

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2020 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	1/10	2/14	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

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

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

## **EMERGENCY REGULATIONS**

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

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

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	05/12/2021	Public Service Commission	Regs and Admin Procedures	Judiciary



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### Executive Order No. 2020-61

**WHEREAS**, the State Grand Jury has returned Indictments charging Kenneth Shane Stuart, Supervisor of Chester County, with one count of Trafficking Methamphetamine, Ten (10) Grams or More, in violation of section 44-53-375(C)(1) of the South Carolina Code of Laws, as amended; one count of Criminal Conspiracy, in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; two counts of Distribution of Methamphetamine, in violation of section 44-53-375(B) of the South Carolina Code of Laws, as amended; and one count of Misconduct in Office, in violation of the Common Law of South Carolina; and

**WHEREAS**, Kenneth Shane Stuart, as Supervisor of Chester County, South Carolina, is an officer of the State or its political subdivisions; and

**WHEREAS**, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, article VI, section 8 of the South Carolina Constitution further provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

**WHEREAS**, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

**WHEREAS**, section 8-1-100 of the South Carolina Code of Laws, as amended, further provides that “any state or county officer who is indicted in any court for any crime may, in the discretion of the Governor, be suspended by the Governor, who in event of suspension shall appoint another in his stead until he shall be acquitted” and “[i]n case of conviction, the office shall be declared vacant by the Governor and the vacancy filled as provided by law”; and

**WHEREAS**, the aforementioned Indictments include one or more counts alleging or charging Kenneth Shane Stuart with “embezzlement or the appropriation of public or trust funds to private use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

**WHEREAS**, in accordance with article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws, the undersigned is authorized to suspend Kenneth Shane Stuart from the office of Supervisor of Chester County and appoint an individual to serve in his stead until he shall be acquitted; and

**WHEREAS**, Wylie Glenn Frederick, of Chester, South Carolina, is a fit and proper person to serve as Supervisor of Chester County.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Kenneth Shane Stuart from the office of Supervisor of Chester County until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws, I hereby appoint Wylie Glenn Frederick to serve as Supervisor of Chester County until Kenneth Shane Stuart is acquitted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Kenneth Shane Stuart and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF SEPTEMBER, 2020.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2020-62**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threat and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), and in doing so, the State must remain flexible to account for new and distinct circumstances and focus on implementing targeted and narrowly tailored emergency measures and expanding interagency coordination and mitigation efforts designed to, *inter alia*, facilitate the safe resumption or continuation of in-person classroom instruction, expand testing capacity, reduce community spread and transmission of COVID-19, and minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate

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the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, and 2020-59; and

**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

**WHEREAS**, as of September 24, 2020, DHEC has identified at least 139,021 confirmed cases of COVID-19 in the State of South Carolina, including 3,097 deaths due to COVID-19; and

**WHEREAS**, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical and essential component in the fight against COVID-19, and the State of South Carolina must focus on maximizing interagency coordination, cooperation, and collaboration to improve existing capacity and the availability of, and access to, COVID-19 testing; and

**WHEREAS**, as a result of South Carolina's enhanced testing and tracing initiatives, DHEC has also continued to identify additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

**WHEREAS**, due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, particularly as public and private K-12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response,

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or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

**WHEREAS**, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, enhance existing testing capacity, develop the requisite vaccine distribution program, and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

**WHEREAS**, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

**WHEREAS**, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action to implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

**WHEREAS**, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take

any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

**WHEREAS**, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

**WHEREAS**, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective "social distancing" practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

### **Section 1. Emergency Measures**

To prepare for and respond to the public health threat posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action to expand mitigation efforts to reduce community transmission of COVID-19 and implement further extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate the development of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available

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means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

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

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2020-50 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

### **Section 2. Protection of First Responders**

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

### **Section 3. Transportation Waivers**

To expedite the State of South Carolina’s preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any

critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s September 11, 2020 Extension of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

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



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

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

### Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24th DAY OF SEPTEMBER, 2020.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2020-63**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), and in doing so, the State must focus on implementing emergency measures designed to limit community spread and transmission of COVID-19, while also regularly reviewing and revising such measures to account for new and distinct threats and to ensure that any remaining restrictions are targeted and narrowly tailored to address and mitigate the current circumstances; and

**WHEREAS**, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

**WHEREAS**, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America”—to help protect Americans during the global COVID-19 outbreak; and

**WHEREAS**, the President’s Coronavirus Guidelines for America recommend, *inter alia*, that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in

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groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

**WHEREAS**, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged “the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)” and recognized that “given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus”; and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remained in effect; and

**WHEREAS**, since declaring an initial State of Emergency on March 13, 2020, the undersigned has regularly conferred with DHEC and other state and federal public health agencies, officials, and experts and has issued various Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, and 2020-62; and

**WHEREAS**, in addition to issuing the above-referenced Executive Orders and directing other emergency measures, the undersigned has consistently and repeatedly urged South Carolinians to practice effective “social distancing” and wear face coverings to limit community spread and transmission of COVID-19 and has further encouraged counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear face coverings in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective “social distancing” in accordance with CDC and DHEC guidance; and

**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency

and mitigating the resulting burdens on healthcare facilities and resources, as well as the significant economic impacts and other consequences associated with the COVID-19 pandemic; and

**WHEREAS**, based on the latest data and developments, and after conferring with various state and federal public health agencies, officials, and experts regarding ongoing testing and tracing initiatives and the results thereof, the undersigned is informed that congregate settings in restaurants, bars, and other similar establishments, as well as large indoor and outdoor public gatherings, have been identified as sources of, or contributing factors to, continued community spread and transmission of COVID-19; and

**WHEREAS**, due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, in view of the foregoing, and in an effort to provide for and protect the health and welfare of the people of this State, the undersigned has determined that it is necessary and appropriate to initiate or extend certain temporary, targeted, and narrowly tailored emergency measures and restrictions designed to limit community spread and transmission of COVID-19 and to mitigate the resulting strain on healthcare resources, while also hopefully avoiding the need to resort to more restrictive means of addressing the same; and

**WHEREAS**, in addition to initiating or extending certain measures designed to limit community spread and transmission of COVID-19, in further proactively preparing for and promptly responding to the threats posed by COVID-19, the State of South Carolina must also simultaneously confront the significant economic impacts and other consequences associated with COVID-19 and undertake efforts to stabilize and reinvigorate the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, accessing and utilizing federal funds and resources to assist with emergency operations, and maximizing interagency or intergovernmental coordination, cooperation, and collaboration to enhance the State's response to COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, the undersigned has determined that it is also necessary and appropriate to modify certain emergency restrictions as part of the process of regularly reviewing such measures to account for new and distinct threats and to ensure that any remaining restrictions are targeted and narrowly tailored to address and mitigate the current circumstances in the least restrictive manner possible; and

**WHEREAS**, in view of the foregoing objectives, the undersigned has deemed it necessary to supersede, rescind, and replace Executive Order No. 2020-50 and to consolidate, restate, or otherwise incorporate, in whole or in part, any modified or extended provisions thereof to clarify which emergency measures are in effect; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is "supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State"; and

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**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, in addition to the foregoing authorities, pursuant to section 61-6-4160 of the South Carolina Code of Laws, as amended, “[i]t is unlawful to sell alcoholic liquors . . . during periods proclaimed by the Governor in the interest of law and order or public morals and decorum” and “[f]ull authority to proclaim these periods is conferred upon the Governor in addition to all his other powers”; and

**WHEREAS**, section 61-6-4160 of the South Carolina Code of Laws further provides that “[a] person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows: (a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days; (b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and (c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years”; and

**WHEREAS**, the Attorney General has previously opined that “[t]he obvious intent of [section 61-6-4160’s predecessor statute] is to afford the Governor the right to order the sale of alcoholic liquors to be discontinued during temporary periods of emergency” and that “[i]t is clear that [the Governor] ha[s] the authority . . . to order that the sale of liquors be prohibited at such places in the State in which, in [his] judgement,

the interest of law and order and public morals and decorum, require such action,” 1968 WL 13075, at \*1 (S.C.A.G. Apr. 27, 1968); and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s authority and responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined that the State of South Carolina must take proactive action and implement, extend, and modify certain extraordinary measures designed to slow the spread of COVID-19, limit the resulting strain on healthcare resources, and mitigate the significant economic impacts and other consequences associated with COVID-19.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

**Section 1. Modification, Consolidation, and Continuation of Previous Emergency Measures**

A. I hereby supersede, rescind, and replace Executive Order No. 2020-50, with any remaining provisions thereof restated, in whole or in part, below or otherwise incorporated herein.

B. I hereby expressly rely upon and incorporate by reference the recitals and other specific factual findings, legal authorities, determinations, and conclusions contained in Executive Order No. 2020-50, as well as those set forth in Executive Order No. 2020-62.

**Section 2. Emergency Requirements Regarding Face Coverings**

A. I hereby urge counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear a Face Covering, as set forth below and further defined herein, in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective “social distancing” in accordance with CDC and DHEC guidance.

B. I hereby order and direct that individuals shall wear a Face Covering in state government offices, buildings, and facilities in accordance with guidelines and procedures developed and promulgated by the South Carolina Department of Administration (“Department of Administration”), as authorized herein, in consultation with DHEC.

C. Subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the Department of Administration, the following persons or groups of persons shall not be required to wear a Face Covering in state government offices, buildings, and facilities:

1. A child who is two (2) years old or younger or a child whose parent, guardian, or responsible adult has been unable to place the Face Covering safely on the child’s face.

2. A person who is seeking to communicate with someone who is hearing-impaired in a manner that requires the mouth to be visible.

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3. A person with a physical, mental, or behavioral health condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove a Face Covering without assistance) that prevents wearing a Face Covering, provided that a non-employee or visitor who represents that they cannot wear a Face Covering for one or more of these reasons should not be required to produce documentation or any other form of proof of such a condition.

4. A person who is actively engaged in eating or drinking or obtaining a service that requires access to or visibility of the face.

5. A person who is engaging in strenuous exercise or physical activity.

6. A person who is operating or occupying a vehicle alone or with other persons who are members of the same household.

7. A person who is voting or assisting with the administration of an election, although wearing a Face Covering is strongly encouraged.

8. A person who must remove a Face Covering for purposes of identification or security screening or surveillance.

9. A person who is incarcerated in a correctional institution or short-term detention facility, which shall be governed by the rules and regulations of the applicable agency, institution, or facility.

10. A person for whom wearing a Face Covering would create a risk to the health or safety of the person due to their occupation, job function, or work assignment where wearing a Face Covering would be inconsistent with industry safety standards or protocols or federal, state, or local regulations or guidelines.

D. For purposes of this Order, “Face Covering” shall mean a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is otherwise wrapped around the lower face. A Face Covering can be made of natural or synthetic fabrics and can be handmade or improvised from other items. A face shield that covers the nose and mouth and extends below the chin shall satisfy the Face Covering requirements of this Order. Medical-grade masks or respirators shall satisfy the Face Covering requirements of this Order; however, according to the latest CDC guidance, these critical supplies should be reserved for use by healthcare workers and medical first responders.

E. I hereby authorize the Department of Administration to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

F. This Section shall not apply to buildings or structures, or portions thereof, that are occupied or controlled by agencies, departments, officials, or employees of the Legislative or Judicial Branches of the State of South Carolina, which shall be governed by their respective orders, rules, or regulations.

### Section 3. Emergency Restrictions Regarding Restaurant Operations

A. I hereby order and direct that any and all restaurants or other food-service establishments (collectively, “Restaurants”), as set forth below, which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption in the State of South Carolina, shall be subject to and shall adhere to the following restrictions and conditions of operation:

1. Restaurants that elect to provide indoor or outdoor customer dining services for on-premises or dine-in consumption, as authorized herein, shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.

2. Restaurants shall require that all employees, customers, patrons, suppliers, vendors, and other visitors wear Face Coverings, as defined in Section 2(D) of this Order, except while actively engaged in eating or drinking, subject to any applicable exceptions set forth in Section 2(C)(1)–(10) of this Order.

3. Restaurants shall not permit the sale or consumption of beer, wine, or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Order.

4. Restaurants should space indoor and outdoor tables at least six (6) feet apart, to the extent possible, to ensure that customers and patrons are at least six (6) feet apart from any other party or group.

5. Restaurants should limit seating at each table to no more than eight (8) customers and patrons, exclusive of family units or members of the same household.

6. Restaurants should adopt and enforce a process to ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties while waiting to be seated. If there is any indoor or outdoor waiting area, Restaurants should use tape or other markings to help customers and patrons identify and maintain a minimum of six (6) feet of separation from other parties.

7. Restaurants should not allow patrons and customers to stand or congregate in any bar area. Restaurants should remove bar stools or arrange them in a manner that will ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties.

8. Restaurants shall post signage at each public entrance informing customers, patrons, suppliers, vendors, and other visitors that entry is prohibited for individuals who are experiencing symptoms of COVID-19 or who have tested positive for COVID-19 within the preceding fourteen (14) days.

9. Restaurants shall conduct, prior to or at the beginning of each shift, an employee survey and screening process, which should include taking each employee's temperature before they begin their shift and inquiring about common symptoms of COVID-19.

10. Restaurants should immediately excuse and exclude any employees indicating symptoms of COVID-19 or who have tested positive for COVID-19 or have been in contact with someone who has tested positive for COVID-19 within the preceding fourteen (14) days.

11. Restaurants should actively encourage and require employees who are sick, who have symptoms of COVID-19, who have tested positive for COVID-19, or who have recently had close contact with a person who has tested positive for COVID-19 to stay at home, and should develop policies to encourage any such employees to stay at home without fear of reprisal or adverse employment action on this basis.

12. Restaurants should remove common-use condiments, such as salt, pepper, and ketchup, from tables. These items should be provided upon request and cleaned and sanitized between uses if single-use options are not available.

13. Restaurants should not place utensils on a table until after a customer or patron is seated and, if possible, should offer disposable single-use utensils.

14. Restaurants should utilize disposable paper menus if possible or sanitize menus after each use.

15. Restaurants shall use approved sanitizing solutions to clean tables, chairs, and check presenters after each table turn or seating.

16. Restaurants shall provide a cleaning station or alcohol-based hand sanitizer at all entry points.

17. Restaurants shall discontinue self-service buffets or food stations to prevent customers and patrons from reusing service utensils to avoid potential physical contamination; however, employees may be permitted to dispense food via cafeteria-style buffet service.

18. Restaurants should minimize, modify, or discontinue services that allow customers and patrons to fill or refill their own beverage cups.

19. Restaurants shall sanitize all doorknobs and other shared or frequently touched surfaces as much as possible between newly arriving parties with approved sanitizing solutions.

20. Restaurants should only use kiosks or touch screens for customers and patrons if they can be sanitized between uses and should encourage touchless payment operations like credit cards with no signature required.

B. Notwithstanding the foregoing restrictions and conditions of operation, Restaurants are authorized and encouraged to prepare, produce, or otherwise offer or sell food or beverages for off-premises consumption to the extent currently authorized, permitted, or otherwise allowed by law, whether via delivery, carry-out or drive-thru distribution, curbside pick-up, or other alternate means.

C. For purposes of this Section, "Restaurants" are defined as "retail food establishment[s]," pursuant to citation 1-201.10(B)(106) of Regulation 61-25 of the South Carolina Code of Regulations, licensed



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or permitted by DHEC in accordance with section 44-1-140 of the South Carolina Code of Laws, as amended, or other applicable law, with the exception of “independent living food service operations” or “licensed healthcare facilities,” which are expressly excluded from the definition of Restaurants. This Section does not direct the closure of retail beverage venues that currently provide for the sale of alcoholic beverages for off-site consumption and does not require the closure of production operations or wholesale distribution at breweries, wineries, or distilleries. Notwithstanding the foregoing, to the extent that Restaurants are licensed or permitted by the South Carolina Department of Revenue (“DOR”) for the on-premises sale of “alcoholic liquors” or “alcoholic beverages,” as defined by section 61-6-20(1)(a) of the South Carolina Code of Laws, as amended, DOR and the South Carolina Law Enforcement Division (“SLED”) are authorized to administer the provisions of this Order, and enforce compliance with the same, as necessary and appropriate. Pursuant to section 1-23-370(c) of the South Carolina Code of Laws, as amended, “[i]f the agency finds that public health, safety[,] or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.”

D. I hereby authorize and encourage law enforcement officials to enforce the provisions of this Section in accordance with Section 14 of this Order. In addition to the authorities set forth in Section 14 of this Order, noncompliance with this Section shall also be governed by the provisions of section 16-7-10(A) of the South Carolina Code of Laws. I further authorize DHEC, DOR, and SLED to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to limit the ability of Restaurants to impose additional restrictions or to prohibit law enforcement officers or local officials from enforcing trespassing laws or other applicable laws, regulations, orders, or ordinances in removing individuals at the request of businesses or property owners.

F. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to prohibit counties and municipalities of this State from enacting or implementing appropriate and narrowly tailored emergency ordinances, orders, or other measures regarding, or applicable to, Restaurants to the extent allowed by law.

### **Section 4. Emergency Restrictions on Gatherings**

A. I hereby urge any and all residents and visitors of the State of South Carolina to practice “social distancing” in accordance with CDC guidance and take precautions to avoid potential exposure to, and to slow the spread of, COVID-19.

B. Subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce (“Department of Commerce”), as authorized herein, I hereby order and direct that the following categories or types of businesses, facilities, venues, services, activities, events, or mass gatherings (collectively, “Gathering”), as set forth and further defined below, shall be subject to and shall adhere to the following restrictions and conditions:

1. The total number of employees, customers, patrons, suppliers, vendors, visitors, or other persons present for or in attendance at the Gathering shall not exceed fifty percent (50%) of the location’s occupancy limit as determined by the fire marshal, if applicable, or two hundred fifty (250) persons, whichever is less.

2. All employees, customers, patrons, suppliers, vendors, visitors, or other persons in attendance at the Gathering shall wear a Face Covering, as defined in Section 2(D) of this Order, subject to any applicable exceptions set forth in Section 2(C)(1)–(10) of this Order, as a condition of entry or participation.

3. The sale or consumption of beer, wine, or alcoholic liquor shall be prohibited at any Gathering between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Order.

4. The organizers, operators, owners, or hosts of, or other parties responsible for, a Gathering shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation, “social distancing,” and hygiene guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.

C. For purposes of this Section, a “Gathering” shall be defined as a planned or spontaneous indoor or outdoor event that involves or is reasonably expected to involve a large number of people physically present, congregating together, or otherwise simultaneously in attendance at a single indoor or outdoor location and shall include, but not be limited to, the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, event venues, dance halls, concert halls, amphitheaters, gymnasiums, chambers, assemblies, nightclubs, performing arts centers, parks, racetracks, or similarly situated or operated businesses, facilities, venues, services, activities, events, or mass gatherings, the occurrence or resulting impacts of which could strain the public health, planning, and response resources of the community hosting the same. A Gathering shall not include individuals collectively performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability in connection with COVID-19. A Gathering shall not include the normal operations of public and private schools and higher education institutions or religious activities or services, including those conducted in churches, synagogues, or other houses of worship.

D. I hereby authorize and direct the Department of Commerce, in consultation with DHEC, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section and to provide clarification, as necessary and appropriate and in accordance with the process set forth below, regarding the application of this Section to any particular Gathering(s), or exceptions for any particular Gathering(s).

E. The organizers, operators, owners, or hosts of, or other parties responsible for, any Gathering(s) may seek clarification regarding the application of this Section to any particular Gathering(s), or exceptions for any particular Gathering(s), from the Department of Commerce using a form provided by the Department of Commerce, which shall be available for public access and submission via the Department of Commerce’s website, at [www.sccommerce.com](http://www.sccommerce.com). Individuals or entities may also submit questions or requests for clarification or exceptions to the Department of Commerce by email to [covid19sc@sccommerce.com](mailto:covid19sc@sccommerce.com) or by telephone at 803-734-2873. A team from the Department of Commerce will review each request for clarification or an exception and provide a response with the Department of Commerce’s determination within twenty-four (24) hours of receipt.

F. The Department of Commerce shall review any requests for clarification regarding the applicability of this Section to any particular Gathering(s) or any requests for an exception for any particular Gathering(s) and shall evaluate the same, in consultation with DHEC, and make a determination regarding whether the Gathering(s) may proceed, in whole or in part, on a normal or modified basis. The Department of Commerce shall grant exceptions only upon a thorough and satisfactory demonstration that any particular Gathering(s) will comply with, and operate according to, any applicable sanitation, “social distancing,” and hygiene guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials. Any determination issued by the Department of Commerce shall be deemed and considered provisional and shall be subject to revision, alteration, or revocation at any point, and in the sole discretion of the Department of Commerce, based on and to account for, *inter alia*, the evolving nature and scope of the public health emergency associated with COVID-19.

