

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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Published April 27, 2018

Volume 42 Issue No. 4

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2018 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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4665	SR42-2		Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	1/19/18	Department of Revenue
4729	SR42-3		Determination of Rates of Tuition and Fees	2/13/18	Commission on Higher Education
4746			Articles 4, 5, 7 and 8 of Chapter 126	5/02/18	Department of Health and Human Services
4740			Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	5/09/18	Department of Health and Envir Control
4758			Investigation and Production of Evidence	5/09/18	South Carolina Human Affairs Commission
4757			Complaint	5/09/18	South Carolina Human Affairs Commission
4775			South Carolina Anti-Money Laundering Act	5/09/18	Office of the Attorney General
4754			Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	5/09/18	State Board of Education
4752			Employability Credential for Students with Disabilities	5/09/18	State Board of Education
4783			Defined Program 6-8	5/09/18	State Board of Education
4788			Credential Classification	5/09/18	State Board of Education
4789			Application for Teaching Credential	5/09/18	State Board of Education
4781			Transfers and Withdrawals	5/09/18	State Board of Education
4764			Auctioneers' Commission (Late Fees)	5/09/18	LLR
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4778			Classification of Residential Specialty Contractors	5/09/18	LLR-Residential Builders Commission
4793			Fee Schedules	5/09/18	LLR-Office of Elevators and Amusement Rides
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4794			Fee Schedule	5/09/18	LLR-Office of Elevators and Amusement Rides
4796			Mechanical Contractors-Air conditioning, Heating and Packaged Equipment	5/09/18	LLR-Contractor's Licensing Board
4768			Definitions	5/09/18	LLR-Perpetual Care Cemetery Board
4779			Nurse Licensure Compact	5/09/18	LLR-Board of Nursing
4798			License Renewal	5/09/18	LLR-Manufactured Housing Board
4770			Audit Program	5/09/18	LLR-Office of Immigrant Worker Compliance
4769			Licensure Fees	5/09/18	LLR-Board of Registration for Foresters
4767			Barber Students, Applications, Permits, Training, Progress Reports, and Examinations	5/09/18	LLR-Board of Barber Examiners
4766			Real Estate Appraisers Board	5/09/18	LLR-Real Estate Appraisers Board
4795			Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists	5/09/18	LLR-Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists
4763			Real Estate Appraisers Board	5/09/18	LLR
4802			Recording and Reporting Occupational Injuries and Illnesses	5/09/18	LLR-OSHA
4799			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/18	Department of Natural Resources
4803			Adjustment of Claims Under Unusual Circumstances	5/09/18	Department of Insurance
4801			Board of Examiners in Speech-Language Pathology and Audiology	5/09/18	LLR
4760			South Carolina Stroke Care System	5/09/18	Department of Health and Envir Control
4792			Credit for Reinsurance	5/09/18	Department of Insurance
4771			Wilderness Therapeutic Camps for Children	5/09/18	Department of Social Services
4782			Defined Program, Grades 9-12 and Graduation Requirements	5/09/18	State Board of Education
4732			Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules	5/09/18	Department of Consumer Affairs
4759			Investigation Procedures	5/09/18	South Carolina Human Affairs Commission
4747			Regulations for the Licensing of Child Care Centers	1/23/19	Department of Social Services
4807			Benghal Dayflower Quarantine; and Emerald Ash Borer Quarantine	2/05/19	Clemson University-State Crop Pest Comm
4800			Standards for Licensing Hospices	2/11/19	Department of Health and Envir Control
4808			Plant Nursery Regulations	3/24/19	Clemson University-State Crop Pest Comm
4810			Administrative Procedures	3/25/19	Department of Health and Envir Control

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Permanently Withdrawn

4785	Disposition of Instructional Materials Samples after State Adoption Process	State Board of Education
4786	Free Textbooks	State Board of Education
4787	Textbook Adoption Regulation	State Board of Education
4765	Auctioneers' Commission (Exam Fee)	LLR
4761	Board of Registration for Professional Engineers and Surveyors	LLR
4755	Operation of Public Pupil Transportation Services	State Board of Education
4790	Certification Requirements; approval of alternative certification; authorization for the SBE to approve additional alternative certification programs	State Board of Education

