

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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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.

2024 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

| | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. |
|---------------------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|
| Submission Deadline | 1/12 | 2/9 | 3/8 | 4/12 | 5/10 | 6/14 | 7/12 | 8/9 | 9/13 | 10/11 | 11/8 | 12/13 |
| Publishing Date | 1/26 | 2/23 | 3/22 | 4/26 | 5/24 | 6/28 | 7/26 | 8/23 | 9/27 | 10/25 | 11/22 | 12/27 |

REPRODUCING OFFICIAL DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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

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

| DOC. NO. | RAT. NO. | FINAL ISSUE | SUBJECT | EXP. DATE | AGENCY | HOUSE COMMITTEE | SENATE COMMITTEE |
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| 5145 | SR48-2 | | Child Support Guidelines | 01/13/2024 | Dept of Social Services | Regs and Admin Procedures | Judiciary |
| 5175 | | | Plant Pests | 03/11/2024 | Clemson University | Regs and Admin Procedures | Ag and Nat Resources |
| 5111 | | | Campaign Practices and Reports | 05/08/2024 | State Ethics Commission | Regs and Admin Procedures | Judiciary |
| 5112 | | | Contested Case Procedure | 05/08/2024 | State Ethics Commission | Regs and Admin Procedures | Judiciary |
| 5113 | | | General | 05/08/2024 | State Ethics Commission | Regs and Admin Procedures | Judiciary |
| 5115 | | | Statement of Economic Interests and Contract Disclosure Forms | 05/08/2024 | State Ethics Commission | Regs and Admin Procedures | Judiciary |
| 5114 | | | Lobbyists, Lobbyist's Principals and Rating Entities | 05/08/2024 | State Ethics Commission | Regs and Admin Procedures | Judiciary |
| 5180 | | | Definitions | 05/08/2024 | Dept of Disabilities and Special Needs | Regs and Admin Procedures | Medical Affairs |
| 5182 | | | Unclassified Facilities and Programs | 05/08/2024 | Dept of Disabilities and Special Needs | Regs and Admin Procedures | Medical Affairs |
| 5179 | | | License Requirement for Facilities and Programs | 05/08/2024 | Dept of Disabilities and Special Needs | Regs and Admin Procedures | Medical Affairs |
| 5181 | | | Day Programs for Persons with Intellectual Disability | 05/08/2024 | Dept of Disabilities and Special Needs | Regs and Admin Procedures | Medical Affairs |
| 5183 | | | Article 5, Sewerage Utilities | 05/08/2024 | Public Service Commission | Regs and Admin Procedures | Judiciary |
| 5177 | | | Article 3, Electric Systems | 05/08/2024 | Public Service Commission | Regs and Admin Procedures | Judiciary |
| 5191 | | | Solid Waste Management Regulation (Solar Projects) | 05/08/2024 | Dept of Health and Envir Control | Regs and Admin Procedures | Medical Affairs |
| 5168 | | | Article 8, Practice and Procedure | 05/08/2024 | Public Service Commission | Regs and Admin Procedures | Judiciary |
| 5176 | | Displaying the Flag | 05/08/2024 | State Board of Education | Regs and Admin Procedures | Education | |
| 5184 | | Article 7, Water Utilities | 05/08/2024 | Public Service Commission | Regs and Admin Procedures | Judiciary | |
| 5195 | | R.45-4, Certification of Program Instructions | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5196 | | R.45-5, Ballot Envelopes and Fold Over Ballot Cards | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5197 | | R.45-6, Defective Ballot Cards | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5192 | | R.45-1, Definitions | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5193 | | R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5198 | | R.45-7, Ballot Cards, Sealed After Tabulation | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5194 | | R.45-3, Tabulating Center Personnel | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5199 | | R.45-9, Write-in-Ballots, Sealed After Tabulation | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5204 | | R.45-10, Retention and Disposition of Certain Voting Records | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5224 | | R.45-8, Defective and Duplicate Ballot Cards, Sealed After Tabulation | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary | |
| 5222 | | Criteria for Entry into Programs of Special Education for Students with Disabilities | 05/08/2024 | State Board of Education | Regs and Admin Procedures | Education | |
| 5223 | | Operation of Public Student Transportation Services | 05/08/2024 | State Board of Education | Regs and Admin Procedures | Education | |
| 5178 | | Article 4, Gas Systems | 05/08/2024 | Public Service Commission | Regs and Admin Procedures | Judiciary | |
| 5200 | | Statement of Policy; Applying for a Permit; General Guidelines for All Critical Areas; and Specific Project Standards for Beaches and the Beach/Dune System | 05/08/2024 | Dept of Health and Envir Control | Regs and Admin Procedures | Ag and Nat Resources | |
| 5221 | | Billing Accounts | 05/08/2024 | Dept of Motor Vehicles | Regs and Admin Procedures | Transportation | |
| 5227 | | License Plates | 05/08/2024 | Dept of Motor Vehicles | Regs and Admin Procedures | Transportation | |
| 5228 | | Self-Insurers | 05/08/2024 | Dept of Motor Vehicles | Regs and Admin Procedures | Transportation | |
| 5226 | | Transportation of Radioactive Waste Into or Within South Carolina | 05/08/2024 | Dept of Health and Envir Control | Regs and Admin Procedures | Labor, Commerce and Industry | |
| 5210 | | Borrower's Preference Re Attorney and Insurance | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance | |
| 5215 | | Home Improvement Loans, Savings and Loan | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance | |
| 5216 | | Insurance and Fidelity Bond Protection | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance | |

