass Appraisals.
137-500.01. Continuing Education.
137-800.05. Expired Permit, License or Certificate.

Preamble:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 to amend the education and experience requirements for licensure in R.137-100.02 and make minor corrections in R.137-200.02, R.137-500.01 and R.137-800.05.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Section-by-Section Discussion

137-100.02(A)-(B) No change.
137-100.02(C)(1) No change.
137-100.02(C)(2) Update educational requirements for licensed appraiser to reflect that a high school diploma or certificate of equivalency satisfies the qualification requirements.
137-100.02(C)(3) No change.
137-100.02(C)(4) Strike 24 months of experience and insert 12 months.
137-100(C)(5) No change.
137-100(D)(1) No change.
137-100(D)(2) Add as a qualification for state certified residential real estate appraiser five years' experience as a licensed appraiser without disciplinary action. Also add as a qualification an Associate's degree in specified fields of study or thirty semester hours of college-level education from an accredited college, junior college, community college or university in specified topic areas.
137-100(D)(3) No change.
137-100(D)(4) Strike 24 months of experience and insert 12 months.
137-100(D)(5) No change.
137-100(E)(1)-(3) No change.
137-100(E)(4) Strike 30 months of experience and insert 18 months.
137-100(E)(5) No change.
137-100(F)-(G) No change.
137-200.02 Strike "point" and replace with "hourly".
137-200.02 (A)-(B) No change.
137-500.01 (A)(B) No change.
137-500.01(C) No change.
137-500.01(C)(1) Strike "taken after July 1, 1992" and add "Board's" approved list.
137-500.01(C)(2)-(4) No change.
137-500(D)-(G) No change.
137-800.05 (A) Strike "class" referencing hours.
137-800.05 (B) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 11:00 a.m. on December 17, 2018. Written comments may be directed to Laura Smith, Administrator, Board of Real Estate Appraisers, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These proposed regulations amend the education and experience requirements for licensure in R.137-100.02 to reflect changes in the Federal law and make minor corrections in R.137-200.02, R.137-500.01 and R.137-800.05.

DESCRIPTION OF REGULATION:

Purpose: The board proposes to amend its regulations relating to appraisal experience and qualifications to conform to Federal law, and to make minor changes including: striking the word “points” in once place and replacing it with “hourly”, relating to documenting experience; striking the word “class” when relating to hours regarding education, recognizing that education may occur outside of the classroom; and removing a date and adding the word “Board” to acknowledge approval of continuing education.

Legal Authority: 1976 Code Sections 40-60-10(I)(3) and 40-60-360.

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

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

The proposed regulations will make necessary updates to comply with Federal requirements, delete sections already appearing in statute, add information pertinent to appraisal management companies, remove fees, clarify existing language, and make editorial changes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will make necessary updates to comply with Federal requirements, delete sections already appearing in statute, add information pertinent to appraisal management companies, remove fees, clarify existing language, and make editorial changes.

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. 4858
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115
Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-70

115-1. General Licensing Provisions.
115-2. Speech-Language Pathology Assistants.
115-6. Continuing Education.

Preamble:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add “a diploma”; amend R.115-2(C)(3) to add “neurogenics”; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

Section-by-Section Discussion

115-1 No change.
115-1(A) No change.
115-1(A)(1) Add “a diploma”
115-1(A)(2) No change.
115-1(A)(3)(a)-(c) No change.
115-1(B) No change.
115-1(C) No change.
115-1(D) No change.
115-2(A) No change.
115-2(A)(1)-(3) No change.
115-2(B) No change.
115-2(C) No change.
115-2(C)(1) No change.
115-2(C)(2) No change.
115-2(C)(3) Add neurogenics
115-2(C)(4) No change.
115-2(C)(5) No change.

115-2(C)(6) No change.
115-2(D) No change.
115-2(D)(1) No change.
115-2(D)(2) No change.
115-2(D)(3) No change.
115-2(D)(4) No change.
115-2(D)(5) Replace citation to code section with citation to regulation.
115-2(D)(6) No change.
115-2(D)(7) No change.
115-2(D)(8) No change.
115-2(E) No change.
115-2(F) No change.
115-2(G) Add that direct supervision means on-site and in person.
115-2(H) No change.
115-2(I) No change.
115-2(J) No change.
115-2(J) No change.
115-2(K) No change.
115-6(A) No change.
115-6(A)(1) No change.
115-6(A)(2) Add the National Black Association for Speech-Language and Hearing (NBASLH)
115-6(A)(3) No change.
115-6(A)(4) No change.
115-6(B)-(G) No change.

The Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 3:00 p.m., on December 17, 2018. Written comments may be directed to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add “a diploma”; amend R.115-2(C)(3) to add “neurogenics”; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add “a diploma”; amend R.115-2(C)(3) to add “neurogenics”; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

Legal Authority: 1976 Code Sections 40-1-70 and 40–67–70.

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

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

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add "a diploma"; amend R.115-2(C)(3) to add "neurogenics"; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1 to add "a diploma"; amend R.115-2(C)(3) to add "neurogenics"; modify R.115-2(D)(5) to cite to a regulation; clarify R.115-2(G) that direct supervision means on-site and in person; and add in R.115-6(A)(2) the National Black Association for Speech-Language and Hearing (NBASLH).