G. This Section does not apply to the conduct of official business by, or meetings of, any agency or department of the State of South Carolina or any political subdivision thereof, to include the operations of public schools and higher education institutions and the conduct of elections and related activities.

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### **Section 5. Emergency Restrictions Regarding Alcoholic Beverages at Restaurants, Bars, and Other Establishments After 11:00 p.m.**

A. I hereby determine and proclaim, pursuant to section 61-6-4160 of the South Carolina Code of Laws and other applicable law, that it is necessary and appropriate and “in the interest of law and order” and “public morals and decorum” to prohibit the sale of beer, wine, and alcoholic liquor under certain conditions and during certain periods, as set forth below, to address and reduce instances of community spread and transmission of COVID-19 among individuals congregating in restaurants, bars, and other establishments, to mitigate the resulting burdens on healthcare facilities and resources, and to maintain peace and good order during the State of Emergency.

B. I hereby order and direct that the sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or businesses authorized to sell beer, wine, or alcoholic liquor in the State of South Carolina (collectively, “Licensees”), as set forth below, shall remain prohibited between the hours of 11:00 p.m. and 10:00 a.m. the following day, as previously set forth in Executive Order Nos. 2020-45 and 2020-50, for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded by subsequent Order.

C. For purposes of this Section, “beer, wine, and alcoholic liquors” shall refer to those alcoholic beverages as defined in Chapters 4 and 6 of Title 61 of the South Carolina Code of Laws, as amended. For purposes of this Section, “Licensees” include only those persons or businesses holding the following permits or licenses issued by DOR pursuant to Title 61 of the South Carolina Code of Laws:

1. On-Premises Beer and Wine Permits (PBW) or 7-Day On-Premises Beer and Wine Permit (PO7);
2. Instate Winery Permit (PWY), Domestic Winery Permit (PDW), or 7-Day Winery Permit (P7W);
3. Brewpub Beer Permit (PBB);
4. Brewery Permit (PWY);
5. Business Liquor by the Drink License (PLB);
6. Non-Profit Private Club Liquor by the Drink License (PLC); or
7. Special Event Permit or Special Non-Profit Event Permit.

This Section does not limit the hours of sales for beer, wine, or alcoholic liquors for off-premises consumption, which shall continue to be governed by existing law.

D. Pursuant to sections 1-3-430 and 1-3-440 of the South Carolina Code of Laws, the undersigned is authorized to enforce the provisions of this Order “by use of all appropriate available means,” to include, *inter alia*, “[o]rder[ing] any and all law enforcement officers of the State or any of its subdivisions to do whatever may be deemed necessary to maintain peace and good order” and “order[ing] or direct[ing] any State, county[,] or city official to enforce the provisions of such proclamation in the courts of the State by injunction, mandamus, or other appropriate legal action.”

E. I hereby authorize, order, and direct DOR and SLED to administer the provisions of this Order and enforce compliance with the same as necessary and appropriate. Noncompliance with this Section shall constitute grounds for suspension of a license or permit in accordance with the provisions of Title 61, including but not limited to sections 61-4-580, 61-6-50, and 61-6-100, as amended. Pursuant to the process established in section 1-23-370(c) of the South Carolina Code of Laws, as amended, if DOR “finds that public health, safety[,] or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings.” Unless otherwise provided by DOR, any summary suspension under this Section will be effective for at least the duration of this Order and any amendments to or extensions of the same. Notwithstanding the foregoing, this Section does not prevent or prohibit DOR from seeking or imposing additional penalties as authorized by law if warranted by the Licensee’s actions. I hereby further order and direct DOR, upon suspension of a license or permit for noncompliance with this Section, to

promptly institute proceedings in the Administrative Law Court to review the summary suspension, as required by section 1-23-370(c).

F. In addition to the foregoing authorities, noncompliance with this Section shall be further governed by the provisions of sections 16-7-10(A) and 61-6-4160 of the South Carolina Code of Laws. Pursuant to section 61-6-4160 of the South Carolina Code of Laws, “[a] person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows: (a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days; (b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and (c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.”

G. I hereby authorize DOR and SLED to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

**Section 6. Regulatory Flexibility to Accelerate Emergency Preparation and Response Measures**

A. I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

B. I hereby authorize and direct state agencies and departments to use the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite acquisition of any critical resources during the State of Emergency.

C. I hereby suspend, in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law, any existing procurement-related regulations “if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency.”

**Section 7. Regulatory Flexibility and Other Emergency Measures to Expedite the Provision of Critical Healthcare Services**

A. I hereby authorize and direct DHEC to suspend, for the duration of the State of Emergency, pursuant to Regulation 61-112 of the South Carolina Code of Regulations, any necessary and applicable provisions of Regulations 61-15 and 61-16, which restrict the use of unlicensed beds or space, the conversion of single and double occupancy patient rooms to account for higher patient capacity, or the establishment of wards, dormitories, or other spaces not designated as patient rooms.

B. I hereby suspend the monetary thresholds set forth in Section 102 of Regulation 61-15 of the South Carolina Code of Regulations for items requiring Certificate of Need Review, to the extent necessary and applicable, so as to permit healthcare facilities to make those capital expenditures and acquire medical equipment deemed necessary to prevent, diagnose, treat, or monitor the progression of COVID-19.

C. I further direct DHEC to suspend certain sections of the South Carolina Health Plan addressing health services requiring Certificate of Need Review, as DHEC deems necessary and appropriate, to allow a healthcare facility to provide temporary health services to adequately care for patients that may be affected by

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COVID-19. Healthcare facilities shall address any such requests pursuant to this Section to DHEC and coordinate with DHEC regarding the same.

D. I hereby direct the Adjutant General to continue implementing and overseeing efforts to coordinate with, between, and among the South Carolina National Guard and hospitals or other healthcare providers, as necessary and applicable, regarding any actual or potential requirements for, or contingency plans related to, the mobilization, utilization, or acquisition of resources; the creation, modification, or construction of mobile or temporary facilities or other critical infrastructure; or other anticipated or unanticipated matters related to the State's preparation for, and response to, the evolving public health threat posed by COVID-19. In accordance with section 25-1-1840 of the South Carolina Code of Laws, Executive Order No. 2020-48, and other applicable law, I further authorize and direct the Adjutant General to activate and utilize any and all South Carolina National Guard personnel and equipment he deems necessary and appropriate and to issue the requisite supplemental orders.

### **Section 8. Regulatory Flexibility to Facilitate “Social Distancing” in Restaurants and Retail Settings**

A. I have determined that the State of South Carolina must continue to undertake and implement additional measures to slow the spread of COVID-19, minimize the current and future strain on healthcare providers, and mitigate the economic impacts on affected individuals and businesses. In furtherance of the foregoing, and in accordance with the President's Coronavirus Guidelines for America, the State must promote and facilitate effective “social distancing” practices, including “[a]void[ing] eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options.”

B. I hereby suspend Regulation 7–702.5 of the South Carolina Code of Regulations, which provides, in pertinent part, that “[a] permit holder, employee of a permit holder, or agent of a holder must not sell or deliver beer or wine to anyone who remains in a motor vehicle during the transaction.”

C. I hereby authorize and direct DOR to implement, interpret, and apply the provisions of this Order, as necessary and appropriate and in accordance with and to the extent allowed by state and federal law, in a manner that will facilitate current holders of a valid Beer and Wine Permit (“Permit”), as set forth below, selling or delivering beer and wine in a sealed container for curbside delivery or pickup and off-premises consumption.

D. Subject to any further clarification, guidance, or regulations issued or promulgated by DOR, Permit holders electing to offer curbside delivery or pickup shall be subject to the following definitions, conditions, and restrictions:

1. For purposes of this Section, “Permit” is defined as an on- or off-premises permit issued by DOR in accordance with Title 61, Chapter 4 of the South Carolina Code of Laws, with the exception of “special event” permits, for use at fairs and special functions, issued pursuant to section 61-4-550 of the South Carolina Code of Laws, as amended.

2. A retailer shall have a clearly designated delivery or pickup area abutting or adjacent to the retailer's place of business.

3. A customer who purchases beer or wine must prove at the time of curbside delivery or pickup that he is twenty-one (21) years of age or older by providing a valid government-issued identification.

4. A retailer shall not allow curbside delivery of beer or wine to, or pickup of beer or wine by, an intoxicated person or a person who is under twenty-one (21) years of age.

5. Any Permit holder's employee or agent who is responsible for delivering beer or wine in sealed containers for off-premises consumption to a customer's vehicle shall be eighteen (18) years of age or older.

6. Curbside delivery or pickup of “alcoholic liquors,” as defined by section 61-6-20 of the South Carolina Code of Laws, as amended, shall be prohibited.

**Section 9. Emergency Measures to Ensure the Continuity of Essential Government Operations and Emergency Services and to Provide for the Health and Safety of State Employees**

A. I hereby direct that all non-essential employees and staff of the State of South Carolina, as described below, shall not report to work, physically or in-person, until further notice. For purposes of this Section, essential employees and staff are those designated by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State's preparation for and response to emergency conditions related to COVID-19 or otherwise necessary to serving the State of South Carolina by ensuring the continuity of critical operations of state government. Essential employees and staff may still be required to report to work as determined by, and in the sole discretion of, the corresponding Agency Head or their designee. Notwithstanding the foregoing or any previous event-specific employment classifications or designations, for purposes of this emergency, essential may be defined differently than it has been defined or applied in the context of hazardous weather events. In accordance with prior directives, as well as related guidance issued by the Department of Administration, state agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees and staff. This Section shall apply to state government agencies, departments, and offices under the authority of the undersigned. I further direct the Department of Administration to continue to provide any necessary and appropriate supplemental guidance to such agencies, departments, and offices and to any additional agencies, departments, and offices so as to facilitate and expedite implementation of these initiatives.

B. I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from closing any location or facility that is occupied or utilized, in whole or in part, by any agency, department, official, or employee of the State. Accordingly, pursuant to sections 1-3-410, 25-1-440, and 25-1-450 of the South Carolina Code of Laws, as well as other applicable law, I hereby direct that any such county, municipality, or other political subdivision of this State shall authorize, allow, and provide access to such locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

**Section 10. Emergency Restrictions Regarding Public Beach Access Points**

A. I hereby authorize any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control over any public beach access points to close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or facilities, if it is determined that such action is necessary to preserve or protect public health. This authorization shall remain in effect for the duration of the State of Emergency, unless otherwise modified, amended, extended, or rescinded by subsequent Order.

B. I hereby authorize DHEC to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

**Section 11. Extension of Emergency Measures for Unemployment Claims and Benefits**

A. The State of South Carolina must continue to undertake and implement additional measures to prepare for and respond to the economic impacts associated with COVID-19 and to mitigate the resulting burdens on individuals and businesses. In recognition of the complexities posed by the existing and anticipated emergency circumstances, the United States Department of Labor ("DOL") issued Unemployment Insurance Program Letter No. 10-20 on March 12, 2020 ("DOL Letter No. 10-20"), providing guidance to states and state workforce agencies on various matters regarding unemployment benefits and "flexibilities related to COVID-19," and in doing so, recommended, *inter alia*, that "states should consider temporarily waiving"

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state-specific requirements related to waiting periods for individuals who are otherwise eligible for unemployment benefits. Accordingly, to facilitate and expedite the processing of claims submitted by eligible individuals whose employment has been impacted a result of COVID-19, and in response to DOL Letter No. 10-20's recommendation, the undersigned issued Executive Order No. 2020-11 on March 19, 2020, directing, *inter alia*, the South Carolina Department of Employment and Workforce ("DEW") to waive application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits or to determine that otherwise eligible individuals submitting claims between March 15, 2020, and April 18, 2020, in response to the unique circumstances and public health threat presented by COVID-19 "cannot pursue other employment for the usual one week's waiting period and that the terms of the [applicable] statute cannot be met in such an unusual and limited circumstance," 1989 S.C. Op. Att'y Gen. 286 (Oct. 3, 1989). Subsequently, on March 27, 2020, the President of the United States signed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Public Law No. 116-136, Title II, Subtitle A of which provides, *inter alia*, temporary full federal funding of the first week of state unemployment insurance benefits for states that do not have a waiting week or have waived any waiting-week requirement.

B. I hereby direct DEW to waive, on a temporary basis and consistent with the aforementioned DOL guidance, application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits, pursuant to section 41-35-110(4) of the South Carolina Code of Laws, as amended, or alternatively, to determine that otherwise eligible individuals submitting claims in response to or associated with the unique circumstances and public health threat presented by COVID-19 "cannot pursue other employment for the usual one week's period and that the terms of the statute cannot be met in such an unusual and limited circumstance." 1989 S.C. Op. Att'y Gen. 286 (Oct. 3, 1989). If and to the extent allowed by state and federal law, I further instruct DEW to implement, interpret, and apply the foregoing directives, as necessary and appropriate, in a manner that will facilitate and expedite the processing of claims submitted by eligible individuals who have suffered an unanticipated separation from employment or reduction of hours. Subject to any additional or supplemental guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DEW, and to the maximum extent permitted by state and federal law, this Section shall apply to claims submitted on or after April 19, 2020, and for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded. Notwithstanding the foregoing, this Section shall not be construed to limit DEW's authority, to the extent allowed by state and federal law, to extend the period of any such temporary waivers or determinations to account for exigent circumstances.

### **Section 12. Extension of Prior Authorization for COVID-19 Support Payments by Employers**

A. I have determined that the State of South Carolina must continue to undertake and implement additional measures to prepare for and respond to the economic impacts associated with COVID-19 and to mitigate the resulting burdens on individuals and businesses in the State of South Carolina. Many South Carolina employers have been financially strained by the significant economic impacts associated with COVID-19, which will negatively affect the ability of many employers to sustain operations at current levels. As a result of such operational reductions, businesses in this State may be required to furlough current employees. For purposes of this Section, a "furlough" shall mean and refer to a temporary period of time during which an employee performs no personal services for the employer as a result of a layoff caused by the economic impacts of COVID-19. Employers have stated that furloughs may be necessary to sustain an adequate level of working capital and to maintain a ready workforce in preparation for resuming operations when the risks associated with COVID-19 have dissipated. In acknowledging that employees may need to be furloughed due to the ongoing and anticipated economic impacts associated with COVID-19, some employers have indicated a desire to offset the financial impacts of such furloughs by making voluntary COVID-19-related support payments ("COVID-19 Support Payments"), as set forth below, to certain employees.

B. For purposes of this Section, "COVID-19 Support Payments" shall mean a voluntary payment, or series of payments, made by an employer to an employee in response to furloughing the employee, which is for services rendered by the employee in the past, which the employee or the employee's estate is not obligated

to repay, which is provided without obligation for the employee to perform or not perform any act in connection with the individual's status as an employee, and which is made pursuant to a plan provided to DEW on a form that DEW shall prepare and publish on its website ("COVID-19 Support Payments Plan"), as set forth below and further defined herein. COVID-19 Support Payments shall be classified as a form of severance pay. South Carolina courts have interpreted severance pay as a form of payment for services previously rendered and, thus, not "wages" as that term is currently defined in section 41-27-380 of the South Carolina Code of Laws. *See S. Bell Tel. & Tel. Co. v. S.C. Employment Sec. Comm'n*, 240 S.C. 40, 45, 124 S.E.2d 505, 507 (1962). Classification of COVID-19 Support Payments as non-wages will ensure that such payments do not reduce the unemployment benefits an otherwise eligible individual would be entitled to receive, in accordance with the terms of prior Orders and as otherwise provided by law.

C. A COVID-19 Support Payments Plan submitted to DEW must detail the anticipated length of the furlough, state the amount of the COVID-19 Support Payments, identify the names of the employees receiving the COVID-19 Support Payments, and include an attestation that the employer is not making the COVID-19 Support Payments as a form of remuneration for the employees' performance of personal services during the furlough and that employees are not required to return or repay the COVID-19 Support Payments. Further, employers shall file employer-filed unemployment insurance claims, according to guidance provided by DEW, for each employee receiving COVID-19 Support Payments. A COVID-19 Support Payments Plan that satisfies the requirements set forth herein is not required to be approved by DEW prior to an employer making COVID-19 Support Payments.

D. I hereby authorize and direct DEW to interpret furloughed recipients of COVID-19 Support Payments as unemployed, pursuant to section 41-27-370 of the South Carolina Code of Laws and Regulation 47-20 of the South Carolina Code of Regulations, in response to or associated with the unique circumstances and public health threat presented by COVID-19. I further authorize and instruct DEW to implement, interpret, and apply the foregoing directives, as necessary and appropriate, in a manner such that an employee will not be considered as having been overpaid unemployment insurance benefits solely because the employee received COVID-19 Support Payments pursuant to a COVID-19 Support Payments Plan. Subject to any further clarification or guidance issued by DEW, and to the maximum extent permitted by state and federal law, this Section shall apply to any COVID-19 Support Payments paid by an employer for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded.

### **Section 13. Emergency Measures to Facilitate Law Enforcement Assistance and Support**

A. I hereby authorize law enforcement agencies or departments in this State to enter into mutual aid agreements in connection with the State of Emergency, pursuant to Title 23, Chapter 20 of the South Carolina Code of Laws, "for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines, including, but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations."

B. In accordance with section 23-20-60 of the South Carolina Code of Laws, as amended, I hereby waive the requirement for a written mutual aid agreement for law enforcement services for the duration of the State of Emergency.

### **Section 14. Enforcement**

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the State of Emergency.

B. I hereby authorize, order, and direct any and all law enforcement officers of the State, or any political subdivision thereof, in accordance with section 16-7-10 of the South Carolina Code of Laws and other



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applicable law, to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.” I further authorize and instruct SLED, in consultation with the Attorney General of South Carolina, to provide any necessary and appropriate additional or supplemental guidance to law enforcement agencies, departments, or officers of the State, or any political subdivision thereof, regarding the interpretation, application, or enforcement of section 16-7-10 of the South Carolina Code of Laws.

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

### **Section 15. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 2nd DAY OF OCTOBER, 2020.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2020-64**

**WHEREAS**, the undersigned has been notified of the passing of Private First Class Jacob Hancher of the Myrtle Beach Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, Officer Hancher dedicated his life to protecting and serving the people of the State of South Carolina and the residents of the City of Myrtle Beach, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

**WHEREAS**, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

**WHEREAS**, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Friday, October 9, 2020, in tribute to Officer Hancher and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 7th DAY OF OCTOBER, 2020.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2020-65**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), and in doing so, the State must remain flexible to account for new and distinct circumstances and focus on implementing targeted and narrowly tailored emergency measures and

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expanding interagency coordination and mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19, minimize the resulting strain on healthcare facilities and resources, facilitate the safe resumption or continuation of in-person classroom instruction, expand testing capacity, and develop and deploy the required vaccine distribution program; and

**WHEREAS**, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, and 2020-62; and

**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged “the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)” and recognized that “given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus”; and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

**WHEREAS**, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 50 and amending and consolidating certain emergency measures to ensure that any remaining measures are targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

**WHEREAS**, as of October 9, 2020, DHEC has identified at least 150,033 confirmed cases of COVID-19 in the State of South Carolina, including 3,325 deaths due to COVID-19; and

**WHEREAS**, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical and essential component in the fight against COVID-19, and the State of South Carolina must focus on maximizing interagency coordination, cooperation, and collaboration to improve existing capacity and the availability of, and access to, COVID-19 testing; and

**WHEREAS**, as a result of South Carolina’s enhanced testing and tracing initiatives, DHEC has also continued to identify additional “hot spots” in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

**WHEREAS**, due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19; and

**WHEREAS**, in addition to the foregoing, the State of South Carolina must take additional proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate the development and deployment of the required vaccine distribution program; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

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**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including,

but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

**WHEREAS**, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, enhance existing testing capacity, develop and deploy the requisite vaccine distribution program, and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

**WHEREAS**, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

**WHEREAS**, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action to implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

**WHEREAS**, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

**WHEREAS**, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

**WHEREAS**, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective

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“social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

### **Section 1. Emergency Measures**

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action to expand mitigation efforts to reduce community transmission of COVID-19 and implement further extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate the development of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the

Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

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

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2020-63 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

## **Section 2. Protection of First Responders**

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

## **Section 3. Transportation Waivers**

To expedite the State of South Carolina’s preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety



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Administration's September 11, 2020 Extension of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

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

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

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

#### **Section 5. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 9th DAY OF OCTOBER, 2020.**

**HENRY MCMASTER  
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Bureau of Air Quality Permitting Exemption List (October 23, 2020)

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

In accordance with South Carolina (SC) Regulation 61-62.1, Definitions and General Requirements, Section II(B)(2), the South Carolina Department of Health and Environmental Control (Department or DHEC) has determined that no construction permit shall be required for sources listed herein, unless otherwise specified by Regulation 61-62.70 or any other state or federal requirement.