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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| 5217 | Investment of Surpluses | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5219 | Limitations and Restrictions on Loans, Savings and Loan | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5207 | Mobile Home Loans, Savings and Loan | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5208 | Notice of Intention to Withdraw Shares | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5209 | Participation in RFC Loans | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5213 | Servicemen's Readjustment Act | 05/08/2024 | State Board of Financial Institutions | Regs and Admin Procedures | Banking and Insurance |
| 5201 | Emergency Election Procedures | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary |
| 5202 | Poll Worker Training; Candidate Withdrawals | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary |
| 5203 | Procedures for Electronic Petitions | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary |
| 5205 | Reports to State Election Commission by County Boards of Voter Registrations and Elections | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary |
| 5225 | Retention and Storage of Election Records and Election Equipment | 05/08/2024 | State Election Commission | Regs and Admin Procedures | Judiciary |
| 5249 | Additional Regulations Applicable to Specific Properties | 05/08/2024 | Dept of Natural Resources | Regs and Admin Procedures | Fish, Game and Forestry |
| 5250 | Rules and Regulations Governing the Issuance of Deer Depredation Permits | 05/08/2024 | Dept of Natural Resources | Regs and Admin Procedures | Fish, Game and Forestry |
| 5251 | Wildlife Management Area Regulations | 05/08/2024 | Dept of Natural Resources | Regs and Admin Procedures | Fish, Game and Forestry |
| 5229 | Family Day Care Homes | 05/08/2024 | Dept of Social Services | Regs and Admin Procedures | Family and Veterans' Services |
| 5231 | Residential Group Care Facilities for Children | 05/08/2024 | Dept of Social Services | Regs and Admin Procedures | Family and Veterans' Services |
| 5190 | Parking Regulations | 05/08/2024 | Dept of Mental Health | Regs and Admin Procedures | Medical Affairs |
| 5240 | Pharmacy Benefits Managers | 05/08/2024 | Dept of Insurance | Regs and Admin Procedures | Banking and Insurance |
| 5258 | Recordkeeping | 05/08/2024 | LLR-OSHA | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5236 | Compensation for the Occupational Health and Safety Review Board | 05/08/2024 | LLR-OSHA | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5257 | State Board of Pharmacy | 05/08/2024 | LLR-State Board of Pharmacy | Regs and Admin Procedures | Medical Affairs |
| 5247 | Board of Podiatry Examiners | 05/08/2024 | LLR-Board of Podiatry Examiners | Regs and Admin Procedures | Medical Affairs |
| 5235 | Board of Physical Therapy Examiners | 05/08/2024 | LLR-Board of Physical Therapy Examiners | Regs and Admin Procedures | Medical Affairs |
| 5256 | State Board of Examiners in Psychology | 05/08/2024 | LLR-State Board of Ex. in Psychology | Regs and Admin Procedures | Medical Affairs |
| 5253 | Real Estate Commission | 05/08/2024 | LLR-Real Estate Commission | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5238 | Real Estate Commission (Residential Property Condition Disclosure Statement Form) | 05/08/2024 | LLR-Real Estate Commission | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5243 | Fee Schedule for the Building Codes Council | 05/08/2024 | LLR | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5252 | State Board of Social Work Examiners | 05/08/2024 | LLR-State Board of Social Work Exam. | Regs and Admin Procedures | Family and Veterans' Services |
| 5237 | Board of Examiners in Speech/Language Pathology and Audiology | 05/08/2024 | LLR-Ex. in Speech/Language Path & Aud | Regs and Admin Procedures | Medical Affairs |
| 5233 | Fee Schedule for the Board of Medical Examiners | 05/08/2024 | LLR | Regs and Admin Procedures | Medical Affairs |
| 5248 | Building Codes Council | 05/08/2024 | LLR-Building Codes Council | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5254 | South Carolina Board of Chiropractic Examiners | 05/08/2024 | LLR-SC Board of Chiropractic Examiners | Regs and Admin Procedures | Medical Affairs |
| 5244 | State Licensing Board for Contractors | 05/08/2024 | LLR-State Licensing Board for Contractors | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5255 | Office of Elevators and Amusement Rides | 05/08/2024 | LLR-Off of Elev and Amusement Rides | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5246 | Professional Land Surveyor Licensure Requirements | 05/08/2024 | LLR-SC State Board of Registration for Prof Engineers and Land Surveyors | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5245 | Environmental Certification Board | 05/08/2024 | LLR-SC Environmental Certification Board | Regs and Admin Procedures | Labor, Commerce and Industry |
| 5187 | Quorum | 05/08/2024 | LLR-State Board of Reg for Foresters | Regs and Admin Procedures | Fish, Game and Forestry |
| 5234 | Athletic Trainers | 05/08/2024 | LLR-State Board of Medical Examiners | Regs and Admin Procedures | Medical Affairs |
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| 5259 | Turkey Hunting Rules and Seasons | 05/08/2024 | Dept of Natural Resources | Regs and Admin Procedures | Fish, Game and Forestry |
| 5260 | Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day | 05/08/2024 | Dept of Natural Resources | Regs and Admin Procedures | Fish, Game and Forestry |
| 5232 | Wilderness Therapeutic Camps for Children | 05/08/2024 | Dept of Social Services | Regs and Admin Procedures | Family and Veterans' Services |
| 5263 | Pesticide | 01/21/2025 | Clemson University | Regs and Admin Procedures | Ag and Nat Resources |
| 5266 | Payment of Compensation | 02/04/2025 | SC Workers' Compensation Commission | Regs and Admin Procedures | Judiciary |