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. 4859
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 120
Statutory Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70

120-12. Veterinary Medicine and Animal Shelters.

Preamble:

The South Carolina Board of Veterinary Medical Examiners proposes to amend R.120-12 to comport with the requirements of 2016 Act No. 274 regarding animal shelters.

Section-by-Section Discussion

120-12 A. Strike all and insert definition.
120-12 B. Strike all and insert general provisions.
12012- C. Strike all and insert provision of veterinary treatment
120-12-D. New section on veterinary services.

A Notice of Drafting was published in the *State Register* on August 24, 2018.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on December 20, 2018. Written comments may be directed to Rita Melton, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., November 26, 2018. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to comport with the requirements of 2016 Act No. 274 regarding animal shelters.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to comport with the requirements of 2016 Act No. 274 regarding animal shelters.

Legal Authority: 1976 Code Sections 40-1-70, 40-69-60, and 40-69-70.

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

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

The proposed regulations will comport with the requirements of 2016 Act No. 274 regarding animal shelters.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will comport with the requirements of 2016 Act No. 274 regarding animal shelters.

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. 4834
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-1-60 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations
123-51. Turkey Hunting Rules and Seasons
123-52. Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4
123-53. Bear Hunting Rules and Seasons
123-54. Chronic Wasting Disease Carcass Importation Regulations

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

123-40. Wildlife Management Area Regulations.
A. Game Zone 1
3. Removes Stumphouse WMA
4. Renumbers as number 3 to accommodate change above.
B. Game Zone 2
6. Belfast WMA
(a) delete prohibition on fishing.
C. Game Zone 3
2. Crackerneck WMA and Ecological Reserve
(b) delete (ii) to change bag limit to statewide WMA bag limit for conformity.
(c) delete (ii) to change bag limit to statewide WMA bag limit for conformity.
(d) delete (ii) to change bag limit to statewide WMA bag limit for conformity.
8. Santee Cooper WMA
(a) restricts access to impoundments and associated buffers except during scheduled hunts.
(e) adds special youth hunt.
(e) change (e) to (f) to accommodate changes above.
9. Webb WMA
(b) Changes wording for consistency and clarity
(c)(i) Adds hunt dates for hog hunting.
10. Bear Island WMA
(a) Removes designation as a Quality Deer Management Area.
11. Donnelley
(a) Removes designation as a Quality Deer Management Area.
18. Palachucola WMA
(d)(i) Adds hunt dates for hog hunting.
22. Hamilton Ridge WMA
(d)(i) Adds hunt dates for hog hunting.
D. Game Zone 4
2. Marsh WMA
(h) added word “other”.
(i) Establishes dates and shooting hours for quail hunting on Marsh WMA.
General Regulations
4.2 Clarifies wording.
4.4. (c) Clarifies wording.
(d) Added wording.
4.7. Added and clarified wording.
10.7. Added two WMAs to regulation for resource protection.
10.11. Added wording to coincide with changes to waterfowl hunt regulations on Donnelley WMA.
10.12. Added wording to coincide with changes to waterfowl hunt regulations on Donnelley WMA.
10. Provides additional waterfowl hunting on portions of Donnelley WMA.
(b) change to (c) to accommodate changes above.
10.19. Added portions of Donnelley WMA as new Category II WMA.

123-51. Turkey Hunting Rules and Seasons
1. Clarifies wording.
E. 2. (f) Restricts the use of tail fans for hunting on WMA lands.
C.1.2.(b) Reduces bag limit for turkeys on Crackerneck WMA for consistency with other WMAs

123-52 Changes subheading to better reflect revised content.
3. Establishes Statewide Youth Deer Hunt Day.
4. Clarifies wording.
7. Clarifies wording for consistency.

123-53. Bear Hunting Rules and Seasons
1. Clarifies wording and distinguishes bear season for individual game zones.
2. Establishes bear season in Game Zone 2.
2. Change to number 3 to accommodate changes above.
3. Change to number 4 to accommodate changes above.
4. Change to number 5 to accommodate changes above.
5. Change to number 6 to accommodate changes above.
6. Change to number 7. Sets bear quota for Game Zone 2.

123-54. Changes subheading to better reflect content of revised regulation.
Adds section 3 – prohibition on use of natural cervid excretions.
Section 3. Renumber as Section 4.

A Notice of Drafting for this regulation was published on September 28, 2018 in the *South Carolina State Register*, Volume 42, Issue No. 9.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on November 29, 2018 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than November 26, 2018.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40, 123-51, 123-52, 123-53 and 123-54 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Regulations 123-40, 123-51, 123-52, 123-53 and 123-54 in order to set seasons, bag limits and methods of hunting and taking of wildlife on an additional Wildlife Management Area and amend bear hunting regulations to provide for seasons, bag limit, quota, tagging requirement, and reporting requirements.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-525, the Department of Natural Resources is authorized to establish seasons, dates, areas, bag limits, and other restrictions for hunting turkeys on all Wildlife Management Areas. Under Section 50-11-430, The Department is authorized to promulgate regulations for taking of bears outside of Game Zone 1. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically, additional lands are added to or removed from the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Under existing authority, seasons and bag limits are changed periodically to increase public opportunity while meeting management objectives for specific properties. Likewise, statutory changes occasionally require changes in regulations to ensure conformity and consistency between statutes and regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public and hinder management objectives for specific properties.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Management objectives for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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. 4839
DEPARTMENT OF TRANSPORTATION
CHAPTER 63
Statutory Authority: 1976 Code Section 57-3-110(8)

63-10. Transportation Project Prioritization.