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

No construction permit shall be required for sources listed herein, unless otherwise specified by Regulation 61-62.70 or any other state or federal requirement. The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Whether exempt or not, the emissions will need to be included when determining whether a facility or project is subject to an applicable air regulation such as Prevention of Significant Deterioration (PSD), Title V, or Maximum Achievable Control Technology (MACT) standards. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of pollutants, location, proximity to residences, and commercial establishments, etc. Sources listed under Section A will not require recordkeeping. Sources listed under Section B will require recordkeeping.

**Section A.**

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

1. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.
2. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, hand sanitizer etc.
3. Recreational, residential, and portable type wood stoves, heaters, or fireplaces, and non-production related smokehouses (used exclusively for smoking food products).
4. Indoor or outdoor kerosene space heaters.
5. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).
6. Water heaters which are used solely for domestic purposes.

7. Motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling. This exemption does not apply to petroleum distribution facilities. Gasoline Dispensing Facilities (GDF) which have a monthly throughput of less than 320,000 gallons per month will not require a permit. "Monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12. Although exempt from the requirement to obtain an air construction permit, the source may be subject to federal regulation 40 CFR 60 CCCCCC (6C).

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

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

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

11. Vacuum production devices used in laboratory operations.

12. Equipment used for hydraulic or hydrostatic testing.

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

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

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

16. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners).

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

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

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

20. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.

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

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

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

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

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

26. Water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater). See section B for non-contact cooling tower exemption determination.

27. Electric motors emitting only ozone.

28. Refrigeration equipment including Transport Refrigeration Unit (TRU) that does not meet any one of the following criteria:

- i. using an ozone-depleting substance regulated under Title VI of the Clean Air Act and/or 40 CFR Part 82.
- ii. located at a Title V source.
- iii. used as or in conjunction with air pollution control equipment.

29. Construction sand and gravel facilities without crushers, grinders, or dryers. These operations shall be conducted in such a manner that a minimum of particulate matter becomes airborne. In no case shall established ambient air quality standards be exceeded at or beyond the property line. The owner/operator of all such operations shall maintain dust control on the premises and any roadway owned or controlled by the owner/operator by paving or other suitable measures. Oil treatment is prohibited.

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

31. Venting of refrigerants that are exempt from the venting prohibition contained in 40 CFR 82 subpart F.

### **Section B.**

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

#### Project Emissions:

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

#### Facility-Wide Emissions:

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

## Documentation:

- The above information shall be kept on site and made readily available to the Department upon request. The Bureau has developed exempt source log (Form D-0721) and the Title V insignificant activity form (Form D-2944) which may be utilized for keeping exemption details onsite.
- If your facility has an operating permit, this information shall be submitted as indicated in your operating permit.

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

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

**Stationary or portable combustion sources:** Please note that although these sources are exempt from requiring an air construction permit, they may be subject to federal regulations associated with combustion such as 40 CFR 60 IIII (4I), 40 CFR 60 JJJJ (4J), 40 CFR 63 ZZZZ (4Z), and/or 40 CFR 63 JJJJJ (6J).

### 1. External Combustion Sources

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

- Natural gas boilers.
- Oil-fired boilers of 50 million British thermal unit per hour (Btu/hr) rated input capacity or smaller.
- Coal-fired boilers of 20 million Btu/hr rated input capacity or smaller.

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

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

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

If a temporary replacement boiler does not meet the definition of a temporary boiler or another exemption per the applicable regulation, it is subject to:

- 40 CFR 60 Subpart Dc if the heat input capacity is greater than or equal to 10 million BTU/hr and construction, reconstruction or modification commenced after June 9, 1989
- 40 CFR 63 Subpart DDDDD if it is located at or part of a major source of hazardous air pollutants (HAP)
- 40 CFR 63 Subpart JJJJJ if it located at or is part of an area source of HAP. If the boiler meets the definition of gas fired boiler per 40 CFR 63.11237 it is not subject to this Subpart.

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If the temporary boiler is subject to a regulation such as those listed above, then a determination that the boiler met the applicable requirements of the regulation must be kept on-site and provided to the Department upon request. The owner/operator shall also keep a record of the startup date and usage periods of the temporary boiler and provide them to the Department upon request.

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

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

### 2. Internal Combustion Engines:

i. Emergency or portable engines as described below:

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

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

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

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

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

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

v. Oxidation catalyst on generators.

### 3. Surface Coating:

i. Stand-alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter and use either:

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

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

HAP containing materials are used, the facility is expected to demonstrate compliance with SC Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request.

ii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of non-HAP containing surface finishing materials (such as paints and paint components, other materials mixed with paints prior to application, and cleaning solvents).

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

#### **4. Wood Working/Processing:**

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

i. Small woodworking shops that do not conduct surface coating where the woodworking activities (such as sawing, milling, sanding, etc.) are conducted within a building and the total combined maximum processing throughput for all woodworking equipment is less than 0.19 tons/hr.

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

iii. The following wood working equipment:

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

#### **5. Storage Vessels:**

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

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

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

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

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



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

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

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

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

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

### 6. Others:

i. Sources with a total uncontrolled PTE of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be submitted to the Department for a case-by-case exemption determination. If approved by the Department, emissions calculations and any other information necessary to document this exemption must be maintained on-site and provided to the Department upon request.

ii. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit.

iii. Modifications to permitted sources that result in an uncontrolled potential emission increase of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits.

iv. Grain Dryers as described below:

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

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

v. Laundry dryers, extractors, or tumblers with a maximum throughput of 100,000 lb/month of shop towels processed.

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

vii. Air strippers used in petroleum underground storage tank (UST) cleanups with well pump rates less than or equal to 23 gallons per minute (gpm) and Benzene concentrations less than the concentration as determined by the following equation and not subject to 40 CFR 63 Subpart 5Gj:

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

Air strippers used in petroleum UST cleanups with well pump rates equal to or less than 23 gpm and Benzene concentrations greater than the concentration as determined by the equation are still exempt from permitting but must first submit air dispersion modeling to comply with SC Regulation 61-62.5 Standard No. 8. Documentation of the well pump rate capacity and Benzene concentration must be maintained on-site.

viii. Mobile grinders, remaining on-site for less than 12 months grinding only clean wood. Any wood grinder that replaces a grinder at a location and that is intended to perform the same or similar function as the wood grinder replaced will be included in calculating the 12 month time period. All grinding operations shall be conducted in such a manner as to minimize fugitive particulate matter emissions. If any complaints are received, then the grinding operation can be required to stop, and the complaints addressed by the Department.

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

x. The processing of whole tires into shreds or specifically sized chips. This does not include the removal of metal or further size reduction by grinding or fine shredding. Good housekeeping practices that minimize fugitive emissions are required.

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

xii. Non-contact Cooling Towers that have the potential to emit of any criteria pollutant less than 5 TPY and VOC less than 1,000 lb/month are exempt from construction permit requirement. Cooling towers generally emit PM/PM<sub>10</sub>/PM<sub>2.5</sub> but some facilities might have VOC and TAP emissions. TAP emissions will be exempted on a case by case basis per Standard 8.

xiii. Portable and temporary crushing and/or screening plant with a cumulative rated capacity of all initial crushers of 150 tons per hour or less that is comprised of a crusher that reduce the size of nonmetallic mineral material by means of physical impaction upon the material (including but not limited to jaw, cone, hammermill, or impactor), and any combination of the following: screens that separate material according to size using mesh screens, conveying equipment that transports material from one piece of equipment or location to another location (including but not limited to feeders or belt conveyors), portable diesel engines or electric motors to power process equipment, and fuel storage tanks. These operations must meet all the following criteria:

- a. The equipment processes nonmetallic minerals only.
- b. Wet suppression is used as needed during operation.

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c. The equipment is not being used at the site of an existing facility, in support of the existing facility's primary air-permitted operation.

d. The equipment is portable or transportable and does not reside at any one site for more than 12 consecutive months.

1. Portable plant means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

2. A site is one or more contiguous or adjacent properties that are under common control. The amount of time that equipment is kept in storage does not count towards the 12-month residence time requirement. Equipment in storage shall be placed in a separate storage location within the facility and not set up in an operational configuration. Equipment set up at a location ready to operate, shall count towards the 12-month period, even if it is not turned on.

e. The equipment is powered by electricity or diesel engines.

1. The diesel engines are fired on low sulfur (500 ppm or less) diesel.

2. The diesel engines are certified by the manufacturer to meet EPA's nonroad diesel engine emission standards/tiers (40 CFR 89 and 1039).

The temporary crushing and screening operation is subject to all applicable provisions of S.C. Regulation 61-62.5, Standard 4, Sections VIII, IX, X and S.C. Regulation 61-62.6, Section III.

The facility shall keep onsite records of any information necessary to document qualification for this exemption including but not limited to start and end of operation at each site, performance test results, equipment list, amount of fuel purchased, fuel supplier certification of sulfur content of fuel purchased, and any other recordkeeping requirements required by applicable state and federal regulations.

## 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 on **October 23, 2020** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

#### Affecting Horry County

##### **Tidelands Health Carolina Bays Hospital**

Construction for the establishment of a 36-bed acute care hospital in Horry County with CT and MRI services at a total project cost of \$79,285,133.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **October 23, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 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) 545-3495.

#### Affecting Charleston County

**Medical University Hospital Authority d/b/a MUSC Medical Center**

Purchase of 4 da Vinci XI robotic surgical systems at a total project cost of \$9,660,000.

**Affecting Chester County****Personal Home Care of North Carolina, LLC d/b/a PHC-SC**

Establishment of a Home Health Agency in Chester County at a total project cost of \$30,396.

**Affecting Dorchester County****Trident Medical Center, LLC d/b/a Summerville Medical Center**

Establishment of Level III NICU services through conversion of 6 Level II intermediate care bassinets to Level III intensive care bassinets for a total of 10 Level II bassinets and 6 Level III bassinets at a total project cost of \$287,648.

**Affecting Florence County****Medical University Hospital Authority d/b/a MUSC Health Florence Medical Center**

Purchase of a da Vinci XI robotic surgical system at total project cost of \$1,932,000.

**Affecting Horry County****McLeod Loris Seacoast Hospital d/b/a McLeod Health Seacoast**

Establishment of Emergent and Elective PCI services at a total project cost of \$1,301,230.

**Affecting Lancaster County****Personal Home Care of North Carolina, LLC d/b/a PHC-SC**

Establishment of a Home Health Agency in Lancaster County at a total project cost of \$35,594.

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

Addition of a fifth cardiac catheterization lab to the existing Cardiac Cath Department at a total project cost of \$2,902,219.

**Affecting Richland County****RADDON d/b/a Midlands Cancer Center**

Establishment of a new outpatient radiation therapy center with one Tomotherapy linear accelerator at a total project cost of \$7,963,272.

**Affecting York County****Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center**

Renovation of existing 3,100 sf to convert an existing cardiac catheterization lab to a hybrid operating room at a total project cost of \$4,978,827.

## 46 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

#### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-63, Radioactive Materials (Title A). Interested persons may submit comment(s) on the proposed amendments to the Bureau of Radiological Health; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [HQRegs@dhec.sc.gov](mailto:HQRegs@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on November 23, 2020, the close of the Notice of Drafting comment period.

#### Synopsis:

Pursuant to R.61-63, Radioactive Materials (Title A), the Department is responsible for regulatory and licensing standards, disposal, use, reports, storage, and inspections relating to various uses of radioactive materials. The Department proposes amending R.61-63 to incorporate federal regulations to maintain its status with the United States Nuclear Regulatory Commission (“NRC”) as an Agreement State and ensure compatibility with federal regulations as required by Section 274 of the Atomic Energy Act of 1954.

The NRC promulgates amendments to NRC Regulation Title 10, Code of Federal Regulations (“CFR”) throughout each calendar year. Recent amendments include definitions, training and experience, and clarification regarding medical use of byproduct material as published in the Federal Register at 83 FR 33046 on July 16, 2018; organizational corrections in 10 CFR parts 37, 40, 70, and 71 as published in the Federal Register at 83 FR 57231 on November 21, 2018; miscellaneous corrections to 10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140 as published in the Federal Register at 83 FR 30285 on June 28, 2018; miscellaneous corrections to 10 CFR Parts 2, 21, 37, 50, 52, 73, and 110 as published in the Federal Register at 83 FR 63565 on November 18, 2019; organizational changes and conforming amendments to 10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150 as published in the Federal Register at 84 FR 65639 on December 5, 2019; individual monitoring devices in 10 CFR Parts 34, 36, and 39 as published in the Federal Register at 85 FR 15347 on March 18, 2020; and social security number fraud prevention 10 CFR Parts 9 and 35 as published in the Federal Register at 85 FR 33527 and 85 FR 44685 on June 2, 2020.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50, and 40-6-60

#### Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-5 related to fees assessed by the Auctioneers’ Commission. Interested persons may submit written comments to Amy Holleman, Administrator, Auctioneers’ Commission, 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 R.10-5 related to fees for the Auctioneers’ Commission. The Commission proposes amending the exam fee to reflect that the amount should be set by the third-party testing provider as this test is no longer offered by the Commission. The

Commission further proposes adding that the third-party testing provider will also set the exam fee for auctioneer firms. Firms were previously omitted from the fee schedule.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-81-40, and 40-81-70

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10-4 to make certain changes pertaining to fees for the State Athletic Commission. Interested persons may submit comments to Andy Hastings, Interim Administrator, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10-4 to make certain changes pertaining to fees for the State Athletic Commission. The proposed fee changes will reflect decreases in some fees from the amounts currently appearing in the Code of Regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF NATURAL RESOURCES**  
**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960

**Notice of Drafting:**

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulation 123-125, relating to the former Alexander Sprunt, Jr. Wildlife Refuge and Sanctuary. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

**Synopsis:**

Regulation 123-125 is no longer necessary as the property addressed in the regulation is now known as Deveaux Bank and is managed pursuant to Regulation 123-204. Therefore, SCDNR proposes to repeal Regulation 123-125 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

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### **DEPARTMENT OF NATURAL RESOURCES CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-21-610 and 50-21-710

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

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulations 123-1, 123-2, 123-3, 123-5, and 123-7, all relating to Boating. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

#### **Synopsis:**

Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws. Therefore, SCDNR proposes to repeal Regulations 123-1, 123-2, 123-3, 123-5, and 123-7, in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

### **DEPARTMENT OF NATURAL RESOURCES CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960

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

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130, all relating to freshwater fisheries. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

#### **Synopsis:**

Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws, or the regulation no longer being applicable. Therefore, SCDNR proposes to repeal Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

### **DEPARTMENT OF NATURAL RESOURCES CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-5-110, 50-17-1020, and 50-17-1590

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

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35, all relating to the Marine Resources Division. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General

Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

**Synopsis:**

Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws. Therefore, SCDNR proposes to repeal Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35, in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

**DEPARTMENT OF NATURAL RESOURCES  
CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-15-55 and 50-15-80

**Notice of Drafting:**

The Department of Natural Resources proposes to add Regulation 123-152 “Regulations for Nonnative Wildlife”. The subject of the proposed action is to add the regulation 123-152 to provide for the implementation of authority granted by 50-15-55. Regulations clarify prohibitions and/or restrictions on nonnative wildlife. These regulations do not prohibit Sanitary and safe disposal of dead wildlife or apply to the release of foxes and coyotes pursuant to the provisions of Chapter 11, Title 50 and to the release of other nonnative species from captivity if authorized by law. 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:**

The added regulations (123-152) will establish guidelines for the implementation of authority for prohibition or restriction on species of nonnative wildlife including, species have the potential to become established in this State in sufficient numbers so as to become a nuisance and/or pose a demonstrable deleterious and widespread threat to wildlife, agriculture, or human health and safety. Regulations identify applicable species and restrictions on release, escape, possession, transfer sale, barter, trade, shipment or attempts of the previous. Since 50-15-55 provides authority for the Department to promulgate regulations to prohibit or otherwise restrict certain species of nonnative wildlife, regulations are required to set restrictions and conditions.

Legislative review is required.

**DEPARTMENT OF NATURAL RESOURCES  
CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-21-610 and 50-21-710

**Notice of Drafting:**

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31, all relating to restrictions on the use of watercraft in certain areas and no



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wake zones. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

### **Synopsis:**

Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31 are no longer necessary due to the ability of the Department to restrict the use of watercraft in these areas through the use of regulatory markers pursuant to 1976 Code Section 50-21-710. Therefore, SCDNR proposes to repeal Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31, in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

### **DEPARTMENT OF NATURAL RESOURCES**

#### **CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-15-30, 50-15-40, 50-15-50, and 50-15-70

### **Notice of Drafting:**

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulation 123-153, relating to Sea Turtle Protection. Interested persons should submit their comments in writing to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on November 12, 2020, the end of the drafting comment period.

### **Synopsis:**

Regulation 123-153 is no longer necessary due to the language and effect of this regulation being codified in the S.C. Code of Laws. Therefore, SCDNR proposes to repeal Regulation 123-153 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020.

The proposed revisions will require legislative review.

### **DEPARTMENT OF SOCIAL SERVICES**

#### **CHAPTER 114**

Statutory Authority: 1976 Code Section 43-1-80

### **Notice of Drafting:**

The Department of Social Services proposes to amend regulations that address licensure of foster family homes and adoption of children who are in the State's foster care system. Interested persons may submit comments to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at dawn.barton@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, November 6, 2020, the close of the drafting comment period.

**Synopsis:**

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of foster family homes and the approval of adoptive homes for children who are in the State's foster care system. The existing regulations regarding foster family homes and adoption of children who are in foster care (S.C. Code of Regulations Section 114-550) need to be amended.

The Department of Social Services is proposing regulations that set forth the requirements for the licensure of foster family homes and approval of adoptive homes for children who are in the State's foster care system. The proposed regulations promote the application of a consistent set of rules and regulations for the licensure of foster family homes and the approval of adoptive homes for children who are in the State's foster care system. The consistent application of one set of rules and regulations furthers the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of this amendment is required.

**DEPARTMENT OF SOCIAL SERVICES**  
**CHAPTER 114**  
Statutory Authority: 1976 Code Section 63-11-30

**Notice of Drafting:**

The Department of Social Services proposes to amend regulations that address licensure of residential group care facilities for children. Interested persons may submit comments to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at dawn.barton@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Friday, November 6, 2020, the close of the drafting comment period.

**Synopsis:**

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of residential group care facilities for children. The existing regulations regarding licensure of residential group care facilities for children (S.C. Code of Regulations 114-590) need to be amended and repealed (S.C. Code of Regulations 114-595).

The Department of Social Services is proposing regulations that set forth the requirements for the licensure of residential group care facilities for children. The proposed regulations promote the application of a consistent set of rules and regulations for the licensure of group care facilities for children, including group care facilities operating qualified residential treatment programs, and supervised independent living programs. The consistent application of one set of rules and regulations furthers the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of this amendment is required.

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Document No. 5000  
**CLEMSON UNIVERSITY**  
**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**  
CHAPTER 27  
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

### **Preamble:**

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

The Notice of Drafting was published in the *State Register* on August 28, 2020.

### **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, 2020 at 9:00 a.m. If no request is received by December 1, 2020, 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 1, 2020.

### **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. 5001  
**CLEMSON UNIVERSITY**  
**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**  
CHAPTER 27  
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

**Preamble:**

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

The Notice of Drafting was published in the *State Register* on August 28, 2020.

**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, 2020 at 9:00 a.m. If no request is received by December 1, 2020, the hearing will be canceled.

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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 1, 2020.

### **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. 5003

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

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

61-107.4. Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals.

**Preamble:**

Pursuant to S.C. Code Sections 44-96-10 *et seq.*, it is the responsibility of the Department of Health and Environmental Control (“Department”) to promulgate regulations establishing standards for the management of yard trash and land-clearing debris, and for the production of compost. The proposed amendments improve environmental protection, ensure adequate, but not burdensome, financial assurance to close facilities that cease operating, provide clarity for permit exemptions, update operational criteria, and correct typographical and other similar errors. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the May 22, 2020, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

The Table of Contents is amended to reflect the proposed revisions made throughout the text of the regulation.