REGULATIONS SUBMITTED TO GENEAL ASSEMBLY 3

| | | | | | |
|-------------------------------------|--|------------|----------------------------------|---------------------------|-----------------|
| 5269 | School and Classroom Library Materials | 03/01/2025 | State Board of Education | Regs and Admin Procedures | Education |
| Committee Request Withdrawal | | | | | |
| 5136 | Certification of Need for Health Facilities and Services | Tolled | Dept of Health and Envir Control | Regs and Admin Procedures | Medical Affairs |

4 EXECUTIVE ORDERS

Executive Order No. 2024-05

WHEREAS, on January 12, 2024, certain portions of the State of South Carolina were forecasted to experience severe weather conditions, including dangerous thunderstorms with the potential for tornadoes and damaging winds and wind gusts; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in one or more counties throughout the State were closed or operated on an abbreviated schedule to ensure the safety of state employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

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. Authorization of Leave with Pay Due to Severe Weather

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following county and on the following date:

January 12, 2024:

Abbreviated Schedule: Allendale County (closed at 12:00 p.m.), Bamberg County (closed at 1:00 p.m.), Fairfield County (closed at 3:00 p.m.), Orangeburg County (closed at 2:00 p.m.), Williamsburg County (closed at 3:00 p.m.).

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures without the need for further Orders.

Section 2. 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. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 16th DAY OF FEBRUARY, 2024.

HENRY MCMASTER
Governor

Executive Order No. 2024-06

WHEREAS, on December 14, 2021, the undersigned issued Executive Order No. 2021-42, suspending Charles B. Lemon from the office of Sheriff of Marlboro County, pursuant to article VI, section 8 of the South Carolina Constitution, after a Grand Jury convened in Marlboro County returned two Indictments charging him with one count of Assault and Battery of a High and Aggravated Nature, in violation of section 16-3-600(B)(1) 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, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2021-42 stated that the undersigned’s suspension of Charles B. Lemon was effective immediately and “until such time as he shall be formally acquitted or convicted”; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed Larry McNeil, of Bennettsville, South Carolina, “to serve as Sheriff of Marlboro County until Charles B. Lemon is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first”; and

WHEREAS, on or about January 24, 2024, a federal Grand Jury convened in the Florence Division of the United States District Court for the District of South Carolina returned an Indictment charging Charles B. Lemon with one count of Deprivation of Rights Under Color of Law, in violation of 18 U.S.C. § 242 and 18 U.S.C. § 2; and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the federal Indictment and the statutory definition and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Charles B. Lemon with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, see, e.g., *Koon v. United States*, 518 U.S. 81, 110 (1996) (“As noted above, 18 U.S.C. § 242 offenses may take a variety of forms, but they must involve willful violations of rights under color of law. . . . [W]e must conclude it is not unusual for a public official who is convicted of using his governmental authority to violate a person’s rights to lose his or her job and to be barred from future work in that field. . . . Public officials convicted of violating § 242 have done more than engage in serious criminal conduct; they have done so under color of the law they have sworn to uphold.”).