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4729	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education
4746	Articles 4, 5, 7 and 8 of Chapter 126	Regulations and Admin. Procedures	Medical Affairs
4740	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	Regulations and Admin. Procedures	Medical Affairs
4758	Investigation and Production of Evidence	Regulations and Admin. Procedures	Judiciary
4757	Complaint	Regulations and Admin. Procedures	Judiciary
4775	South Carolina Anti-Money Laundering Act	Regulations and Admin. Procedures	Banking and Insurance
4754	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Regulations and Admin. Procedures	Education
4752	Employability Credential for Students with Disabilities	Regulations and Admin. Procedures	Education
4783	Defined Program 6-8	Regulations and Admin. Procedures	Education
4788	Credential Classification	Regulations and Admin. Procedures	Education
4789	Application for Teaching Credential	Regulations and Admin. Procedures	Education
4781	Transfers and Withdrawals	Regulations and Admin. Procedures	Education
4764	Auctioneers' Commission (Late Fees)	Regulations and Admin. Procedures	Labor, Commerce and Industry
4777	Residential Specialty Contractors License	Regulations and Admin. Procedures	Labor, Commerce and Industry
4778	Classification of Residential Specialty Contractors	Regulations and Admin. Procedures	Labor, Commerce and Industry
4793	Fee Schedules	Regulations and Admin. Procedures	Labor, Commerce and Industry
4776	Real Estate Commission	Regulations and Admin. Procedures	Labor, Commerce and Industry
4794	Fee Schedule	Regulations and Admin. Procedures	Labor, Commerce and Industry
4796	Mechanical Contractors-Air conditioning, Heating and Packaged Equipment	Regulations and Admin. Procedures	Labor, Commerce and Industry
4768	Definitions	Regulations and Admin. Procedures	Labor, Commerce and Industry
4779	Nurse Licensure Compact	Regulations and Admin. Procedures	Medical Affairs
4798	License Renewal	Regulations and Admin. Procedures	Labor, Commerce and Industry
4770	Audit Program	Regulations and Admin. Procedures	Labor, Commerce and Industry
4769	Licensure Fees	Regulations and Admin. Procedures	Fish, Game and Forestry
4767	Barber Students, Applications, Permits, Training, Progress Reports, and Examinations	Regulations and Admin. Procedures	Labor, Commerce and Industry
4766	Real Estate Appraisers Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4795	Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists	Regulations and Admin. Procedures	Labor, Commerce and Industry
4763	Real Estate Appraisers Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4802	Recording and Reporting Occupational Injuries and Illnesses	Regulations and Admin. Procedures	Labor, Commerce and Industry
4799	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Regulations and Admin. Procedures	Fish, Game and Forestry
4803	Adjustment of Claims Under Unusual Circumstances	Regulations and Admin. Procedures	Banking and Insurance
4801	Board of Examiners in Speech-Language Pathology and Audiology	Regulations and Admin. Procedures	Medical Affairs
4760	South Carolina Stroke Care System	Regulations and Admin. Procedures	Medical Affairs
4792	Credit for Reinsurance	Regulations and Admin. Procedures	Banking and Insurance
4771	Wilderness Therapeutic Camps for Children	Regulations and Admin. Procedures	General
4782	Defined Program, Grades 9-12 and Graduation Requirements	Regulations and Admin. Procedures	Education
4732	Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules	Regulations and Admin. Procedures	Banking and Insurance
4759	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4747	Regulations for the Licensing of Child Care Centers	Regulations and Admin. Procedures	General
4807	Benghal Dayflower Quarantine; and Emerald Ash Borer Quarantine	Regulations and Admin. Procedures	Agriculture and Natural Resources
4800	Standards for Licensing Hospices	Regulations and Admin. Procedures	Medical Affairs
4808	Plant Nursery Regulations	Regulations and Admin. Procedures	Agriculture and Natural Resources
4810	Administrative Procedures	Regulations and Admin. Procedures	Agriculture and Natural Resources
4809	Standards for Licensing Crisis Stabilization Unit Facilities	Regulations and Admin. Procedures	Medical Affairs
Permanently Withdrawn			
4785	Disposition of Instructional Materials Samples after State Adoption Process	Regulations and Admin. Procedures	Education
4786	Free Textbooks	Regulations and Admin. Procedures	Education
4787	Textbook Adoption Regulation	Regulations and Admin. Procedures	Education
4765	Auctioneers' Commission (Exam Fee)	Regulations and Admin. Procedures	Labor, Commerce and Industry