Amended codification and internal citations throughout regulation to reflect repositioning of various provisions and for improved organization and clarity.

Part I. General Provisions.

A. Applicability. References to registered wood-grinding or composting facilities are removed as unnecessary due to most recent revision.

B. Definitions. The definition of and references to “Waters of the U.S.” are removed, and the definitions of “Waters of the State” and “Wetlands” are updated to reflect that wetlands are now included in the category of State waters. A definition is provided for “Hearing” and “Visual Marker.” Typographical corrections are also made for clarity.

D. Prohibitions moved to Part I from Part VI for clarity and consistency. This new section moves the Violations and Penalties and Severability sections to E and F respectively.

Part II. Exempted and Conditionally Exempted Activities.

A. Exempted Activities. A condition is added to Section A that exempted activities must be performed in a manner that does not cause harm to human health or the environment. A change is made to allow specific exempt activities on property under a person’s control.

B. Conditionally Exempt Activities. A condition is added to require conditionally exempt activities be performed in a manner that does not cause harm to human health or the environment. A condition is added to require a notice of intent for conditionally exempt activities. A requirement is added that feedstocks be ground or

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incorporated into a composting mass at least once per year. An additional requirement is added that combustible materials not be stored in piles exceeding 16 feet in height.

### Part III. Permitted Facilities.

A. Facility Types. Typographical and grammatical corrections are made for clarity.

B. General Criteria. Typographical and grammatical corrections are made for clarity.

C. Location Criteria. Buffers are clarified for Type Two facilities performing in-vessel composting.

D. Design Criteria. Addition made to allow test pits to be used to determine separation from the seasonal high-water table. Requirement added that visual markers be used to designate operational areas of the facility.

E. General Operating Criteria. Requirements related to open burning, pile sizes, temperature measurements and other material management activities are moved to other parts of the regulation for clarity and consistency. Language is added to clarify that finished compost and mulch are included in annual reporting requirements. Record retention is specified for a minimum of three years. Notification requirements are added to address facility fires or equipment failure.

F. Material Management for Permitted Facilities. In this new section, material management requirements are moved from other sections of the regulation and compiled here for clarity and consistency. New requirements are added to reduce the likelihood of fire, including pile height restrictions for combustible material, management for combustible material piles, requirements for grinding of land-clearing debris, stipulation of appropriate pile spacing, and preventing passive composting.

G. Additional Operating Requirements for Type Two and Type Three Facilities. Addresses standards for operation of Type Two and Type Three facilities. Details allowable composting methods, appropriate methods for temperature measurements, pile size and spacing requirements, and material management guidelines. Addresses employee certification requirements.

H. Quality Assurance and Testing Requirements for Finished Compost. Addresses testing parameters for compost that is to be offered for sale or distribution to the public.

I. Additional Requirements for Permitted Facilities. Corrected for clarity, and for typographical and punctuation errors.

J. Financial Assurance. Modified to clarify that financial assurance must be adequate to perform removal, transport and disposal of all material stored on site in the event of facility closure.

K. Closure. Added requirement that a facility provide a final report upon closure.

L. Permit Suspension or Revocation. Updates Department noticing process for permit revocation to include permit suspension and provides opportunity for response by permittee. Typographical and grammatical corrections are made for clarity.

### Part IV. Permit Application.

A. Permit Application Process. Updates permit application process and modifies language for clarity.

B. Notice. Updates and reduces noticing requirements for applicants.

C. Application Review and Permit Decision. Typographical and grammatical corrections and modifications to language are made for clarity.

D. Permit Modifications. Language is modified for clarity.

E. Transfer of Ownership. Updates process for permit transfer and modifies language for clarity.

Part V. General Permits.

A. General Permit Issuance. Typographical and grammatical corrections are made for clarity.

B. Application for Coverage under a General Permit. Typographical and grammatical corrections are made for clarity.

C. Corrective Measures and General Permit Revocation. Typographical and grammatical corrections are made for clarity.

Part VI. Prohibitions. Stricken and moved to Part I for clarity and consistency.

Appendix: Feedstock Categories. Added industrial wastes/sludges to allowable feedstocks provided they meet appropriate characterization requirements. Some typographical and grammatical corrections are made for clarity.

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

Interested persons may submit comment(s) on the proposed amendments to Jana White of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [whitejm@dhec.sc.gov](mailto:whitejm@dhec.sc.gov). To be considered, the Department must receive the comment(s) by 5:00 p.m. on November 23, 2020, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its December 10, 2020, 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. Because of ongoing COVID-19 concerns, interested persons who do not wish to appear in person may participate in the public hearing by calling in through an assigned conference line. These participants may register in advance by visiting the DHEC Events webpage ([www.scdhec.gov/events](http://www.scdhec.gov/events)) and selecting the appropriate Board meeting date. A link to register will be provided on the accompanying meeting information page. 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/Agenda>.

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. There are no anticipated additional costs by the Department or state government due to any requirements of this regulation.

**Statement of Need and Reasonableness:**



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

**DESCRIPTION OF REGULATION:** R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals.

**Purpose:** The Department proposes amending R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, to improve environmental protection, to clarify the applicability of regulatory requirements, and to ensure adequate financial resources are available to remove waste and properly close facilities. Changes are proposed to correct typographical errors, to improve the regulation's organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling, to improve the overall text of the regulation.

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

**Plan for Implementation:** The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of and link to these proposed amendments. 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 amendments 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.61-107.4 to clarify the applicability of the regulation, to update definitions, to improve environmental protection by adding fire prevention and material management requirements, and to ensure adequate financial assurance is available to properly close facilities.

The Department also proposes amendments to correct typographical errors, citation errors, and other errors and omissions that have come to the Department's attention. These include correcting regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes.

The proposed amendments seek to simplify, clarify, and correct elements of the Department's solid waste composting regulations while supporting the Department's goal of promoting and protecting the health of the public and the environment in an efficient and effective manner.

### DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate an increase in costs to the state or its political subdivisions resulting from these proposed revisions. Staff time associated with a new requirement for a letter of concurrence for conditionally exempt facilities can be absorbed at current staffing levels.

Changes to the method for calculating closure costs will benefit both the Department and the regulated community by clarifying the amount of financial assurance needed by regulated facilities. This change may result in increased cost estimates for some facilities and decreased cost estimates for others. The requirement for visual markers will also help improve the accuracy of cost estimates. Improving the accuracy of cost estimates may provide a cost savings to the state by helping ensure adequate financial assurance is secured, thus decreasing the likelihood that public funding would be needed to remove waste and properly close a facility, should it cease operating.

Changes to operational requirements will have the benefit of reducing the likelihood of spontaneous combustion of material piles, reducing the need for emergency response by the state and/or its political subdivisions.

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:

These proposed amendments seek to provide continued state-focused protection of the environment and public health.

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

The state's authority to adequately oversee solid waste composting and wood-grinding facilities would be compromised if these amendments are not adopted in South Carolina. Without the proposed changes, the state would lack the authority necessary to ensure that facility operators are being adequately protective of the environment, and the state would be unable to ensure that financial resources are available to properly close a facility.

**Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The Department proposes amending R.61-107.4, Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, to clarify changes made to the regulation in 2014, to improve environmental protection, and to correct typographical errors, citation errors, and other errors and omissions. These amendments expand and clarify definitions, expand and clarify permit exemptions, expand and clarify operational criteria, improve environmental safety, and help ensure adequate financial assurance will be available to the Department to properly close a facility should it cease operating. The changes improve the regulation's organizational structure, and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text 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. 5004  
**COMMISSION ON HIGHER EDUCATION**  
CHAPTER 62  
Statutory Authority: 1976 Code Section 59-149-10

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

**Preamble:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, the transcript and class ranking policies are clarified. There are also additional changes being proposed to allow the ACT Test to be Superscored, matching the current allowance for the SAT. Additional changes are being proposed to allow a LIFE Scholarship

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recipient to prorate their award during their final term of college enrollment. Amendments to the language have been made to allow students who are in approved Co-op, Travel Study, Internship, or Military service to retain the scholarship with an average of 30 credit hours. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

A Notice of Drafting was published in the *State Register* on August 28, 2020.

- Section 62-1200.5:
- D. “Annual credit hour requirement” Language added to allow proration of award during student’s final term of enrollment.
  - M. “Degree-seeking student” Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.
  - U. “Full-time student” Language added to allow proration of award during student’s final term of enrollment.
  - W. “Eligible high school” Language added to expand types of eligible high schools.
  - BB. “LIFE GPA” Numbering change in referenced section.
  - II. “Program of study...” Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC
  - NN. “South Carolina resident” Language clarified to provide that students must be residents at the time of high school graduation.
- Section 62-1200.10
- A.(1). Language clarified to provide that students must be residents at the time of high school graduation and initial college enrollment
  - A.(2). Language clarified to provide that students must be classified as residents by the entering institution at the time of high school graduation and initial college enrollment.
  - A.3(a). Language added to clarify high school ranking requirements, high school transcript requirements, and transcript requirements for S.C residents who graduate from out-of-state high schools.
  - A.3(b). Language added to provide for Superscoring of ACT examinations.
  - A.3(c). Language also added to clarify high school ranking requirements.
  - A.3(d)(2 & 5). Numeric averages updated to reflect current S.C. Uniform Grading Policy
  - A.4. Language added to provide for adjustment of qualifying ACT score, should the need for change occur.
  - E. Language added to clarify that Early Graduation process should go through institution.
  - I. Language added to clarify that remediation policy for LIFE Scholarship must occur during first two terms of enrollment.
  - L. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.
  - N. Language added to clarify that out-of-state conversion of GPA for initial eligibility is responsibility of counselor.
  - O. Old language removed. Section renumbered as a result.
  - P. Language added to allow proration of award during student’s final term of enrollment.

- Section 62-1200.15: G. Language added to clarify that institutions must notify LIFE Scholarship recipients of LIFE GPA and credit hours by end of Spring term.
- Section 62-1200.20: B. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.  
D. Language added to clarify the number of terms the scholarship can be used at a two-year institution.  
E. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.
- Section 62-1200.35: C. Language added to allow an eligible student to receive appropriate credit hour accommodations for disabilities prior to the Spring term, instead of having to get them to start the academic year
- Section 62-1200.40: C. Language added to allow an eligible student who is participating in a university approved Internship, Co-op or Travel Study and Exchange Program for one term out of the academic year to retain the award with the average of 30 credit hours for the year, based on initial college enrollment.
- Section 62-1200.45: C. Language added to allow an eligible student who is participating in a active duty military service or mobilization for one term out of the academic year to retain the award with the average of 30 credit hours for the year, based on initial college enrollment.
- Section 62-1200.60: M. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.  
O.(9). Language added to clarify the maintenance of the rank report in student files.  
R. Language added to clarify that institutions must notify LIFE Scholarship recipients of LIFE GPA and credit hours by end of Spring term.
- Section 62-1200.65: C. Language modified to update current programs; Removed M.S. in Cytology and Biosciences at MUSC and included PharmD programs at MUSC and USC.
- Section 62-1200.75: F. Language clarified to allow the submission of a state identifier for awarding purposes.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 3, 2020, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 30, 2020. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 3, 2020, as noticed above. Comments received by the

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deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

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

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

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

**DESCRIPTION OF REGULATION:** 62-1200.1 through 62-1200.75, LIFE Scholarship & LIFE Scholarship Enhancement Program.

Purpose: R. 62-1200.1 through 62-1200.75 of Chapter 62 is being amended and replaced in its entirety. The proposed regulatory changes will clarify the policies and procedures for administering the LIFE Scholarship & LIFE Scholarship Enhancement Program at the public and independent colleges and universities in the state. In the proposed amendments, the transcript and class ranking policies are clarified. There are also additional changes being proposed to allow the ACT Test to be Superscored, matching the current allowance for the SAT. Additional changes are being proposed to allow a LIFE Scholarship recipient to prorate their award during their final term of college enrollment. Amendments to the language have been made to allow students who are in approved Co-op, Travel Study, Internship, or Military service to retain the scholarship with an average of 30 credit hours. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

Legal Authority: The legal authority for R.62-1200.1 through 62-1200.75 is 1976 Code Section 59-149-10.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a LIFE Scholarship & LIFE Scholarship Enhancement, and to provide guidance to state institutions when awarding the scholarship.

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

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions.

### **UNCERTAINTIES OF ESTIMATES:**

None.

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

Not applicable.

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

Not applicable.

**Statement of Rationale:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, the transcript and class ranking policies are clarified. There are also additional changes being proposed to allow the ACT Test to be Superscored, matching the current allowance for the SAT. Additional changes are being proposed to allow a LIFE Scholarship recipient to prorate their award during their final term of college enrollment. Amendments to the language have been made to allow students who are in approved Co-op, Travel Study, Internship, or Military service to retain the scholarship with an average of 30 credit hours. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

**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. 5005  
**COMMISSION ON HIGHER EDUCATION**  
 CHAPTER 62  
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

**Preamble:**

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program and Palmetto Fellows Scholarship Enhancement. Revisions to the existing regulation for the Palmetto Fellows Scholarship are being considered to clarify the policies and procedures for administrating the program. In the proposed amendment, the application process is being updated. This will include changing the test administration qualifying dates. In addition, language was modified to reflect the proration of the final term of enrollment for Palmetto Fellows Scholarship recipients. There are also additional changes being proposed to clarify the reapplication process for students utilizing a gap year, language was modified to allow the ACT Test to be Superscored, matching the current allowance for the SAT Test. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

Section-by-Section Discussion

- Section 62-310:        Q. Language modified to spell out South Carolina.  
                           JJ. “Reapplication Student” Language modified to clarify that students taking a Gap year and the reapplication process to regain their Palmetto Fellows Scholarship. Language also modified to spell out South Carolina.  
                           SS. “Gap Year” Language added to clarify students utilizing a gap year immediately following high school graduation.
- Section 62-315:        D. Language modified to spell out South Carolina.

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- Section 62-320: C.1. Language modified to reflect test administration date to as determined by CHE.  
C.2. Language modified to reflect test administration date to as determined by CHE.  
C.3. Language modified to spell out South Carolina.  
D.1. Language modified to reflect test administration date to as determined by CHE.  
D.2. Language modified to reflect test administration date to as determined by CHE.  
D.3. Language modified to spell out South Carolina.  
E. Language modified to include allowance of ACT Superscore composite Test scores.  
F. Language modified to spell out South Carolina.  
G. Language modified to spell out South Carolina.  
I. Language modified to spell out South Carolina.  
K. Language modified to spell out South Carolina.  
L. Language modified to spell out South Carolina.
- Section 62-325: B. Language modified to spell out South Carolina.
- Section 62-330: B. Language modified to reflect Palmetto Fellows Scholarship proration during the student's final term of attendance prior to graduation.  
H. Language modified to spell out South Carolina.
- Section 62-335: C. Language modified to reflect Palmetto Fellows Scholarship proration during the student's final term of attendance prior to graduation.
- Section 62-365: C. Language modified to spell out South Carolina.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 3, 2020, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 30, 2020. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 3, 2020, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

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

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

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

**DESCRIPTION OF REGULATION: 62-300 - 62-375. PALMETTO FELLOWS SCHOLARSHIP AND PALMETTO FELLOWS SCHOLARSHIP ENHANCEMENT.**

Purpose: R.62-300 through 62-375 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Palmetto Fellow Scholarship and Palmetto Fellows Scholarship Enhancement are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, several definitions are updated and minor language changes are proposed to promote consistency. The reapplication process for gap year students is clarified. In the proposed amendments, the Palmetto Fellows Scholarship application criteria is adjusted to allow the ACT Test to be Superscored, matching the current allowance for the SAT. Additional changes are being proposed to allow a Palmetto Fellow recipient to prorate their award amount during their final term of college enrollment.

Legal Authority: The legal authority for R.62-300 through 62-375 is 1976 Code Section 59-104-20.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide guidance to institutions and constituents regarding the Palmetto Fellows Scholarship program.

**DETERMINATION OF COSTS AND BENEFITS:**

Promulgation of this regulation will not result in additional administrative costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with additional opportunities to apply for the Palmetto Fellows Scholarship.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Not applicable.

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

Not applicable.

**Statement of Rationale:**

R.62-300 through 62-375 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Palmetto Fellow Scholarship and Palmetto Fellows Scholarship Enhancement are being considered to clarify the policies and procedures for administering the program and to update the information to allow a change in the Palmetto Fellows application process. In doing so, several definitions are updated, test administration qualifying date policies are clarified, and language was modified to reflect the proration of the final term of enrollment for Palmetto Fellows Scholarship recipients. Additional changes were made to clarify the reapplication process for students utilizing a gap year. Lastly, to promote consistency, there are additional changes being proposed to allow the ACT Test to be Superscored, matching the current allowance for the SAT test.

**Text:**



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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. 5006  
**COMMISSION ON HIGHER EDUCATION**  
CHAPTER 62  
Statutory Authority: 1976 Code Section 59-150-370

62-900.85 - 62-900.140. South Carolina HOPE Scholarship.

### Preamble:

This proposed regulation will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In the proposed amendments, the transcript policies are clarified. Additional amendments are made to allow all gift aid to be applied to the student bill before the SC HOPE Scholarship is applied. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

### Section-by-Section Discussion:

- Section 62-900.90: J. "High school" Language added to expand types of eligible high schools.  
S. "South Carolina resident" Language clarified to provide that students must be residents at the time of high school graduation.
- Section 62-900.95: A.(1). Language clarified to provide that students must be residents at the time of high school graduation and initial college enrollment.  
A.(2). Language clarified to provide that students must be residents at the time of high school graduation and initial college enrollment  
A.3(a). Language added to clarify high school ranking requirements, high school transcript requirements, and transcript requirements for South Carolina residents who graduate from out-of-state high schools.  
A.7. Language also added to clarify high school conversion requirements.
- Section 62-900.125: G. Language added to clarify that institutions must notify SC HOPE Scholarship recipients of LIFE GPA and credit hours by end of Spring term.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 3, 2020, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00

p.m. on November 30, 2020. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 3, 2020, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

**DESCRIPTION OF REGULATION:**

62-900.85 through 62-900.140. SC HOPE Scholarship.

Purpose: R.62-900.85 through 62-900.140 of Chapter 62 is being amended and replaced in its entirety. The proposed regulatory changes will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In the proposed amendments, the transcript policies are clarified. Additional amendments are made to ensure that institutions notify students who have not met the continued eligibility requirements to move from the SC HOPE Scholarship to the LIFE Scholarship in the second year. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

Legal Authority: The legal authority for R.62-900.85-140 is 1976 Code Section 59-150-370.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a SC HOPE scholarship to provide guidance to state institutions when awarding the scholarship.

**DETERMINATION OF COSTS AND BENEFITS:**

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Not applicable.

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

Not applicable.

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### Statement of Rationale:

R.62-900.85 through 62-900.140 of Chapter 62 is being amended and replaced in its entirety. The proposed regulatory changes will clarify the policies and procedures for administering the SC HOPE Scholarship Program at the public and independent colleges and universities in the state. In the proposed amendments, the transcript policies are clarified. Additional amendments are made to ensure that institutions notify students who have not met the continued eligibility requirements to move from the SC HOPE Scholarship to the LIFE Scholarship in the second year. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

### 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. 5008  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
CHAPTER 10  
Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

10-1. Division of Professional and Occupational Licensing.

### Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10 of the South Carolina Code of Regulations to add a fee schedule for bulk licensure verification.

#### Section-by-Section Discussion

10-1. Division of Professional and Occupational Licensing. Agency fees consolidated and fees for optional services added.

The Notice of Drafting was published in the *State Register* on August 28, 2020.

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

Should a hearing be requested pursuant to S. C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:30 a.m. on December 7, 2020. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 23, 2020. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

### Preliminary Fiscal Impact Statement:

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

### Statement of Need and Reasonableness:

The Agency has received requests from both private and public sector entities for a quick, efficient means of verifying the licensure of large numbers of employees by submitting an electronic request to an Agency database

and receiving in return a report verifying the status of the licenses submitted. Entities have expressed a need to submit the requests on a daily, weekly or monthly basis, depending upon the nature of the business. The Agency's technology division has spent the past year developing a program that would provide the desired service. However, the service will require additional staffing and technology to monitor and support; therefore, the Agency is proposing a bulk licensure verification fee to fund the service. Only users who wish to utilize the service would be charged, and the fees will be based upon the volume of the request. Importantly, the Agency provides the same service on its website to the public free of charge, and that service will remain available for free. The distinction between the two is that the free service allows the public to verify licensure and print the verification one licensee at a time. Bulk verification would allow government and businesses to obtain the same information for numerous licensees at a time for the fees set forth below.