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 Charles B. Lemon shall remain suspended until such time as he shall be formally acquitted with respect to all pending charges or convicted of one or more of the above-referenced charges, or all of the aforementioned indictments are otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever occurs first. This action in no manner addresses the guilt or innocence of Charles B. Lemon and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

6 EXECUTIVE ORDERS

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 1st DAY OF MARCH, 2024.**

**HENRY MCMASTER
Governor**

DEPARTMENT OF CONSUMER AFFAIRS
NOTICE OF GENERAL PUBLIC INTEREST

CHANGES IN DOLLAR AMOUNTS

The Administrator of the Department of Consumer Affairs announces changes in dollar amounts pursuant to Sections 37-1-109 and 37-6-104(1)(e). Designated dollar amounts in the Consumer Protection Code are subject to change on July 1 of every even-numbered year based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI) for December of the preceding year. Due to the change between December 1976 CPI and December 2023 CPI, the designated dollar amounts will increase by 410% of the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2), which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1), respectively. The designated dollar amounts are found in Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-104(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-103(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 37-1-109(4), the Administrator is required to announce these changes by publication in the State Register by April 30 of each even-numbered year. The historical dollar amounts and additional information are available on the Department's website at consumer.sc.gov.

| Section | | Change Dollar Amount | |
|---------------------|--------------------------------------|----------------------------------|--------------------------------|
| | | From 7/1/2022 to 6/30/2024 | To 7/1/2024 to 6/30/2026 |
| 2.104(1)(e) | Consumer Credit Sale | 115,000.00 | 127,500.00 |
| 2.106(1)(b) | Consumer Lease | 115,000.00 | 127,500.00 |
| 2.203(1) | Delinquency Charge – Sales | 23.00 | 25.50 |
| 2.203(2) | Minimum Delinquency Charge | 9.20 | 10.20 |
| 2.407(1) | Security Interest – Sales | 4,600.00 | 5,100.00 |
| | | 1,380.00 | 1,530.00 |
| 2.705(1)(a) | Delinquency Charge – Rental Purchase | 18.40 | 20.40 |
| 2.705(1)(b) | Delinquency Charge – Rental Purchase | 9.20 | 10.20 |
| 3.104(d) | Consumer Loans | 115,000.00 | 127,500.00 |
| 3.203(1) | Delinquency Charge – Loans | 23.00 | 25.50 |
| 3.203(2) | Minimum Delinquency | 9.20 | 10.20 |
| 3.510 | Land as Security – Supervised Loans | 4,600.00 | 5,100.00 |
| 3.511 | Maximum Loan Term | 4,600.00 | 5,100.00 |
| | | 1,380.00 | 1,530.00 |
| 3.514 | Attorney's Fees – Supervised Loans | 4,600.00 | 5,100.00 |
| 5.103(2), (3) & (4) | Deficiency Judgment | 6,900.00 | 7,650.00 |
| 10.103 | Prepayment Penalty | 690,000.00 | 765,000.00 |
| 23.80 | Prepayment Penalty | 690,000.00 | 765,000.00 |