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4761	Board of Registration for Professional Engineers and Surveyors	Regulations and Admin. Procedures	Labor, Commerce and Industry
4755	Operation of Public Pupil Transportation Services	Regulations and Admin. Procedures	Education
4790	Certification Requirements; approval of alternative certification; authorization for the SBE to approve additional alternative certification programs	Regulations and Admin. Procedures	Education

Executive Order No. 2018-12

WHEREAS, government at any level should not and shall not penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of one's religious identity and sincerely held beliefs; and

WHEREAS, faith-based organizations may retain their religious character and participate in government programs, provided that public funds are not used to directly subsidize or support religious worship activities; and

WHEREAS, the foregoing rights are guaranteed by, *inter alia*, the First Amendment to the United States Constitution and article I, section 2 of the South Carolina Constitution, both of which provide that there shall be no laws prohibiting the free exercise of religion, abridging the freedom of speech, or inhibiting the corresponding right to associate with others; and

WHEREAS, the rights of faith-based organizations to exercise religious beliefs while participating in government are also protected by the South Carolina Religious Freedom Act of 1999 ("RFA"), codified in sections 1-32-10 through -60 of the South Carolina Code of Laws, which provides, in relevant part, that "[t]he State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability," unless the burden furthers a compelling state interest and is applied in the least restrictive means of furthering that interest; and

WHEREAS, pursuant to article IV, section 15 of the South Carolina Constitution, the Governor "shall take care that the laws be faithfully executed," which includes ensuring the free exercise of religion as guaranteed by the South Carolina Constitution and upholding religious liberty under the RFA; and

WHEREAS, the licensing and participation of faith-based organizations in South Carolina's foster-care system is a long-standing and constitutionally permissible practice; and

WHEREAS, the South Carolina Department of Social Services ("DSS"), which is part of the Governor's Cabinet, oversees the State's foster-care program and, as such, licenses Child Placing Agencies ("CPAs"); and

WHEREAS, pursuant to section 114-550 of the South Carolina Code of Regulations, CPAs are defined, in pertinent part, as "any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement and . . . retain[s] their own system of foster homes"; and

WHEREAS, sections 114-4910 through -4980 of the South Carolina Code of Regulations govern the licensing and administration of CPAs; and

WHEREAS, CPAs may be secular or non-secular and are separate private, non-governmental entities that recruit, retain, and support current and prospective foster-care families in South Carolina, thereby fulfilling a crucial need for the State and providing a critical service to the children of South Carolina; and

WHEREAS, DSS licenses many CPAs and provides a variety of CPA options from which foster parents may choose; and

WHEREAS, the State has no compelling interest in limiting faith-based organizations' participation as CPAs; and

6 EXECUTIVE ORDERS

WHEREAS, faith-based CPAs associate foster parents and homes who share the same faith and should not be asked to compromise sincerely held religious beliefs in recruiting, training, and retaining foster parents; and

WHEREAS, separate and apart from the association of foster parents by CPAs, under federal and state law, CPAs must assist *any children in foster care* without regard to their religious beliefs; and

WHEREAS, to the extent DSS receives funding from the United States Department of Health and Human Services (“DHHS”) or otherwise participates in the Federal Foster Care Program, the undersigned has requested that DHHS not exclude faith-based CPAs and grant DSS a formal deviation from DHHS policy in recognition of the foregoing rights and considerations and in accordance with the Religious Freedom Restoration Act of 1993 (“RFRA”), codified as amended at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4; and

WHEREAS, religious observers and organizations should not be required to sacrifice the tenets of their faith to serve the children of South Carolina, particularly where, as here, doing so would not serve or further any identifiable or compelling state interest.

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, to the fullest extent permitted by state and federal law, I direct that DSS shall not deny licensure to faith-based CPAs solely on account of their religious identity or sincerely held religious beliefs. Further, I hereby direct DSS to review and revise its policies and manuals in accordance with this Order and ensure that DSS does not directly or indirectly penalize religious identity or activity in applying sections 114-550 or 114-4910 through -4980 of the South Carolina Code of Regulations with regard to Licensure for Foster Care.