Additionally, there are two fees that appear in the various fee schedules for boards but do not appear in the Agency's fee schedule – the fees for license lists and license verifications. This regulation would move those fees to one central location devoted to Agency fees for the convenience of the public.

**DESCRIPTION OF REGULATION:** 10-1. Division of Professional and Occupational Licensing.

**Purpose:** The Agency is adding a regulation to centralize fee schedules for certain Agency services and to add fees for bulk licensure verification.

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

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

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

The proposed regulation is necessary to meet the needs of the state's consumers of the Agency's services. Larger entities, both public and private, have expressed the need to confirm licensure of individuals as often as daily and on a large-scale basis rather than one licensee at a time. The proposed regulation is also reasonable in that the cost to provide the service is passed on to the users, and the licensure verification process itself, on an individual basis, will continue to be provided free of charge to the public.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health and safety in the state of South Carolina.

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

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

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### Statement of Rationale:

The regulation would set forth a list of Agency services currently provided and their cost, and would establish a list of additional services the Agency wishes to provide to government and businesses and the fees associated with providing those services.

### 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. 5009

### DEPARTMENT OF LABOR, LICENSING AND REGULATION

#### CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-60(10)(I)(3), and 40-60-360

10-36. Real Estate Appraisers Board.

### Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10-36 containing the fees for the Real Estate Appraisers Board.

#### Section-by-Section Discussion

- 10-36 (1) Strike \$400 and replace with \$255.
- 10-36 (2) Strike \$400 and replace with \$255.
- 10-36 (3) Strike \$400 and replace with \$255.
- 10-36 (4) Strike \$400 and replace with \$250.
- 10-36 (5) Strike \$400 and replace with \$250.
- 10-36 (6) Strike “for 2018-2019”. Strike “(Representing \$500 each year for the first two-year registration.)”.
- 10-36 (7) Add new number 7. Add “Appraisal Management Company renewal.” Add \$1000 fee.
- 10-36 (8) Renumber current number 7 as new number 8 etc. Otherwise, no change.
- 10-36 (8)(a) Strike \$75 and replace with \$60.
- 10-36 (8)(b) Strike \$100 and replace with \$80.
- 10-36 (8)(c) Strike \$150 and replace with \$120.
- 10-36 (9) Renumber. Replace \$100 with \$80.
- 10-36 (10) Renumber. Replace \$25 with \$5.
- 10-36 (11) Renumber. Replace \$15 with \$5.
- 10-36 (12) Renumber. Replace \$200 with \$160.
- 10-36 (13) Renumber. Replace \$400 with \$90.
- 10-36 (14) Renumber. Replace \$20 with \$5.
- 10-36 (15) Renumber. Replace \$100 with \$80.
- 10-36 (16) Renumber. Replace \$200 with \$160.
- 10-36 (17) Renumber. Replace \$100 with \$80.
- 10-36 (18) Renumber. Replace \$50 with \$40.
- 10-36 (19) Renumber. Replace \$200 with \$160.
- 10-36 (20) Renumber. Replace \$150 with \$120.
- 10-36 (21) Renumber. Replace \$50 with \$40.
- 10-36 (22) Renumber. Replace \$40 with \$10.
- 10-36 (23) Renumber. Replace \$75 with \$60.

- 10-36 (24) Renumber. Replace \$50 with \$40.
- 10-36 (25) Renumber. No other change.
- 10-36 (26) Renumber. Replace \$150 to \$120.
- 10-36 (27) Renumber. No other change.
- 10-36 (28) Renumber. No other change.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

**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 10:30 a.m. on December 8, 2020. Written comments may be directed to Laura Smith, Administrator, Real Estate Appraisers 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 23, 2020. 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 necessary to ensure compliance with S.C. Code Section 40-1-50 which requires the Department to charge fees sufficient but not excessive to cover direct and indirect expenses of the program. The regulations are also necessary to ensure compliance with S.C. Code Section 40-60-360 which requires that the Department charge a fee for the renewal of the appraisal management company registration. Furthermore, the fees are reasonable because they reduce appraisers’ renewal fees and most other miscellaneous fees to account for the decrease in revenue needed for compliance with Section 40-1-50, and add a renewal fee for a license group that is required to be regulated by S.C. Code Section 40-60-330(A)(1) and required to pay a renewal fee by S.C. Code Section 40-60-360.

DESCRIPTION OF REGULATION: 10-36. Real Estate Appraisers Board.

Purpose: The proposed regulation reduces appraisers’ renewal fees and most fees charged by the Board, and adds a renewal fee for appraisal management companies, which currently have an initial registration fee but no renewal fee.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-60(H)(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 two changes: they will reduce fees across the board in recognition of the fact that S.C. Code 40-1-50 requires the Department to ensure that the Board charges fees sufficient but not excessive to cover the costs of administering the program; and they will add a renewal fee for appraisal management companies, which were required to be regulated by statute in 2017, and in recognition of the fact that S.C. Code 40-60-360 requires appraisal management companies to pay a fee for renewal.

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### 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 fees across the board to comport with S.C. Code 40-1-50 which requires the Department to ensure that the Board charges fees sufficient but not excessive to cover the costs of administering the program. The regulations will also add a renewal fee for appraisal management companies, which were required to be regulated by statute in 2017 and, pursuant to S.C. Code 40-60-360, are required to pay a fee for renewal.

### 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. 5010  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**AUCTIONEERS' COMMISSION**  
CHAPTER 14  
Statutory Authority: 1976 Code Section 40-6-40

- 14-1. Examinations
- 14-2. Reporting of Continuing Education.
- 14-3. Change of Address.
- 14-4. Display of License.
- 14-5. Advertising.
- 14-6. Allowing Unlicensed Bid Callers.
- 14-11. Written Agreements Relating to Auctions.
- 14-12. Late Fees.
- 14-13. Conditions for Apprentice. Exceptions.
- 14-15. Supervision of Apprentice Auctioneer.

### Preamble:

The South Carolina Auctioneers' Commission proposes to amend: R.14-1 related to examinations; R.14-2 related to reporting of continuing education; R.14-3 to delete the change of address fee; R.14-4 and R.14-5 to

combine and rename them, and to clarify requirements for displaying license and advertising; R.14-6 to rename the section and strike the word auctioneer from the section following the parenthetical referencing unlicensed bid callers; R.14-11 to rename to add escrow accounts; R.14-12 to rename the section and delete fees; and R.14-13 and R.14-15 to combine, rename and clarify requirements for apprentice auctioneers and supervisors.

**Section-by-Section Discussion**

14-1A. Strike the language describing when testing will be held and add language stating exams for licensure for apprentices, auctioneers and firms shall be administered as approved by the Commission.

14-1B. Remove requirement that application for exam must be received at least two weeks prior to the date of the exam and replace with language stating the application, with the non-refundable application fee, must be received and approved prior to scheduling the exam.

14-1C. Strike the sentence that the exam fee is non-refundable as it has moved to 14-1B. Add sentence that applicants are responsible for non-refundable exam fee, the amount of which is set by the provider.

14-1D. No change.

14-1D(1). No change.

14-1D(2). Replace “law” with “statutes and regulations.” Add Auctioneer’s Commission.

14-1D(3). No change.

14-1D(4). Delete reference to regulations as the language was added to 14-1D(2).

14-1E. Strike shall and add “s” to fail.

14-1F. Strike all.

14-1G. Strike all.

14-2A. Replace four with eight and add “biennial” in reference to renewal periods. Change language to reference licensing period instead of year, clarify that courses are approved by the Commission instead of pre-approved, and change one to two years referring to the time period for which an individual could receive continuing education credits after completing auctioneers school.

14-2B. No change.

14-3. Strike the language that a change of address notification must include a change of address fee.

14-4. Title. Add “And Advertising”.

14-4A. Strike “he is.”

14-4B. Move language from 14-5 stating advertisements for an auction shall contain the name and license number of the auctioneer or firm conducting the auction and the advertisement shall state it is an advertisement of an auctioneer or firm.

14-4C. Move language from 14-5 stating an auctioneer employed by a licensed real estate broker-in-charge must include the name and auctioneer license number in all advertisements.

14-4D. Move language from 14-5 stating an apprentice auctioneer shall not advertise without the approval of the auctioneer-supervisor, and an advertisement must include not only the name and license number of the apprentice auctioneer but also the name and license number of the auctioneer-supervisor.

14-5. Strike all and denote as repealed as language will be combined in R.14.

14-6. Strike title and replace with Licensees Prohibited from Using Unlicensed Bid Callers.

14-11. Add “and Escrow Accounts” to title.

14-11A. No change.

14-11B. No change.

14-12. Strike title and replace with Renewal Applications and Lapsed Licenses.

14-12A. Strike code reference. Change “each year” to “the renewal period.” Strike reference to \$25 late fee.

14-12B. Strike reference to \$100 late fee. Change “that year” to “the renewal period.”

14-12C. Add “of the renewal period”, correct citation, and strike “that year.”

14-13. Delete language and denote as repealed as language is added to R.14-15.

14-15. Strike title and replace with “Apprentice Auctioneer’s Supervision Requirements, Exception and Termination.”

14-15A. No change.

14-15B. No change.



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14-15C. Strike language providing that the auctioneer supervisor, upon termination of the association, shall immediately endorse the back of the apprentice's license, showing the date of termination, and return the same to the Commission for cancellation or transfer, as that language will be added to section D of R.14-15.

14-15D. Add section stating no applicant shall be deemed to have completed the apprenticeship until the applicant has participated in 80 hours of supervised training including 40 hours of auctioneering, 10 hours of auction ringing, 20 hours of clerking and 10 hours of cashiering. Add that training must be completed in not less than one year or more than two years. Add that section does not apply to apprentice auctioneers under supervising tobacco auctioneers.

14-15E. Move language from 14-15C stating that upon termination of the association, an auctioneer-supervisor shall immediately endorse the back of the apprentice's license, showing the date of termination, and return the same to the Commission for cancellation or transfer.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

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

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 14, 2020. 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 23, 2020. 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 conducted its review and repealed certain provisions in 2019. The Commission now wishes to further amend its regulations to make additional changes. First, the Commission is seeking to update R.14-1 regarding examinations as they are now offered by third party testing companies and no longer by the Commission. The Commission further seeks to amend 14-2 to reference biennial renewal as opposed to annual renewal. Other changes the Commission would like to make include: deleting reference to fees in 14-3 and 14-12, as they are now consolidated in Chapter 10 of the Code of Regulations; combining 14-4 with 14-5 and 14-13 with 14-15, as they contain related content and should be considered in conjunction with one another; and amending the title to 14-4, 14-6, 14-11, 14-12, and 14-15, to correctly reflect their content. The changes are necessary to conform to law and current practice and are reasonable in that they do not exceed statutory authority and do not create additional burdens for applicants or licensees.

DESCRIPTION OF REGULATION: Auctioneers' Commission.

Purpose: The Commission is seeking to amend its regulations to conform to law and current practice. The Commission seeks to: amend 14-2 to reference biennial renewal as opposed to annual renewal; amend 14-3 and 14-12 to delete fees that are now consolidated in Chapter 10 of the Code of Regulations; combine 14-4 with 14-5 and 14-13 with 14-15, as they contain related content and should be considered in conjunction with one another; and amend the title to 14-4, 14-6, 14-11, 14-12, and 14-15, to correctly reflect their content.

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 conducted its review and repealed certain provisions in 2019. The Commission now wishes to further amend its regulations to make additional changes. First, the Commission is seeking to update R.14-1 regarding examinations as they are now offered by third party testing companies and no longer by the Commission. The Commission further seeks to amend 14-2 to reference biennial renewal as opposed to annual renewal. Other changes the Commission would like to make include: deleting references to fees in 14-3 and 14-12, as they are now consolidated in Chapter 10 of the Code of Regulations; combining 14-4 with 14-5 and 14-13 with 14-15, as they contain related content and should be considered in conjunction with one another; and amending the title to 14-4, 14-6, 14-11, 14-12, and 14-15, to correctly reflect their content. The changes are necessary to conform to law and current practice and are reasonable in that they do not exceed statutory authority and do not create additional burdens for applicants or licensees.

**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: amend R.14-1 regarding examinations as they are now offered by third party testing companies and no longer by the Commission; amend 14-2 to reference biennial renewal as opposed to annual renewal; amend 14-3 and 14-12 to delete fees that are now consolidated in Chapter 10 of the Code of Regulations; combine 14-4 with 14-5 and 14-13 with 14-15, as they contain related content and should be considered in conjunction with one another; and amend the title to 14-4, 14-6, 14-11, 14-12, and 14-15, to correctly reflect their content.

**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.

## 76 PROPOSED REGULATIONS

Document No. 5012  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF REGISTRATION FOR FORESTERS**  
CHAPTER 53

Statutory Authority: 1976 Code Sections 48-27-140 and 48-27-190

- 53-2. Officers.
- 53-3. Meetings.
- 53-6. Committees.
- 53-7. Application for Registration.
- 53-8. Requirements for Registration.
- 53-9. Expiration and Renewal.
- 53-11. Reciprocity.
- 53-14. Exceptions.
- 53-20. Continuing Education Requirements.

### **Preamble:**

The South Carolina Board of Registration for Foresters proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete references to spring and fall meetings, delete the position of secretary, and delete certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to re-write the section title; R.53-11 to correct scriveners' errors, change the reference from person to applicant, and clarifying requirements for reciprocity; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits, clarify requirements, correct scriveners' errors, add accommodations for disability, illness and extenuating circumstances, and add an age and/or experience waiver for continuing education.

### Section-by-Section Discussion

53-2. Strike references to spring and fall meetings. Delete requirement of Board Chair to notify all other state boards of the reciprocity provision in the law. Delete duties of Vice Chair with the exception of performing the duties of the Chair in his absence. Delete position and duties of Secretary.

53-3. Strike language indicating Board meets to examine applicants and review applications and for other business. Add that they meet at least twice each year. Delete that they meet on dates designated by the Board. Delete statement that Chair will provide members ten days' notice of special meetings and replace with notice in accordance with FOIA.

53-6. Repeal.

53-7. Add option for electronic payment. Change "will be" to "is" regarding non-refundable application fee.

53-8. Strike minimum evidence satisfactory to the Board that an applicant is qualified for registration as a forester. Replace with requirements that applicant: take and pass a two-part exam, consisting of the Certified Forester Exam and the SC Specific Exam, and; satisfy education and experience required by the Board, consisting of two years' experience in character approved by the Board if the applicant graduated from a Board-approved department, college or school, or six years of experience if the applicant has not graduated from a curriculum in forestry.

53-9. Strike title reading, Expiration and Renewal, and replace with Renewal of License, Lapsed License and Reinstatement.

53-11. Strike person and replace with applicant. Move the phrase, "be registered to practice forestry in this state." Add "and passing the Part 2 SC Specific Examination." Strike requirement that resident of another state be licensed in his state, provided the state has a licensing program, prior to being licensed in this state by reciprocity.

53-14. Correct lettering only for purposes of consistency with other sections. No substantive changes.

53-20. Correct lettering and numbering for purposes of consistency with other sections. Change year to biennium. Change annual to biennial. Change year to renewal cycle. Change 10 to 20, 5 to 10, 2 to 4, to represent biennial licensure. Add possible CE waivers for licensees with disabilities, illness or other extenuating circumstances, and for age (age 60) and experience (30 years). Strike sentence stating the regulation because effective in 1990. Correct spelling of judgment.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

**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 10:30 a.m. on December 10, 2020. Written comments may be directed to Pam Dunkin, Administrator, Board of Registration for Foresters, 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 23, 2020. 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 conform to current law and procedures. The Board proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete references to spring and fall meetings, delete the position of secretary, and delete certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to re-write the section title; R.53-11 to correct scribes' errors, change the reference from person to applicant, and clarify requirements for reciprocity; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, correct scribes' errors, add accommodations for disability, illness and extenuating circumstances, and add an age and/or experience waiver for continuing education.

DESCRIPTION OF REGULATION: Board of Registration for Foresters.

Purpose: These regulations will conform to current law and procedures. The Board proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete references to spring and fall meetings, delete the position of secretary, and delete certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to re-write the section title; R.53-11 to correct scribes' errors, change the reference from person to applicant, and clarify requirements for reciprocity; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, correct scribes' errors, add accommodations for disability, illness and extenuating circumstances, and add an age and/or experience waiver for continuing education.

Legal Authority: 1976 Code Sections 48-27-140 and 48-27-190.

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.

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

These regulations are reasonable in that they do not impose additional burdens on licensees. They are necessary in that they update the regulations to conform to current law and procedures. Specifically, the Board proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete references to spring and fall meetings, delete the position of secretary, and delete certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to re-write the section title; R.53-11 to correct scriveners' errors, change the reference from person to applicant, and clarify requirements for reciprocity; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, correct scriveners' errors, add accommodations for disability, illness and extenuating circumstances, and add an age and/or experience wavier for continuing education.

### 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:

These regulations will conform to current law and procedures. The Board proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete references to spring and fall meetings, delete the position of secretary, and delete certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to re-write the section title; R.53-11 to correct scriveners' errors, change the reference from person to applicant, and clarify requirements for reciprocity; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, correct scriveners' errors, add accommodations for disability, illness and extenuating circumstances, and add an age and/or experience wavier for continuing education.

### 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. 5013  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**  
**CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-220

- 71-301. Partial exemption for employers with 10 or fewer employees.
- 71-310. Recording criteria for cases involving occupational hearing loss.
- 71-332. Annual summary.
- 71-335. Employee involvement.
- 71-337. State recordkeeping regulations.
- 71-341. Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.
- 71-346. Definitions.

**Preamble:**

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation.

Specifically, the Department proposes to amend Section 71-310 to clarify that employers must comply with the provisions of 71-305 when making a determination as to whether a worker’s hearing loss is work-related. The Department also intends to add a period after the word designee in R.71-341(a)(3) and to add R.71-341(a)(4) regarding the electronic submission of the Employer Identification Number (EIN) used by the establishment which was inadvertently omitted from a prior update to this section.

The Department further intends to correct scrivener’s errors and cross-references in the following sections: R.71-301(a)(1) relating to the requirements of 71-339; R.71-332(b)(2)(iii) relating to the reference for R.71-329(b)(4); R.71-335(b)(2)(iii) to change “for” to “of” relating to current or stored OSHA 300 logs; R.71-337 to correct a capitalization error and remove a hyphen in the word, “Cross Reference”; R.71-341(b)(5) to add an apostrophe and an “s” to the word “website”; R.71-341(c) to reformat and divide into two subparagraphs; R.71-341(c)(1) Table to correct formatting from five columns and five rows to four columns and four rows; and R.71-346(1)(iii) relating to the replacement of the SIC Code with the NAICS code.

Section-by-Section Discussion

- 71-301(a). No change.
- 71-301(a)(1). Strike workplace and replace with work-related. Add “the inpatient”, strike “or the”, both related to hospitalization. Add “an employee amputation, or an employee loss of an eye.”
- 71-301(a)(2). No change.
- 71-301(b). No change.
- 71-301(b)(1). No change.
- 71-301(b)(2). No change.
- 71-301(b)(3). No change.
- 71-310(a). No change.
- 71-310(b)(1)-(3). No change.
- 71-310(b)(4). Strike first and replace with retest. Change test to retest in the sentence that follows.
- 71-310(b)(5)-(7). No change.
- 71-332(a). No change.
- 71-332(a)(1)-(4). No change.
- 71-332(b). No change.
- 71-332(b)(1). No change.