8 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

Former Greenwood Mills Liner Plant Site LWM File #51326

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Cost Recovery Settlement Agreement (“Settlement”) with Ginger Properties, LLC (“Ginger”).

Upon execution, the Settlement provides for the reimbursement of \$27,296.23 of the Department’s past response costs. The Settlement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended).

The Settlement relates to costs incurred by the Department in responding to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the former Greenwood Mills Liner Plant Site located in Orangeburg, South Carolina (“the Site”). In consideration of the obligation of payments to DHEC, the Settlement shall provide Ginger with contribution protection and certain contribution rights against any non-settlers pursuant to CERCLA 42 U.S.C. Section 9613.

A notice of settlement, contribution protection, and comment period will also be provided to other potentially responsible parties. The Settlement is available:

- (1) On-line at <https://apps.dhec.sc.gov/Environment/PublicNotices> or
- (2) By contacting Tim Wilbur at 803-898-0840 or wilburtd@dhec.sc.gov.

Any comments to the Settlement must be submitted in writing, postmarked no later than Monday, April 22, 2024, and addressed to: Tim Wilbur, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

UPON THE EFFECTIVE DATE OF THE SETTLEMENT AGREEMENT ALL CLAIMS BY ANY AND ALL PERSONS AGAINST GINGER PROPERTIES, LLC SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

The Office of the Attorney General has notified the South Carolina Department of Health and Environmental Control of legal proceedings involving a determination of real property interest in tidelands. Pursuant to S.C. Code Ann. § 48-39-220 (Supp. 2006), the Department is providing notice to the public of the following legal action(s):

Howard B. Sherman

v.

South Carolina Department of Health and Environmental Control and David McQueeney

2015-CP-10-5761

Charleston County

The Complaint was filed on or about October 26, 2015. The Answer of the South Carolina Department of Health and Environmental Control was filed on November 30, 2015. An Order of Dismissal was filed on December 12, 2016.

Calhoun D. Cunningham and Sheila C. Cunningham

v.

Romain Retreat Homeowners Association; Equity Trust Company, Custodian, FBO Calhoun D. Cunningham IRA; and South Carolina Department of Health and Environmental Control

Case No.: 2017-CP-10-1495

The Complaint was filed on or about March 23, 2017. A Consent Order was filed on or about February 6, 2018.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and Matt Leonhard

Case No. 2018-CP-26-00120

The Complaint was filed on January 10, 2018. The State's Answer was filed on February 9, 2018. The case is currently pending before the South Carolina Court of Appeals.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and Blue Chair Properties, LLC

Case No. 2020-CP-26-00878

Horry County

The Complaint was filed on or about February 6, 2020. The State of South Carolina filed an Answer to that suit on or about July 23, 2020. A Stipulation of Dismissal Without Prejudice was filed on February 8, 2021.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina; South Carolina Department of Health and Environmental Control; and John K. Kelly

Case No.: 2020-C-26-02703

Horry County

The Complaint was filed on or about April 28, 2020. An Order of Dismissal was filed on January 15, 2021.

Lisa R. and Rick M. Roberts

v.

State of South Carolina

Case No.: 2020-CP-10-05152

Charleston County

The Complaint was filed on or about November 20, 2020. The Answer of the State was filed January 22, 2021. An Order granting Intervenor's Motion for Summary Judgment was filed February 10, 2022.

East Cherry Grove Realty Co., LLC and Ray & Nixon, LLC

v.