Preamble:

South Carolina Department of Transportation (SCDOT) proposes to amend Regulation 63-10 regarding SCDOT's Transportation Project Prioritization to combine both state funded and federally funded projects in one program document: the "State Transportation Improvement Program" ("STIP"). This change would eliminate the need for a separate "State Program" document. Therefore, the amendments also propose to eliminate references to a separate "State Program."

A Notice of Drafting for the proposed amendments to Regulation 63-10 was published in the *State Register* on August 24, 2018.

Section-by-Section Discussion:

63-10(A)(5) The reference to "State Program" is eliminated. See proposed changes to 63-10(A)(11) below.

63-10(A)(9) The reference to "State Program" is eliminated. See proposed changes to 63-10(A)(11) below.

63-10(A)(10) The definition of "State Transportation Improvement Program" ("STIP") is revised to describe it as a "comprehensive" program that will include both federally funded and state funded projects or phases of projects. Currently the definition of the STIP provides that it shall include only "federally funded projects and other regionally significant projects."

63-10(A)(11) The concept and definition of a stand-alone "State Program" is eliminated. There is no need for a stand-alone "State Program" if the state funded projects are to be include in the STIP. See proposed changes to 63-10(A)(10) above.

63-10(C)(1) The reference to "the state non-federal aid program" is eliminated. All programs and projects will be included in the STIP, which will present SCDOT's comprehensive, prioritized plan in one document.

63-10(D)(1) The discussion of the content of the STIP should be revised to include estimated "state funding levels" as well as federal-aid funding levels.

63-10(D)(2) This discussion regarding the Secretary's recommendations for funding changes in the annual allocation plan should include "state legislation" as well as federal legislation, since the STIP will include both federal and state funded projects.

63-10(D)(3) Add "state funded" programs due to inclusion of state funded programs in STIP. See 63-10(A)(10) above.

63-10(E) The concept and definition of a stand-alone "State Program" should be eliminated. There is no need for a stand-alone "State Program" if the state funded projects are to be included in the STIP. See proposed changes to 63-10(A)(10) above.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, the hearing will be conducted at 955 Park Street, Columbia, South Carolina in connection with the SCDOT Commission's December 6, 2018 meeting, which begins at 9:00 a.m. Written comments about these proposed amendments to Regulation 63-10 or requests for a hearing may be directed to Linda C. McDonald, SCDOT Chief Counsel, Post Office Box 191, Columbia, SC 29202. To be considered comments or requests must be received no later than November 27, 2018.

Preliminary Fiscal Impact Statement:

SCDOT does not anticipate additional costs to the State or its political subdivisions to comply with the proposed amendments to the regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 63-10. Transportation Project Prioritization.

Purpose: The purpose of the proposed amendments is to redefine the State Transportation Improvement Program ("STIP") to include state-funded projects as well as federally funded projects. Currently the regulations provide for two different program documents: (1) the STIP, containing federally funded projects, and (2) the State Program, containing state funded projects. The amendments will redefine the STIP as a "comprehensive" prioritized program of projects including both state and federally funded projects.

Legal Authority: SCDOT has general authority to promulgate regulations pursuant to S. C. Code Section 57-3-110(8).

Plan for Implementation: The proposed amendments to Regulation 63-10 will have minimal effect on the practices of SCDOT. The proposed amendments simply clarify and update the current regulations to more accurately describe SCDOT's current documentation of its state and federal funded projects and their prioritization.

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

There is no need for a separate State Program document, when the information can be combined into one planning document, which is the State Transportation Improvement Plan ("STIP"). The STIP will include both state and federally funded projects and phases of projects.

DETERMINATION OF COSTS AND BENEFITS:

SCDOT anticipates no additional costs to the State will be created by the proposed amendments. The benefit of the proposed amendments is the consolidation of SCDOT's planning documents into one document.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECTS ON ENVIRONMENTAL AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

None.

Statement of Rationale:

The purpose of the proposed amendments is to redefine the State Transportation Improvement Program ("STIP") to include state-funded projects as well as federally funded projects. Currently the regulations provide for two different program documents: (1) the STIP, containing federally funded projects, and (2) the State Program, containing state funded projects. The amendments will redefine the STIP as a "comprehensive" prioritized program of projects including both state and federally funded projects.

Text:

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

Document No. 4825
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6
Occupational Safety and Health Standards

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

In Subarticle 6 (General Industry):
Revisions to Section: 1910.1024 Beryllium (Subpart Z-Toxic and Hazardous Substances)

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