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- 71-332(b)(2). No change.
- 71-332(b)(2)(i)-(ii). No change.
- 71-332(b)(2)(iii). Change summary “from” to summary “form.” Change 71-306(b)(4) to 71-329(b)(4).
- 71-332(b)(3)-(6). No change.
- 71-335(a). No change.
- 71-335(a)(1)-(3). No change.
- 71-335(b). No change.
- 71-335(b)(1). No change.
- 71-335(b)(1)(i)-(iv). No change.
- 71-335(b)(2). No change.
- 71-335(b)(2)(i)-(ii). No change.
- 71-335(b)(2)(iii). Change “for” to “of” when referring to current or stored OSHA 300 Logs.
- 71-335(b)(2)(iv)-(vi). No change.
- 71-337(a). No change.
- 71-337(b)(1)-(4). No change.
- 71-337(b)(5). Correct capitalization for Cross-Reference.
- 71-341(a). No change.
- 71-341(a)(1)-(2). No change.
- 71-341(a)(3). Strike subarticle 3 and add part 1904 in two places. Add a period at the end of the sentence.
- 71-341(a)(4). Add sentence 4 which was previously omitted related to electronic submission of the EIN.
- 71-341(b). No change.
- 71-341(b)(1). Correct spacing error, omitting a space before a period.
- 71-341(b)(2)-(4). No change.
- 71-341(b)(5). Add “s” to website.
- 71-341(b)(6)-(8). No change.
- 71-341(c)(1). Add (1) as a subparagraph of (c). Correct spacing in chart, removing empty columns, moving text into correct boxes, deleting extra row.
- 71-341(c)(2). Add (2) as a subparagraph of (c).
- 71-346. No change.
- 71-346(1). No change.
- 71-346(1)(i)-(ii). No change.
- 71-346(iii). Strike Standard Industrial Classification Manual (1987) and replace with North American Industry Classification System (2007) codes.
- 71-346(iv). No change.
- 71-346(2)-(4). No change.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

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

Should a hearing be requested pursuant to S. C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:30 a.m. on December 9, 2020. Written comments may be directed to Gwen Thomas, OSHA State Plan Manager, 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 23, 2020. 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 Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to amend its regulations to conform to Federal regulations, a requirement to maintain South Carolina's status as a State Plan State. The proposed regulations will: amend Section 71-310 to clarify that employers must comply with the provisions of 71-305 when making a determination as to whether a worker's hearing loss is work-related; add a period after the word "designee" in R.71-341(a)(3) and add R.71-341(a)(4) regarding the electronic submission of the Employer Identification Number (EIN) used by the establishment which was inadvertently omitted from a prior update to this section; and will correct scriveners' errors and cross-references in R.71-301(a)(1) relating to the requirements of 71-339, R.71-332(b)(2)(iii) relating to the reference for R.71-329(b)(4), R.71-335(b)(2)(iii) to change "for" to "of" relating to current or stored OSHA 300 logs, R.71-337 to correct a capitalization error and remove a hyphen in the word, "Cross Reference", R.71-341(b)(5) to add an apostrophe and an "s" to the word "website", R.71-341(c) to reformat and divide into two subparagraphs, R.71-341(c)(1) Table to correct formatting from five columns and five rows to four columns and four rows, and R.71-346(1)(iii) relating to the replacement of the SIC Code with the NAICS code.

**DESCRIPTION OF REGULATION:** Recording and Reporting Occupational Injuries and Illnesses.

**Purpose:** The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation. Specifically, the Department proposes to amend Section 71-310 to clarify that employers must comply with the provisions of 71-305 when making a determination as to whether a worker's hearing loss is work-related. The Department also intends to add a period after the word designee in R.71-341(a)(3) and to add R.71-341(a)(4) regarding the electronic submission of the Employer Identification Number (EIN) used by the establishment which was inadvertently omitted from a prior update to this section.

The Department further intends to correct scriveners' errors and cross-references in the following sections: R.71-301(a)(1) relating to the requirements of 71-339; R.71-332(b)(2)(iii) relating to the reference for R.71-329(b)(4); R.71-335(b)(2)(iii) to change "for" to "of" relating to current or stored OSHA 300 logs; R.71-337 to correct a capitalization error and remove a hyphen in the word, "Cross Reference"; R.71-341(b)(5) to add an apostrophe and an "s" to the word "website"; R.71-341(c) to reformat and divide into two subparagraphs; R.71-341(c)(1) Table to correct formatting from five columns and five rows to four columns and four rows; and R.71-346(1)(iii) relating to the replacement of the SIC Code with the NAICS code.

**Legal Authority:** 1976 Code Section 41-15-220.

**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 Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation. Specifically, the Department proposes to amend Section 71-310 to clarify that employers must comply with the provisions of 71-305 when making a determination as to whether a worker's hearing loss is work-related. The Department also intends to add a period after the word designee in R.71-341(a)(3) and to add R.71-341(a)(4) regarding the electronic submission of the Employer Identification Number (EIN) used by the establishment which was inadvertently omitted from a prior update to this section. The Department further intends to correct scriveners' errors and cross-references in the following sections: R.71-301(a)(1) relating to the requirements of 71-339; R.71-332(b)(2)(iii) relating to the reference for R.71-329(b)(4); R.71-335(b)(2)(iii) to change "for" to "of" relating to current or stored OSHA 300 logs;



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R.71-337 to correct a capitalization error and remove a hyphen in the word, “Cross Reference”; R.71-341(b)(5) to add an apostrophe and an “s” to the word “website”; R.71-341(c) to reformat and divide into two subparagraphs; R.71-341(c)(1) Table to correct formatting from five columns and five rows to four columns and four rows; and R.71-346(1)(iii) relating to the replacement of the SIC Code with the NAICS code.

### 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 regulations will: amend Section 71-310 to clarify that employers must comply with the provisions of 71-305 when making a determination as to whether a worker’s hearing loss is work-related; add a period after the word “designee” in R.71-341(a)(3) and add R.71-341(a)(4) regarding the electronic submission of the Employer Identification Number (EIN) used by the establishment which was inadvertently omitted from a prior update to this section; and will correct scriveners’ errors and cross-references in R.71-301(a)(1) relating to the requirements of 71-339, R.71-332(b)(2)(iii) relating to the reference for R.71-329(b)(4), R.71-335(b)(2)(iii) to change “for” to “of” relating to current or stored OSHA 300 logs, R.71-337 to correct a capitalization error and remove a hyphen in the word, “Cross Reference”, R.71-341(b)(5) to add an apostrophe and an “s” to the word “website”, R.71-341(c) to reformat and divide into two subparagraphs, R.71-341(c)(1) Table to correct formatting from five columns and five rows to four columns and four rows, and R.71-346(1)(iii) relating to the replacement of the SIC Code with the NAICS code.

### Text:

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

Document No. 5002  
**DEPARTMENT OF MOTOR VEHICLES**  
CHAPTER 90  
Statutory Authority: 1976 Code Section 56-23-100

90-100. Definitions.

90-101. Requirements and Application for Truck Driver Training School.

90-102. Management, Foreign Applicant, and Application Requirements; Naming Restrictions.

90-103. Truck Driver Training School License Renewal Application.

90-104. Application Information Changes.

- 90-105. Truck Driver Training School Branch Offices.
- 90-106. Truck Driver Training School License Required.
- 90-107. Truck Driver Training School Location, Physical Facilities and Courses of Instruction.
- 90-108. Facilities, Inspections, Course of Instruction, and Student Requirements.
- 90-109. Motor Vehicles Used in Instruction.
- 90-110. Truck Driver Training Motor Vehicles – Identification and Restrictions on Use.
- 90-111. Truck Driver Training School Motor Vehicle Registration, Insurance, and Inspection.
- 90-112. Insurance and Inspection Requirements.
- 90-113. Cancellation and Refund Policy.
- 90-114. Special Requirements.
- 90-115. Requirements for Application for Truck Driver Training School Instructor.
- 90-116. Original Application for Truck Driver Training Instructor’s License.
- 90-117. BTW Truck Driver Training Instructor’s License Renewal Application.
- 90-118. Surrender of Truck Driver Training Instructor’s License.
- 90-119. Truck Driver Training School Enrollment Contract Requirements.
- 90-120. Contracts.
- 90-121. Advertising.
- 90-122. Suspension, Revocation, refusal to Issue or Renew Truck Driver Training School License.
- 90-123. Suspension, Revocation, Refusal to Issue or Renew a Truck Driver Training School Instructor’s License.
- 90-160. Definitions.
- 90-161. General Application Requirements.
- 90-162. Driver Training School License Applicants Requirements.
- 90-163. Driving School Requirements.
- 90-164. Driver Training School License Application.
- 90-165. Driver Training School Motor Vehicle Liability Insurance Minimums.
- 90-166. Liability Insurance Coverage Requirements; Notice of Cancellation.
- 90-167. Driver Training School Instructor Qualifications.
- 90-168. Driving Instructors License Application Requirements.
- 90-169. Driver Training Instructor Licensing.
- 90-170. Registration, Inspection, and Required Equipment for Motor Vehicles Operated by Driver Training School.
- 90-171. Driver Training School Motor Vehicle Safety and Identification Requirements.
- 90-172. Driver Training School Facilities.
- 90-173. Driver Training School Physical Facilities, Hours of Operations, etc.
- 90-174. Driver Training School Course of Instruction.
- 90-175. Driver Training School Student Instruction Record.
- 90-176. Instruction Records and Files.
- 90-177. Receipts for Fees Paid for Instruction.
- 90-178. Driver Training School Contracts.
- 90-179. Driver Training School Contracts, Permanent Records.
- 90-180. Items Required for Display in Driver Training School Facility.
- 90-181. Inspection of School Facilities.
- 90-182. Driver Training School Complaints.
- 90-183. Driver Training School Advertising.
- 90-184. Suspension, Revocation, Refusal to Renew Driver Training School License.

**Preamble:**

The South Carolina Department of Motor Vehicles is amending Regulation 90, Article 2 on Truck Driver Training Schools and Article 3 on Driver Training Schools regarding how these entities conduct business in the State of South Carolina and are regulated by the Department of Motor Vehicles.

The intent of these amendments is to combine Articles 2 and 3 into a single article addressing driving schools as a whole regardless of what type of driver’s license for which the school trains.

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As of the publication date of this document, the Federal Motor Carrier Safety Administration (FMCSA) under the United States Department of Transportation (USDOT) will be requiring certain standards for training entry-level commercial drivers on February 7, 2022. Because the FMCSA is publishing, what it calls, the Entry-Level Driver Training Regulations (49 CFR §380.600), there is no need for certain duplicative information in state regulations. The current 1976 Code Section 56-1-2005 states, “The rules adopted by and regulations promulgated by the USDOT relating to the safety of operation and to equipment (49 CFR Parts 380, 382-385, and 390-399 and amendments thereto)...must be adopted and enforced in South Carolina.”

### Section-by-Section Discussion:

90-100. Definitions.

A.-Y. Deletes in its entirety.

90-101. Requirements and Application for Truck Driver Training School.

1.-2. Deletes in its entirety.

90-102. Management, Foreign Applicant, and Application Requirements; Naming Restrictions.

A.-D. Deletes in its entirety.

90-103. Truck Driver Training School License Renewal Application.

Deletes in its entirety.

90-104. Application Information Changes.

Deletes in its entirety.

90-105. Truck Driver Training School Branch Offices.

Deletes in its entirety.

90-106. Truck Driver Training School License Required.

Deletes in its entirety.

90-107. Truck Driver Training School Location, Physical Facilities, and Courses of Instruction.

Deletes in its entirety.

90-108. Facilities, Inspections, Course of Instruction, and Student Requirements.

A.-I. Deletes in its entirety.

90-109. Motor Vehicles Used in Instruction.

Deletes in its entirety.

90-111. Truck Driver Training School Motor Vehicle Registration, Insurance, and Inspection.

Deletes in its entirety.

90-112. Insurance and Inspection Requirements.

A.-B. Deletes in its entirety.

90-113. Cancellation and Refund Policy.

A.-C. Deletes in its entirety.

90-114. Special Requirements.

Deletes in its entirety.

90-115. Requirements for Application for Truck Driver Training School Instructor.

A.-D. Deletes in its entirety.

90-116. Original Application for Truck Driver Training Instructor's License.

Deletes in its entirety.

90-117. BTW Truck Driver Training Instructor's License Renewal Application.

Deletes in its entirety.

90-118. Surrender of Truck Driver Training Instructor's License.

Deletes in its entirety.

90-119. Truck Driver Training School Enrollment Contract Requirements.

1.-3. Deletes in its entirety.

90-120. Contracts.

A.-D. Deletes in its entirety.

90-121. Advertising.

1.-4. Deletes in its entirety.

90-122. Suspension, Revocation, Refusal to Issue or Renew Truck Driver Training School License.

A.-B. Deletes in its entirety.

90-123. Suspension, Revocation, Refusal to Issue or Renew a Truck Driver Training School Instructor's License.

A.-B. Deletes in its entirety.

90-160. Definitions.

A.-B. No change.

C. Inserts the word "any" where appropriate

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D.-F. No change.

### 90-161. General Application Requirements.

A.-D. Deletes in its entirety.

### 90-162. Driver Training School License Applicants Requirements.

Renumbers section to 90-161.

A. (1). Deletes in its entirety.

A. (2). Renumbered to reflect A. (1). deletion. Amended to read that the applicant must only be authorized to do business in South Carolina.

A. (3). Renumbered to reflect A. (1). deletion. Amended to read that the applicant has at least one employee who is licensed by the Department to instruct.

A. (4). Renumbered to reflect A. (1). deletion.

A. (5). Renumbered to reflect A. (1). deletion. Amended to read that the applicant must hold a driver's license as defined in the 1976 Code §56-1-20 or a license from a foreign jurisdiction that is equivalent.

B. No change.

C. Added to say that driver training schools that train drivers on commercial licenses must adhere to specific federal regulations on training drivers.

### 90-163. Driving School Requirements.

Renumbers section to 90-162.

A.-E. No change.

F.-G. Deletes in its entirety.

H.-J. Conforms to amended lettering. Newly labeled Subsection (H) adds requirement for National Criminal Background check.

I. Newly added subsection to say that changes must be reported in five business days.

### 90-164. Driver Training School License Application.

Renumbers section to 90-134.

A.-F. No change.

### 90-165. Driver Training School Motor Vehicle Liability Insurance Minimums.

Renumbers section to 90-164.

A. Updated to not mandate insurance minimums different than what's already in current law.

B.-C. No change.

### 90-166. Liability Insurance Coverage Requirements; Notice of Cancellation.

Renumbers section to 90-165.

A.-D. No change.

### 90-167. Driver Training School Instructor Qualifications.

Renumbers section to 90-166.

A.(1)-(7). No change

B. Deletes in its entirety.

### 90-168. Driving Instructors License Application Requirements.

Renumbers section to 90-16  
A.-B. No change.

90-169. Driver Training Instructor Licensing.

Renumbers section to 90-168.  
A. No change.  
B.-E. Deletes in its entirety.  
F. Conforms to amended lettering.  
G.-H. Deletes in its entirety.

90-170. Registration, Inspection, and Required Equipment for Motor Vehicles Operated by Driver Training Schools.

Renumbers section to 90-169.  
A.-C. No change.

90-171. Driver Training School Motor Vehicle Safety and Identification Requirements.

Renumbers section to 90-170.  
A. No change.  
B. Amended to specify that B pertains to only non-commercial driver training schools  
C. Added to outline what the vehicle(s) driver training schools training for commercial driver's licenses must be equipped with

90-172. Driver Training School Facilities.

Renumbers section to 90-171.  
No change.

90-173. Driver Training School Physical Facilities, Hours of Operation, etc.

Renumbers section to 90-172.  
A. No change.  
B. Deletes provision that a driver training school's physical facility must be at least 1500 feet from an SCDMV branch  
C. Deletes in its entirety.  
D. Conforms to amended lettering.  
E. Deletes in its entirety.  
F. Conforms to amended lettering.  
G. Deletes in its entirety.

90-174. Driver Training School Course of Instruction.

Renumbers section to 90-173.  
A.-D. No change.

90-175. Driver Training School Student Instruction Record.

Renumbers section to 90-174.  
A.-E. No change.

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### 90-176. Instruction Records and Files.

Renumbers section to 90-175.  
A.-B. No change.

### 90-177. Receipts for Fees Paid for Instruction.

Renumbers section to 90-176.  
A.-B. No change.

### 90-178. Driver Training School Contracts.

Renumbers section to 90-177.  
No change.

### 90-179. Driver Training School Contracts, Permanent Records.

Renumbers section to 90-178.  
A.-B. No change.

### 90-180. Items Required for Display in Driver Training School Facility.

Renumbers section to 90-179.  
A.-C. No change.

### 90-181. Inspection of School Facilities.

Renumbers section to 90-180.  
No change.

### 90-182. Driver Training School Complaints.

Deletes in its entirety; replaces with section 90-181. Cancellation and Refund Policy.

### 90-181. Cancellation and Refund Policy

Newly added section based off of current regulation 90-113. Cancellation and Refund Policy which is stricken in these proposed regulations.

A. Describes the criteria for a student to be entitled to a full refund.

B. Describes what refund amount a student is entitled to if starts program then withdraws without completing it.

### 90-183. Driver Training School Advertising.

Renumbers to section 90-182.  
No change.

### 90-184. Suspension, Revocation, Refusal to Renew Driver Training School License.

Renumbers to section 90-183.  
A.-D. No change.  
E. Repeals portion related to soliciting business within 1500 feet of an SCDMV branch.  
F.-G. No change.

90-184. Minimum Training Hours

- A. Outlines the minimum number of training hours for people training for commercial driver’s licenses
- B. Outlines the minimum number of training hours for people training for all other licenses

The Notice of Drafting was published in the *State Register* on August 28, 2020.

**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 on December 4, 2020 at 10 a.m. Written comments may be directed to John Padgett, Legislative Liaison, South Carolina Department of Motor Vehicles, Post Office Box 1498, Blythewood, South Carolina 29016, no later than Monday, November 23, 2020 at noon. 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:**

The SCDMV anticipates no state-incurred fiscal impact due to the amendment of these regulations.

**Statement of Need and Reasonableness:**

These regulations are amended in accordance with SC Code Ann. §56-23-100, which allows the Department to promulgate regulations to carry out the provisions within SC Code Title 56, Chapter 23 pertaining to Driver Training Schools. These regulations currently outline, in detail, how truck driver training schools and regular driver training schools carry out their operations.

Furthermore, as of the publication date of this document, the Federal Motor Carrier Safety Administration (FMCSA) under the United States Department of Transportation (USDOT) will be requiring certain standards for training entry-level commercial drivers on February 7, 2022. Because the FMCSA is publishing, what it calls, the Entry-Level Driver Training Regulations (49 CFR §380.600), there is no need for certain duplicative information in state regulations. The current 1976 Code Section 56-1-2005 states, “The rules adopted by and regulations promulgated by the USDOT relating to the safety of operation and to equipment (49 CFR Parts 380, 382-385, and 390-399 and amendments thereto)...must be adopted and enforced in South Carolina.”

**DESCRIPTION OF REGULATION:**

**Purpose:** The Department is updating its regulations to repeal some regulations on private businesses while maintaining the authority to regulate driver training schools. The revised regulations will repeal one of the articles in its entirety.

**Legal Authority:** 1976 Code Section 56-23-100.

**Plan for Implementation:** The revised regulations will take effect as set forth in Section 1-23-120 of the 1976 Code. The Department will notify current driver training schools of the revised regulations and post a link to the revised regulations on the agency’s website for at least one year after the effective date.

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

The Department is updating its regulations to repeal some regulations on private businesses while maintaining authority to regulate driver training schools. The revised regulations will repeal one of the articles in its entirety. These amendments are necessary to provide private businesses in South Carolina a less regulated environment while ensuring that proper checks and balances remain in place so schools provide all types of driver training with fidelity statewide.



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Furthermore, as of the publication date of this document, the Federal Motor Carrier Safety Administration (FMCSA) under the United States Department of Transportation (USDOT) will be requiring certain standards for training entry-level commercial drivers on February 7, 2022. Because the FMCSA is publishing, what it calls, the Entry-Level Driver Training Regulations (49 CFR §380.600), there is no need for duplicative information in state regulations.

### DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State, and the Department does not anticipate any increased operating costs for impacted driving schools. Additionally, there may be opportunities for cost savings for driving schools with these amended regulations. These opportunities include facility flexibility, among others.

### UNCERTAINTIES OF ESTIMATES:

The only uncertainty would be if the Federal Motor Carrier Safety Administration's (FMCSA) Entry-Level Driver Training Regulations (49 CFR §380.600) which take effect February 7, 2022 are amended from their current version to include fee changes. As of the publication of this document, however, there are no fees in FMCSA's regulations mentioned above.

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment nor 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 nor public health if the regulation is not implemented.

### Statement of Rationale:

These regulations are updated to remove antiquated requirements for truck driver training schools and regular driver's license training schools.

Furthermore, as of the publication date of this document, the Federal Motor Carrier Safety Administration (FMCSA) under the United States Department of Transportation (USDOT) will be requiring certain standards for training entry-level commercial drivers on February 7, 2022. Because the FMCSA is publishing, what it calls, the Entry-Level Driver Training Regulations (49 CFR §380.600), there is no need for certain duplicative information in state 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. 5007  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-15, 50-15-70, and 50-15-80

123-151.1 Regulations for Spotted Turtle.