State of South Carolina and Patrick Chambers

2021-CP-26-01476

Horry County

The Complaint was filed on or before March 9, 2021. The Amended Answer of the State was filed on September 21, 2021. A Stipulation of Dismissal was filed May 12, 2022.

East Cherry Grove Realty Co., LLC; and Ray & Nixon, LLC

v.

State of South Carolina and Richard Loomer

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2021-CP-26-02400

Horry County

The Complaint was filed on April 16, 2021. The Answer of the State of South Carolina was filed on September 20, 2021. A Consent Stipulation of Dismissal was filed on May 26, 2022.

East Cherry Grove Realty Co., LLC; and Ray & Nixon, LLC

v. State of South Carolina and Tex Taylor

2021-CP-26-01472

Horry County

The Complaint was filed on March 9, 2021. The State of South Carolina filed its Answer on September 1, 2021. A Stipulation of Dismissal was filed on May 12, 2022.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR TERMINATION REQUEST FOR 2010 1-HOUR SO₂ NAAQS ONGOING DATA REQUIREMENTS ANNUAL REPORT

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed termination request to the U.S. Environmental Protection Agency (EPA) for the annual assessment as required under 40 CFR 51.1205(b) for a facility that demonstrated attainment with the 1-hr Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as part of the Data Requirements Rule (DRR) using modeled emission rates that were less than the maximum permit allowable rates. The proposed termination request is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on April 22, 2024, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the proposed termination request. If requested, the Department will hold a public hearing on April 29, 2024, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on April 22, 2024, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact R. Scott Bigleman, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-0561; or email at biglemrs@dhec.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed termination request is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Synopsis:

On June 2, 2010, the EPA revised the primary NAAQS for SO₂ by establishing a 1-hour standard at a level of 75 parts per billion. In 2017, the Department submitted SO₂ designation modeling for certain facilities in Berkeley, Richland, and York Counties to demonstrate these counties should be designated as attainment. These facilities included Santee Cooper Cross Generating Station, New-Indy Catawba (formerly Resolute Industries), Sylvamo Eastover Mill (formerly International Paper – Eastover), and Dominion Wateree Station (formerly SCE&G Wateree Station). In January 2018, EPA designated each county in South Carolina as

attainment/unclassifiable for the 2010 SO₂ standard. Under 40 CFR 51.1205(b), for areas designated as attaining the standard based on modeling of actual emissions, the Department is required to submit an annual report that documents the annual SO₂ emissions of these sources, an assessment of any emissions increase from the prior year, and a recommendation whether further modeling is warranted.

The Department has updated the dispersion modeling for Santee Cooper Cross Generating Station using maximum allowable emissions rather than actual emissions. In addition, the Department used time-sensitive updated data, including meteorological data, NED (National Elevation Data), SO₂ background data, and version of the AERMOD modeling system. The result of the modeling run demonstrated that the concentration was well below the 1-hour SO₂ NAAQS. Therefore, the Department is proposing a termination request for the annual reporting requirement under the EPA's DRR for the 2010 1-Hour SO₂ NAAQS for Santee Cooper Cross Generating Station.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 59904
Central Wire, Inc. Site

NOTICES OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Central Wire, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Central Wire, Inc. facility located in Lancaster County at 1552 Cedar Pines Lake Road, Lancaster, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

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

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or vincenef@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than April 22, 2024, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code

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Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

COMMISSION FOR MINORITY AFFAIRS
CHAPTER 139
Statutory Authority: 1976 Code Section 1-31-40(A)(10)

Notice of Drafting:

The South Carolina Commission for Minority Affairs proposes to amend Regulations 139-101, 139-102, 139-105, and 139-109 regarding Native American Special Interest Organization. Interested persons may submit comments no later than 5:00 p.m. on April 11, 2024, to Brenton Brown, Chief of Staff, at 246 Stoneridge Drive, Suite 250, Columbia SC 29210.

Synopsis:

The South Carolina Commission for Minority Affairs proposes to amend its regulations following its five-year review conducted in accordance with S.C. Code Section 1-23-20(J). As such it requests that all references pertaining to “Native American Special Interest Organization,” or “Special Interest Organization” be omitted from its state Code of Regulations.

Legislative review of this amendment is required.