123-151.3 Exchange and Transfer for Certain Native Reptiles and Amphibians. (New)

123.151.4 Possession Limits for Certain Native Reptiles and Amphibians. (New)

**Preamble:**

The South Carolina Department of Natural Resources is proposing to amend the existing regulations for species and subspecies of non-game wildlife for the management of native reptile and amphibian species. This includes limitations on, and permitting for, the possession, transfer, sale, barter, trade, shipment, and removal from this State of native reptile and amphibian species. The following is a section-by-section summary of the proposed changes and additions:

123-151.1. Regulations for Spotted Turtle.

- A. Specifies spotted turtles may only be possessed by permit
- B. Describes spotted turtle permit conditions and reporting
  - 1. Specifies conditions for spotted turtle possession permits
  - 2. Specifies criteria for registration of possessed spotted turtles
    - a. Specifies marking for spotted turtle identification
  - 3. Prohibits the addition of spotted turtles under previous permits
  - 4. Establishes annual permitting for spotted turtle possession
  - 5. Establishes spotted turtle permit conditions
    - a. Prohibits sale, purchase, trade, exchange, gift, or barter
    - b. Prohibits collection of wild spotted turtles
    - c. Requires that individual turtles have identification marks
    - d. Specifies that unmarked spotted turtles may only be possessed by scientific collecting permit
    - e. Specifies that reproduction of spotted turtles must be for scientific or conservation purposes as permitted by the Department.
- C. Specifies permit reporting requirements
  - 1. Describes permit renewal reporting requirements
  - 2. Specifies that deaths and dispositions must be reported
- D. Updates reference to statutory penalty section

123-151.3. Exchange and Transfer for Certain Native Reptiles and Amphibians.

- A. Establishes protections for native reptiles and amphibians and describes conditions under which they may be transferred and exchanged by exemption.
  - 1. Allows transfer to the Department or Department designated recipient
  - 2. Provides exemption for transfer subject to other State and Federal law and clarifies application of regulation.
  - 3. Describes transfer criteria for zoos and aquaria, research institutions, educational displays, and schools.
  - 4. Allows for laboratory produced venom and venom products to be exchanged.
  - 5. Allows transfer, sale, and trade of non-wild type snakes
  - 6. Describes conditions for exchange of three wild-type snake species produced in captivity.
  - 7. Describes conditions for exchange of three wild-type snake species produced in captivity.
  - 8. Describes conditions for exchange of one wild-type snake species produced in captivity.
  - 9. Sets conditions for permitting of harvest and sale of yellowbellied turtles and snapping turtles.
  - 10. Clarifies that American Alligators are regulated by other provisions of Title 50.
  - 11. Allows sale and trade of bull frogs
  - 12. Allows transfer of native reptiles and Amphibians to Department permitted Wildlife Rehabilitators, describes conditions of transfer, and establishes permitting conditions for rehabilitators.
    - a. Requires Department permitted Wildlife Rehabilitators provide appropriate care
      - i. Describes minimum husbandry requirements
      - ii. Requires water to be provided
      - iii. Requires appropriate feeding
      - iv. Requires appropriate disease and pest control
    - b. Requires Department permitted Wildlife Rehabilitators to have veterinary care available
      - i. Describes conditions to document veterinary care
      - ii. Describes conditions to document veterinary care

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c. Describes requirements for annual reporting

13. Allows State and Federally recognized Native American Tribe members to transfer cultural items containing native reptile and amphibian parts

B. Describes requirements and permitting for native reptile and amphibian collections to be exported from the state

C. Describes temporary export permit conditions where the animals will return to their state of origin

D. Clarifies permit requirements for possession of species designated as state endangered or threatened and in need of management

E. References statutory penalties section

123-151.4. Possession Limits for Certain Native Reptiles and Amphibians.

A. Clarifies permit requirements for possession of species designated as state endangered or threatened and in need of management

B. Repeats the aggregate possession limit for native turtles set in Statute

C. Provides for and describes the required registration of turtle collections in excess of the established limits

D. Describes statutory possession limit for eastern box turtle and describes registration and marking for those that exceed the limits.

1. Specifies marking for eastern box turtles

2. Describes annual reporting requirements for permit

E. Clarifies possession limit for diamondback terrapin

F. States statutory possession limit, of five per species, for eleven native turtle species

G. Allows Scientific Collection Permit to be issued for possession in excess of established limits and specifies purposes for issuance

H. Allows permits issuance to exceed established limits and describes eligible entities

I. Clarifies that regulations 123-151.3 and 123-150.4 apply to the transfer of native reptiles and amphibians

J. References statutory penalties section

A Notice of Drafting for this regulation was published on September 25, 2020 in the *South Carolina State Register*, Volume 44, 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 December 3, 2020 at 10:00 am in Room 335, 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 24, 2020.

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

The amendment of Regulations 123-151 will result in limited fiscal impact. These regulations decrease exploitation of wild collected native reptiles and amphibians while allowing educational, rehabilitation, and research to continue. While the sale of wild collected native species will be curtailed, sales tax generation through the sale of a number of species of captive produced reptiles important to the trade and associated business licensing will continue and should provide an increased demand for these specimens that are legally produced.

### **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:** Regulations for Spotted Turtle; and Exchange and Transfer for Certain Native Reptiles and Amphibians.

**Purpose:** These regulations amend and add to Regulations 123-151 in order to establish protection for native reptiles and amphibians and set conditions for lawful possession, transfer, sale, barter, trade, shipment and removal from the state, and attempt of any of the preceding as well as establishing permitting and permitting conditions. These regulations support implementation of Act 177 and provide for the registration and other functions of the Act, including lawful possession and transfer situations.

**Legal Authority:** Under Section 50-15-15, of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over native reptiles and amphibians and is able to promulgate regulations for the appropriate management of native reptile and amphibians species including limitations on, and permitting for, the possession, transfer, sale, barter, trade, shipment, and removal from this State of native reptile and amphibian species. Under section 50-15-20, the Department of Natural Resources is authorized to designate nongame species as threatened and in need of management and to establish regulation related to take, possession, transport, export, processing, sale or offer for sale, or shipment of designated species. Under section 50-15-30 and 50-15-40, the take, possession and transport of state listed species is prohibited and the Department may permit these activities. Under section 50-15-60, the Department of Natural Resources is authorized to promulgate regulations as are necessary to carry out the purpose of the article. Under section 50-15-70, possession limits are established for native turtles and the section allows the Department of Natural Resources to permit possession in excess of the established limits for scientific, zoological, conservation, or other special purposes.

**Plan for Implementation:** Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations into the website. 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:**

South Carolina's native reptiles and amphibians continue to face threats from extensive commercial collection from the wild and other negative pressures. The passage of recent reptile and amphibian legislation (Act 177) protects native turtles by statute and allows the Department to protect other species by regulation. In order to ensure that other reptile and amphibian species are not targeted for collection and exploit, regulation is needed. Additionally, there is a need to provide legal means for the transfer of native turtles and the ability to exceed the statutory limits for scientific, zoological, conservation, and other special purposes.

**DETERMINATION OF COSTS AND BENEFITS:**

Implementation of the proposed regulation will not require any additional costs to the state. These regulations decrease exploitation of wild collected native reptiles and amphibians while allowing educational, rehabilitation, and research to continue. While the sale of wild collected native species will be curtailed, sales tax generation through the sale of a number of species of captive produced reptiles important to the trade and associated business licensing will continue and should provide an increased demand for these specimens that are legally produced.

**UNCERTAINTIES OF ESTIMATES:**

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The promulgation of these regulations will not have any negative impacts on public health, but will benefit the natural resources of this state, by helping to ensure wild populations of native reptiles and amphibians can continue to persist.

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

No detrimental impact on public health will occur if this proposed regulation is not implemented. Failure to implement this regulation will allow unregulated take and global sale of wild collected native reptiles and amphibians to continue and can contribute to decline and extirpation of populations of these species.

### Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations. These regulations have been developed with the input of staff, professional biologists, members of the public, and an array of stakeholders. These regulations have been circulated in draft form to stakeholders since late 2019 and incorporate many of the comments and suggestions that have been provided.

### 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. 5011  
**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.

### 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.

B. Game Zone 2

6. Belfast WMA

- (e)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
- (ii) Establishes bag limits for all small game species

12. Delta South WMA

- (c)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
- (ii) Establishes bag limits for all small game species

C. Game Zone 3

4. Ditch Pond Heritage Preserve WMA

- (b)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
- (ii) Establishes bag limits for all small game species

6. Francis Marion National Forest

- (d) Hellhole WMA

- (iv)(1) Sets date for youth only deer hunt with dogs
- (f)Wambaw WMA
  - (iv)(1) Sets date for youth only deer hunt with dogs
- 7. Moultrie
  - (c) Greenfield WMA
    - (ii)(1) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (2) Establishes bag limits for all small game species
- 8. Santee Cooper WMA
  - (f)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 9. Webb WMA
  - (f)(i) Sets seasons for all small game species
- 11. Donnelley WMA
  - (e)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 13. Bonneau Ferry WMA
  - (b)(i)(1) Expands dates for Still Gun Hunts for Deer
  - (e)(i) Expands dates for fishing
- 14. Santee Coastal Reserve WMA
  - (d)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 16. Edisto River WMA
  - (d)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 18. Palachucola WMA
  - (g)(i) Sets seasons for all small game species
- 20. Tillman Sand Ridge Heritage Preserve WMA
  - (b)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 22. Hamilton Ridge WMA
  - (g)(i) Sets seasons for all small game species
- D. Game Zone 4
  - 5. Pee Dee Station Site WMA
    - (d)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (ii) Establishes bag limits for all small game species
  - 6. Woodbury WMA
    - (h)(i) Sets seasons and bag limits for raccoon and opossum
    - (i)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (ii) Specifies seasons and bag limits for small game
  - 7. Little Pee Dee Complex WMA
    - (g) Sets seasons and bag limits for raccoon and opossum
    - (h)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (ii) Establishes bag limits for all small game species
  - 8. Great Pee Dee Heritage Preserve WMA
    - (g)(i) Sets seasons and bag limits for raccoon and opossum
    - (h)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (ii) Establishes bag limits for all small game species
  - 9. Longleaf Pine Heritage Preserve WMA
    - (c)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
    - (ii) Establishes bag limits for all small game species
  - 10. Manchester State Forest WMA
    - (a)(i) Sets dates for Archery Deer Hunts
    - (b)(i) Sets dates for Still Gun Hunts for Deer

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- (ii) Prohibits mand drives for deer
- (d)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
- (ii) Establishes bag limits for all small game species
- (e)(i) Sets season for Still Hunts for Hogs
- 13. Oak Lea WMA
  - (b)(i) Sets dates for Still Gun Hunts for Deer
  - (d)(i) Sets dates for quail hunting
- 15. Wee Tee WMA
  - (a)(i) Sets dates for Archery Hunts for Deer
  - (e)(i) Specifies seasons and bag limits for small game
  - (ii) Establishes bag limits for all small game species
- 18. Cartwheel Bay Heritage Preserve WMA
  - (b)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 19. Lewis Ocean Bay Heritage Preserve WMA
  - (e)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species
- 20. Waccamaw River Heritage Preserve WMA
  - (f)(i) Consolidates seasons for all small game species as Thanksgiving Day-March 1
  - (ii) Establishes bag limits for all small game species

### Weapons

3.6 Prohibits shooting from, on or across all roads open to vehicular traffic during all gun hunts

### Waterfowl and Dove Regulations

10.10 Expands waterfowl hunting opportunity on named WMAs

### Public Bird Dog Training Area

12.2 Removed requirement for proof of purchase of pen raised quail

### Subarticle 3

### Other Big Game

123-51. Turkey Hunting Rules and Seasons.

C. Game Zone 3

10. (a) Expands turkey hunting opportunity on Santee Coastal Reserve WMA

B. Game Zone 4

10. (c) Removes restrictions on turkey hunting on Manchester State Forest WMA

12. (c) Removes restrictions on turkey hunting on Oak Lea WMA

14. (c) Removes restrictions on turkey hunting on Wee Tee WMA

A Notice of Drafting for this regulation was published on September 25, 2020 in the *South Carolina State Register*, Volume 44, 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 December 3, 2020 at 10:00 am in Room 335 of the 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 24, 2020.

**Preliminary Fiscal Impact Statement:**

The amendment of Regulations 123-40, 123-51, and 123-52 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 and 123-51 to set seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas 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 50-11-96 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, seasons and bag limits are changed 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. The minor changes proposed below increase public opportunity, reduce conflicts between user groups, and provide for increased user and public safety.

**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:**



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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 the 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.

Filed: October 1, 2020 3:26pm

Document No. 4999  
**CLEMSON UNIVERSITY**  
**STATE CROP PEST COMMISSION**  
 CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

27-58. Asian Longhorned Beetle Quarantine.

**Emergency Situation:**

The Asian Longhorned Beetle (ALB) is a federally actionable, quarantine level pest requiring swift action on the part of the state of South Carolina to identify, contain, and eradicate the infestation. Survey, quarantine, and tree removals will be a necessary part of this program in order to achieve eradication, which has been successfully attained in other states with the establishment of similar regulations. The emergency quarantine will establish boundaries extending to about one and one-half miles from the nearest, known infested tree and will limit the movement of regulated articles from within those boundaries. This restriction is necessary to prevent further human-assisted movement of ALB during the eradication efforts. Lastly, the establishment of a state quarantine allows the United States Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) to implement a similar quarantine which mirrors the size of the state quarantine. Without the more localized state quarantine, USDA-APHIS would quarantine the entire state of South Carolina and many more citizens, businesses, and industries would be negatively impacted.

**Text:**

27-58. Asian Longhorned Beetle Quarantine.

58.1. Definitions.

A. "Asian Longhorned Beetle" (ALB) means the insect known as Asian longhorned beetle (*Anoplophora glabripennis*) in any living stage of development.

B. "Certificate" means a document or permit, electronic or otherwise, issued or authorized to be issued by the Department or USDA-APHIS inspector to allow the movement of regulated articles to any destination.

C. "Compliance agreement" means a written agreement between an individual or concern engaged in growing, dealing in, or moving regulated articles and a state or USDA-APHIS, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of emerald ash borer.

D. "Department" means the Clemson University Department of Plant Industry, or its representatives, acting on behalf of the South Carolina Crop Pest Commission or the Director and acting as the plant regulatory representative of South Carolina.

E. "Director" means the Director of Regulatory and Public Service Programs at Clemson University.

F. "Firewood" means any wooden material less than four feet in length that is gathered and used for fuel when species present are not labeled and/or readily identifiable.

G. "Inspector" means any authorized employee or agent of the State Crop Pest Commission, state, or USDA-APHIS, or any other person authorized by the Director to enforce the provisions of these regulations.

H. "Moved" means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

I. "Movement documents" means any certificates and/or compliance agreements applicable to these regulations issued by the Department, state, or USDA-APHIS representatives.

J. "Nursery stock" means all fruit, nut and shade trees, all ornamental plants and trees, bush fruits, buds, grafts, scions, vines, roots, bulbs, seedlings, slips or other portions of plants (excluding true seeds) grown or kept for

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propagation, sale or distribution. Also includes any other plant included by the Director, if regulating its movement is necessary to control any plant pest.

K. "Person" means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.

L. "Quarantined area" means the designated area set by the South Carolina Crop Pest Commission to isolate all known occurrences of the Asian longhorned beetle in one geographical area.

M. "Regulated Articles" means those articles that require a movement document(s) year-round except as indicated.

N. "USDA-APHIS" means the United States Department of Agriculture's Animal and Plant Health Inspection Service.

### 58.2. Regulated Articles.

A. The Asian longhorned beetle in any life stage.

B. Firewood (all hardwood species), and green lumber and other material living, dead, cut, or fallen, inclusive of nursery stock, logs, stumps, roots, branches, and debris of half an inch or more in diameter of the following genera: *Acer* (maple), *Aesculus* (horse chestnut), *Albizia* (mimosa), *Betula* (birch), *Cercidiphyllum* (katsura), *Fraxinus* (ash), *Koelreuteria* (golden rain tree), *Platanus* (sycamore), *Populus* (poplar), *Salix* (willow), *Sorbus* (mountain ash), *Ulmus* (elm), and any other genus of plant confirmed by the Department and/or USDA-APHIS to be a host of ALB.

C. Any other article, product, or means of conveyance not listed in paragraph (2) of this section may be designated as a regulated article if an inspector determines that it presents a risk of spreading ALB and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

### 58.3. Conditions Governing the Movement of Regulated Articles.

A. Regulated articles may not at any time be moved from quarantined parts of South Carolina or any other state into or through non-quarantined parts of South Carolina or any other state without a state- or federally-issued certificate and/or compliance agreement allowing for such movement provided that no other state or federal provisions prevent it.

B. Regulated articles may be moved from quarantined parts of South Carolina or any other state into or through quarantined parts of South Carolina or any other state without state- or federally-issued certificates and/or compliance agreements provided that no other state or federal provisions prevent it.

C. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions provided a scientific permit is securely attached to the container of such articles or to the article itself. Scientific permits may be supplied by the Department or USDA-APHIS.

### 58.4. Issuance of Movement Documents.

A. Certificates - An inspector from the Department or USDA-APHIS, or their representatives, will issue certificates for movement of regulated articles when it has been deemed that ALB is not apparently present and risk of movement of ALB from a quarantined area to a non-quarantined area has been mitigated. In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

B. Compliance Agreements - The Department or USDA-APHIS may enter into compliance agreements with persons growing, handling, or moving regulated articles once an inspector has reviewed all provisions of the compliance agreement and each agrees to comply with the provisions of this subpart and any conditions imposed under this subpart. As a condition of issuance of certificates for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infection and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles.

C. Attachment — Movement documents must be attached to or accompany shipments of all regulated articles or containers carrying regulated articles and such articles must be clearly marked with the name and address of the consignor and consignee.

D. Cancellation — Certificates and/or Compliance Agreements may be canceled orally or in writing by an inspector or representative of the Department or USDA-APHIS whenever the inspector determines that the holder of the certificate or compliance agreement has not complied with this subpart or any conditions imposed under this subpart.

#### 58.5. Inspection and Disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of South Carolina upon probable cause to believe that non-permitted or non-certified regulated articles are present; and, such inspector is authorized to seize, destroy or otherwise dispose of articles found to be moving in violation of these regulations.

#### 58.6. Removal of Areas from Regulation.

When satisfactory evidence has been presented that ALB has been eradicated from an area affected by this quarantine, the Department may remove regulated areas from the quarantine.

#### 58.7. Waiver of Liability.

The South Carolina State Crop Pest Commission disclaims liability for any cost incident to inspection or treatment required under the provisions of this quarantine, other than for the services of the South Carolina State Crop Pest Commission.

#### 58.8. Regulated Areas.

The areas listed in this emergency regulation are declared to be regulated areas where the pest is known to exist at a level or within proximity of a level which poses a risk of spreading the pest to non-infested areas of South Carolina and other states:

A. The portion of Charleston County, including portions or all of the municipalities of Hollywood, Ravenel, and Charleston that is bounded by a line starting at the intersection of Savannah Highway (U.S. 17) and Miley Hill Road; then follow Miley Hill Road south to intersection of Ellington School Road; then west on Ellington School Road to the intersection of Salters Hill Road; then south on Salters Hill Road to the intersection of (S.C. 162); then west on (S.C. 162) to the intersection of Gibson Road; southeast on Gibson Road to the intersection of Church Flats Road; then east to the intersection of Westervelt Road; south on Westervelt Road to the intersection of Shark Hole Road; then east and north on Shark Hole Road to the end of the road in marsh/creek of Wadmalaw River (80.2045760°W 32.7194025°N); then southeast along Wadmalaw river into Church Creek; east along Church Creek to intersection with unnamed creek at point (80.1399242°W 32.7117634°N); then north along the unnamed creek to the intersection with Chisolm Road at bridge; east then south on Chisolm Road to the intersection of Mary Ann Point Road; then east on Mary Ann Point Road to intersection of Main Road; north on Main Road to the intersection of Patton Avenue; then east on Patton Avenue and Fickling Hill Road to the intersection of Turtle Marsh Lane; Then west on Turtle Marsh Lane to intersection with point (80.0896517°W 32.7520536°N); then north along property boundaries from point (80.0896517°W 32.7520536°N) to point (80.0856907°W 32.7586340°N); then west to point (80.0920635°W 32.7629036°N) and north to the intersection of Old Pond Road and point (80.0910956°W 32.7650052°N); then northwest on Old Pond Road to the intersection of Joyner Road; then east on Joyner Road to the intersection with point (80.0920480°W 32.7690658°N); then northeast along property boundaries from point (80.0920480°W 32.7690658°N) to the intersection of point (80.0905036°W 32.7706821°N) and Simmons Creek; then north along Simmons Creek to the intersection of point (80.0889116°W 32.7782614°N) and the Stono River; then north across the main body of the Stono River and along Stono River Creeks to the intersection of Stono River Creeks and point

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(80.0749385°W 32.7919170°N); northwest along unnamed drainage ditch to the intersection of Savannah Highway (U.S. 17) at point (80.0783450°W 32.7962810°N); then west on Savannah Highway (U.S. 17) to intersection of Carolina Bay Drive; north on Carolina Bay Drive to intersection of Cornsilk Drive; west and north on Cornsilk Drive to intersection of Conservancy Lane; east on Conservancy Lane to intersection of Halfshell Lane; then north on Halfshell Lane to the intersection of Sanders Road; west on Sanders Road to the intersection of Bees Ferry Road; then east on Bees Ferry Road to the intersection of Proximity Drive; then northwest on Proximity Drive to the intersection of Barons Drive; west on Barons Drive to intersection with point (80.0992048°W 32.8267727°N); then north along property boundaries to the intersection with point (80.1046114°W 32.8355374°N); then east along property boundaries to intersection with point (80.0989634°W 32.8411654°N); then west along property boundaries to the intersection with point (80.1046759°W 32.8468555°N); then east to along property boundaries to the intersection with point (80.1015949°W 32.8495865°N); then west along property boundaries to the intersection with point (80.1276450°W 32.8542581°N); then south following property boundaries to the intersection with point (80.1333798°W 32.8411314°N); then west along property boundaries to the intersection with pint (80.1456840°W 32.8486665°N); then south following property boundaries to the intersection with the Charleston, Dorchester County Line at Rantowles Creek point (80.1495332°W 32.8205181°N); then south along the Charleston, Dorchester County Line to the terminus of Bulow Landing Road; west following Bulow Landing Road to the intersection of County Line Road; continuing west on County Line Road to intersection of Moberry Road; south on Moberry Road to the intersection with point (80.1929530°W 32.8103238°N); then west along property boundaries to intersection with point (80.2194253°W 32.8078565°N); then south along property boundaries to intersection of Old Jacksonboro Road at point (80.2231569°W 32.7853948°N); then east on Old Jacksonboro Road to intersection of Landover Road; south on Landover Road to intersection of Savannah Highway (U.S. 17); then west on Savannah Highway (U.S. 17) to the point of beginning.

B. Additional regulated areas may be designated as quarantined by the Department pursuant to S.C. Code of Regulation 27-135.

C. The official listing of quarantined areas in South Carolina shall be maintained and made publicly available on Clemson's website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives)

### Statement of Need and Reasonableness:

#### DESCRIPTION OF REGULATION:

Purpose: The proposed regulations will define the quarantine area and process for containing and eradicating the Asian Longhorned Beetle. Specifications for how some regulated articles may still move are also provided.

Legal Authority: S.C. Code Ann. Sections 46-9-40 and 46-9-50.

Plan for Implementation: In collaboration with United States Department of Agriculture dedicated South Carolina program staff, the described quarantine will be implemented and enforced immediately upon passage. Outreach and education efforts to inform the public about said quarantine have already ensued and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of regulated articles, such as nurseries, landscapers, and arborists, will be contacted by the ALB program and entered into a compliance agreement which will indicate their understanding of the new regulation and provide them with direct contact to program officials. Since the movement of yard debris may be impacted by this quarantine, a marshalling yard will be established by the program for the receipt of such materials for destruction at no cost to the affected citizen. There are plans for establishing permanent signage which will indicate when residents are entering or leaving ALB eradication areas.

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

ALB is an invasive wood-boring beetle that infests and kills hardwood trees in North America, preferring maples, elms, birch, true poplars, and willows, but also capable of reproducing in ash, Golden raintree, sycamore,

buckeye, katsura, mimosa and mountain ash. Signs of ALB start to show about 3 to 4 years after infestation, with tree death occurring in 10 to 15 years depending on the tree's overall health and site conditions. Infested trees do not recover, nor do they regenerate. Foresters have observed ALB-related tree deaths in every affected state, which in addition to South Carolina currently includes New York, Ohio, Massachusetts, New Jersey, and Illinois. Forestry is the number one industry in South Carolina with a total annual economic impact of \$17 billion. South Carolina exports \$1.4 billion in forest products each year and timber represents the state's number one rural commodity at \$759 million annually.

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

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

An ALB quarantine is necessary in South Carolina to aid eradication efforts, prevent additional pest spread, and save the many more yet to be affected trees in the state.

**DETERMINATION OF COSTS AND BENEFITS:**

The cost of this quarantine program is largely being supported by a grant from the USDA. Primarily impacted industries include foresters, nurseries, firewood producers, arborists, and landscapers. Through compliance agreements and added precautions, these industries will be able to continue business operations at nearly normal levels. Retarding or preventing movement of some regulated articles will increase expenses to these industries inside the quarantine, but these impacts are necessary to protect the much larger percentage located outside of the quarantine.

**UNCERTAINTIES OF ESTIMATES:**

Great efforts have gone into predicting and mitigating unnecessary financial impacts to the aforementioned industries through researching impacts from similar ALB quarantines in other states. Where these impacts are identified, efforts are made to provide movement allowances or other options to mitigate the risk of pest spread and provide as little negative impact to industry as possible.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

Will support and follow public health guidance and requirements as set forth by certain both State and Federal authorities.

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

## **104 EMERGENCY REGULATIONS**

Without implementation of the proposed regulations, ALB will spread at least to the borders of South Carolina where the USDA will establish their quarantine. Forestry and other industries would be impacted exponentially as a result of this pest spread, which would include millions of dead and falling trees, loss of critical habitats for wildlife, and reduced public safety.

### **Statement of Rationale:**

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

**Filed: September 24, 2020 8:30am**

Document No. 4998  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60 50-1-200, 50-1-220, 50-11-10, 50-11-310, 50-11-2200, and 50-11-2210

### **Emergency Situation:**

These emergency regulations amend and supersede indicated sections of South Carolina Department of Natural Resources Regulations 123-40. These regulations establish seasons, limits, and methods of take, for hunting small game and deer on Wildlife Management Areas throughout the state in order to avoid conflict between user groups and provide additional measures of safety. Because the affected hunting seasons begin as early as October 1, it is necessary to file these regulations as emergency.

### **Text:**

123-40. Wildlife Management Area Regulations.

#### ARTICLE 3

#### WILDLIFE AND FRESH WATER FISHERIES DIVISION—HUNTING REGULATIONS

#### SUBARTICLE 1

#### HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

### **B. Game Zone 2**

#### **6. Belfast WMA**

(a) All terrain vehicles are prohibited. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer and turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA.

(b) Designated as a Quality Deer Management Area.

(c) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(d) Still Gun Hunts for Deer

(i) Hunters selected by drawing

(e) Small Game (no fox squirrels)

(i) ~~Game Zone 2 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(ii) Game Zone 2 bag limits

## 12. Delta South WMA

(a) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(b) Still Gun Hunts for Deer

(i) Nov. 1-Nov. 21, Wednesdays and Saturdays Only.

(ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.

(c) Small Game (no fox squirrels)

(i) ~~Game Zone 2 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(ii) Game Zone 2 bag limits

## C. Game Zone 3

### 4. Ditch Pond Heritage Preserve WMA

(a) Archery Deer Hunts.

(i) Sept. 15 – Jan. 1

(b) Small Game (no fox squirrels).

(i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(ii) Game Zone 3 bag limits

### 6. Francis Marion National Forest

#### (d) Hellhole WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts

(iii) Deer Hunts with Dogs (shotguns only)

(1) 1<sup>st</sup> Sat. in Nov., 1<sup>st</sup> Sat. in Dec.

(a) 2 deer per day, buck only

(iv) Youth Only Deer Hunt with Dogs

(1) ~~2<sup>nd</sup> Sat. following the 2-day Wambaw buck-only hunt~~ in Nov.

(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day.

(v) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

#### (f) Wambaw WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts west of Hwy 17.

(2) Still gun hunts only East of Hwy 17. No buckshot.

(iii) Deer Hunts with Dogs (shotguns only)



## 106 EMERGENCY REGULATIONS

(1) Fri. in Sept. before the last Sat. Northampton dog hunt, Wed. and Thurs. before the 3<sup>rd</sup> Sat. in Nov. and 2<sup>nd</sup> Sat. in Oct., first 2 days excluding Sunday after Dec. 25

(a) 2 deer per day, buck only

(2) 2<sup>nd</sup> Sat. in Dec.

(a) 1 deer per day

(b) All deer must be checked in at designated check stations.

(iv) Youth Only Deer Hunt with Dogs

(1) ~~1<sup>st</sup> 3<sup>rd</sup> Saturday date specific either sex day~~ in November.

(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day.

(v) Seewee Special Use Area

(1) Archery Deer Hunts

(2) Sept. 15 – Jan. 1

(vi) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

### 7. Moultrie

#### (c) Greenfield WMA

(i) Still Gun Hunts for Deer

(1) Sept. 15 – Jan. 1

(ii) Small Game (no fox squirrels)

(1) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(2) Game Zone 3 bag limits

### 8. Santee Cooper WMA

(a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. Hunters limited to two deer/tree stands which must contain a label with the hunter's name and address. No stands may be placed on Santee Cooper WMA prior to Sept. 1. Campground is open during scheduled deer hunts only. All impoundments and posted buffers are closed to all public access Nov. 1 – Feb. 8 except during hunts as prescribed by the Department.

(b) Designated as a Quality Deer Management Area

(c) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(d) Primitive Weapons Deer Hunts

(i) Nov. 1 - Monday before Thanksgiving Day

(e) Special Gun Hunts for youth

(i) Hunters selected by drawing.

(ii) 1 deer per day

(f) Small Game (no fox squirrels)

(i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(ii) Game Zone 3 bag limits

### 9. Webb WMA

(a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving. Designated as a Quality Deer Management Area.

(b) Still Hunts for Deer

(i) Hunters selected by drawing

(ii) 2 deer, either-sex but only 1 buck

(c) Hog Hunts with Dogs

(i) 1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in May, 4<sup>th</sup> Thurs. – Sat. in June, 4<sup>th</sup> Thurs. – Sat. in July, and last Thurs. - Sat. in August

(d) Quail Hunts

(i) 2<sup>nd</sup> and 4<sup>th</sup> Wed. in Jan., 2<sup>nd</sup> and 4<sup>th</sup> Sat. in Jan., 1<sup>st</sup> and 3<sup>rd</sup> Sat. in Feb., 1<sup>st</sup> and 3<sup>rd</sup> Wed. in Feb.

(ii) Game Zone 3 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset

- (e) Raccoon and Opossum
  - (i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15- Mar. 1
  - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
  - (iii) Game Zone 3 bag limits
- (f) Other Small Game (no fox squirrels)
  - (i) ~~The full week of Thanksgiving~~ Day through the following Saturday, Dec. 15 - Mar. 1
  - (ii) Game Zone 3 bag limits

(g) Dove Hunting

**11. Donnelley WMA**

- (a) All hunters must sign in and out at the check station. Hunting in designated areas only.
- (b) Archery Deer Hunts
  - (i) Sept. 15 - Sept. 30
- (c) Still Gun Hunts for Deer
  - (i) Hunters selected by drawing
  - (ii) 3 deer, either-sex but only 1 buck
- (d) Hog Hunts with Dogs
  - (i) 1<sup>st</sup> Thurs. – Sat. in March
- (e) Small Game (no fox squirrels)
  - (i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 3 bag limits

**14. Santee Coastal Reserve WMA**

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Jan. 1
  - (ii) Hunting on mainland only
- (b) Hog Hunts with Dogs
  - (i) 2<sup>nd</sup> full week in March
- (c) Alligator Hunts
  - (i) Hunters selected by drawing only. Limited season with restricted access.
  - (ii) Limit and size restrictions as prescribed
- (d) Small Game (no fox squirrels)
  - (i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 3 bag limits

**16. Edisto River WMA**

- (a) Archery Deer Hunts
  - (i) Sept. 15 – Oct. 10
- (b) Still Gun Hunts for Deer
  - (i) Oct. 11 – Jan. 1
- (c) Raccoon and Opossum
  - (i) Game Zone 3 seasons and bag limits
- (d) Other Small Game
  - (i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 3 bag limits

**18. Palachucola WMA**

- (a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving WMA. Designated as a Quality Deer Management Area.
- (b) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (c) Still Gun Hunts for Deer
  - (i) Hunters selected by drawing
  - (ii) 3 deer, either-sex but only 1 buck
- (d) Hog Hunts with Dogs

## 108 EMERGENCY REGULATIONS

(i) 1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in May, 4<sup>th</sup> Thurs. – Sat. in June, 4<sup>th</sup> Thurs. – Sat. in July, and last Thurs. - Sat. in August

(e) Quail Hunts

(i) 2<sup>nd</sup> and 4<sup>th</sup> Wed. in Jan., 2<sup>nd</sup> and 4<sup>th</sup> Sat. in Jan., 1<sup>st</sup> and 3<sup>rd</sup> Sat. in Feb., 1<sup>st</sup> and 3<sup>rd</sup> Wed. in Feb.

(ii) Game Zone 3 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset.

(f) Raccoon and Opossum

(i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15- Mar. 1

(ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.

(iii) Game Zone 3 bag limits

(g) Other Small Game (no fox squirrels)

(i) ~~The full week of~~ Thanksgiving Day through the following Saturday, Dec. 15 - Mar. 1

(ii) Game Zone 3 bag limits

### 20. Tillman Sand Ridge Heritage Preserve WMA

(a) Archery Deer Hunts

(i) Sept. 15 - Jan. 1

(b) Small Game (no fox squirrels)

(i) ~~Game Zone 3 seasons and bag limits~~ Thanksgiving Day – Mar. 1

(ii) Game Zone 3 bag limits

### 22. Hamilton Ridge WMA

(a) Designated as a Quality Deer Management Area. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving the WMA.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 10

(c) Still Gun Hunts for Deer

(i) Hunters selected by drawing

(ii) 3 deer, either-sex but only 1 buck

(d) Hog Hunts with Dogs

(i) 1<sup>st</sup> Thurs. – Sat. in Mar., 2<sup>nd</sup> Thurs. – Sat. in May, 4<sup>th</sup> Thurs. – Sat. in June, 4<sup>th</sup> Thurs. – Sat. in July, and last Thurs. - Sat. in August.

(e) Quail Hunts

(i) 2<sup>nd</sup> and 4<sup>th</sup> Wed. in Jan., 2<sup>nd</sup> and 4<sup>th</sup> Sat. in Jan., 1<sup>st</sup> and 3<sup>rd</sup> Sat. in Feb., 1<sup>st</sup> and 3<sup>rd</sup> Wed. in Feb.

(ii) Game Zone 3 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset.

(f) Raccoon and Opossum

(i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15- Mar. 1

(ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.

(iii) Game Zone 3 bag limits

(g) Other Small Game (no fox squirrels)

(i) ~~The full week of~~ Thanksgiving Day through the following Saturday, Dec. 15 - Mar. 1

(ii) Game Zone 3 bag limits

(iii) Dove hunting on designated public dove field only

## D. Game Zone 4

### 5. Pee Dee Station Site WMA

(a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(c) Primitive Weapons Deer Hunts

(i) Nov. 1 - Nov. 30

- (d) Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits

#### 6. Woodbury WMA

- (a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
- (b) Designated as a Quality Deer Management Area
- (c) Archery Deer Hunts
  - (i) Sept. 15 – Oct. 10
- (d) Primitive Weapons Deer Hunts
  - (i) Oct. 11 - Oct. 20
- (e) Still Gun Hunts for Deer
  - (i) Oct. 21 - Jan. 1
- (f) Still Hog Hunts
  - (i) First full week in Mar.
- (g) Hog Hunts with Dogs
  - (i) 3<sup>rd</sup> full week in Mar. and 3<sup>rd</sup> full week in May
- (h) Raccoon and opossum
  - (i) Game Zone 4 seasons and bag limits
- ~~(h)~~(i) Other Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits

#### 7. Little Pee Dee Complex WMA

- (a) Includes Little Pee Dee River HP, Tilghman HP, Dargan HP and Ward HP in Horry and Marion Counties. This also includes the Upper Gunters Island and Huggins tracts in Horry Co. which are part of Dargan HP.
- (b) Archery Deer Hunts
  - (i) Sept. 15 – Oct. 10
- (c) Primitive Weapons Deer Hunts
  - (i) Oct. 11 – Oct. 20.
- (d) Still Gun Hunts for Deer
  - (i) Oct. 21 - Jan. 1.
- (e) Still Hog Hunts
  - (i) First full week in Mar.
- (f) Hog Hunts with Dogs
  - (i) 2<sup>nd</sup> full week in Mar.
- (g) Raccoon and opossum
  - (i) Game Zone 4 seasons and bag limits
- ~~(g)~~(h) Other Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits
- ~~(h)~~(i) Bear Season
  - (i) October 17 – October 30

#### 8. Great Pee Dee Heritage Preserve WMA

- (a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.
- (b) For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset.
- (c) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 31
- (d) Still Gun Hunts for Deer
  - (i) Nov. 1 - Nov. 30
- (e) Still Hog Hunts

## 110 EMERGENCY REGULATIONS

- (i) First full week in March
- (f) Hog Hunts with Dogs
  - (i) 3<sup>rd</sup> full week in Mar. and 3<sup>rd</sup> full week in May
- (g) Raccoon and opossum
  - (i) Game Zone 4 seasons and bag limits
  - ~~(g)(h) Other Small Game (no fox squirrels)~~
    - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
    - (ii) Game Zone 4 bag limits

### 9. Longleaf Pine Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (b) Still Gun Hunts for Deer
  - (i) Oct. 11 - Jan. 1
- (c) Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits

### 18. Cartwheel Bay Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 – Jan. 1
- (b) Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits
- (c) Bear Season
  - (i) October 17 – October 30

### 19. Lewis Ocean Bay Heritage Preserve WMA

- (a) All deer hunters must sign in and sign out daily and record harvest at the kiosk.
- (b) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (c) Primitive Weapons Deer Hunts
  - (i) Oct. 11 - Oct. 20
- (d) Still Gun Hunts for Deer
  - (i) Oct. 21 - Jan. 1.
- (e) Small Game (no fox squirrels).
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits
- (f) Bear Season
  - (i) October 17 – October 30

### 20. Waccamaw River Heritage Preserve WMA

- (a) Archery Deer Hunts
  - (i) Sept. 15 - Oct. 10
- (b) Primitive Weapons Deer Hunts
  - (i) Oct. 11 - Oct. 20
- (c) Still Gun Hunts for Deer
  - (i) Oct. 21 - Jan. 1
- (d) Still Hog Hunts
  - (i) First full week in March
- (e) Hog Hunts with Dogs
  - (i) 2<sup>nd</sup> full week in Mar.
- (f) Small Game (no fox squirrels)
  - (i) ~~Game Zone 4 seasons and bag limits~~ Thanksgiving Day – Mar. 1
  - (ii) Game Zone 4 bag limits
- (g) Bear Season
  - (i) October 17 – October 30

## WEAPONS

3.6 On WMA lands during ~~still~~ gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

## WATERFOWL &amp; DOVE REGULATIONS

10.10 On Crackerneck WMA, waterfowl may be hunted only on Fri., Sat. and Thanksgiving Day within the regular migratory bird seasons and no hunting on Dec. 25; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachucola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during the regular migratory bird seasons only on days when small game hunting is allowed and the entire week of Thanksgiving, Sundays excluded.

## PUBLIC BIRD DOG TRAINING AREAS

12.2 It shall be unlawful to take game by any means while training bird dogs, except during the lawful open seasons for such game; provided, however, that pen raised quail or pigeons may be taken at any time for training bird dogs. ~~The dog trainer must possess proof of purchase of pen raised quail.~~

**Statement of Need and Reasonableness:**

Conflicts between hunting user groups can potentially result in safety issues or diminished quality of experience for users. Segregating user groups in time or space can eliminate or reduce potential conflicts. Since there are potential issues of public safety involved and since hunting affected hunting seasons begin as early as October 1, it is necessary to file these regulations as emergency.

**Fiscal Impact Statement:**

The amendment of Regulations 123-40 will result in increased public hunting opportunities which 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.