In furtherance of the foregoing rights, principles, and considerations, all Cabinet agencies, including all boards and commissions that are part of, comprised within, or under the jurisdiction of a Cabinet agency, are hereby directed to review their policies, procedures, and regulations to ensure that the same do not directly or indirectly penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of religious identity or beliefs. It is further advised that executive agencies not in the undersigned’s Cabinet or otherwise subject to the undersigned’s direct authority shall likewise act in accordance with this Order and the foregoing directives.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 13th DAY OF MARCH, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-13

WHEREAS, on March 9, 2018, a gravel truck struck the Secondary Route 50 (Four Holes Road) bridge overpass over I-26 near Exit 153; and

WHEREAS, the impact of the collision resulted in catastrophic damage to the bridge overpass, striking a support structure of the bridge overpass and requiring immediate closure of I-26 Westbound lanes between Exit 154 and 149; and

WHEREAS, the bridge overpass must be removed and replaced; and

WHEREAS, repairs to complete the bridge replacement required for the Secondary Route 50 overpass are beyond the scope of extraordinary maintenance; and

WHEREAS, these conditions constitute an emergency as is contemplated by the terms of Section 125 of Title 23, the United States Code.

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 an emergency exists as a result of the crash at I-26 and Secondary Route 50 and direct the South Carolina Department of Transportation to undertake actions to replace the collapsed bridge to ensure the safety and well-being of the traveling public. I further direct the Department of Transportation to take all necessary action to obtain the federal approval of the Federal Highway Division Administrator to make Federal Highway Division Emergency Relief assistance available to the State.

This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 21st DAY OF MARCH, 2018.

HENRY MCMASTER
Governor

Executive Order No. 2018-14

WHEREAS, I have been notified of the passing of Corporal Dale Hallman of the Saluda County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Corporal Hallman dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Saluda County, both as a decorated law enforcement officer with the Saluda County Sheriff's Office and as a volunteer firefighter; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the Governor, on the day of burial or other service for any firefighter or 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 firefighter or 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 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 Monday, April 9, 2018, in tribute to Corporal Hallman, who died 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 8th DAY OF APRIL, 2018.

HENRY MCMASTER
Governor

8 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN

Statutory Authority: 1976 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 Department's proposal to address required State Implementation Plan (SIP) elements under Section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA) pertaining to interstate transport of criteria pollutants. This specifically includes SIP elements covering any emissions activity in one state that contributes significantly to nonattainment (called prong 1), or interferes with maintenance (called prong 2), of the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) in another state. Together, the prong 1 and prong 2 elements are referred to as "Good Neighbor" requirements, and the state's submittal is termed a "Good Neighbor SIP." To be considered, the Department must receive comments by 5:00 p.m. on May 29, 2018, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the SIP amendment. If requested, the Department will hold a public hearing on June 5, 2018, at 2:00 p.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. However, pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on May 29, 2018, the Department will cancel the public hearing. If the Department cancels the public hearing, then the Department will notify the public at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact Roger Jerry, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-1799; or email at jerryre@dhec.sc.gov for more information, to view a copy of the state's proposed SIP submission, or to find out if the Department will hold a public hearing. A copy of the state's proposed SIP submission is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Synopsis:

On March 27, 2008, the United States Environmental Protection Agency (EPA) published a revised NAAQS for ozone (73 FR 16436). With this rule, the EPA set a new 8-hour primary and secondary ozone standard at the level of 75 parts per billion (ppb). Sections 110(a)(1) and (2) of the CAA require all states to submit plans to provide for the implementation, maintenance, and enforcement of the NAAQS.

Currently, South Carolina meets attainment of the 2008 8-hour ozone NAAQS.

The Department is proposing to certify that it has addressed the aforementioned infrastructure SIP requirements for interstate transport pertaining to the 2008 8-hour ozone NAAQS for South Carolina, and that South Carolina's SIP contains adequate provisions to prevent sources or emissions activities within South Carolina from contributing significantly to nonattainment in, or interfering with maintenance by, any other state with respect to the 2008 8-hour ozone NAAQS, as demonstrated by EPA's air modeling.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN**

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide interested persons the opportunity to comment on the Department's proposal to address required State Implementation Plan (SIP) elements under Section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA) pertaining to interstate transport of criteria pollutants. This submission specifically addresses SIP elements covering any emissions activity in one state that contributes significantly to nonattainment (called prong 1), or interferes with maintenance (called prong 2), of the National Ambient Air Quality Standards (NAAQS) for Sulfur Dioxide (SO₂) in another state. Together, the prong 1 and 2 elements are referred to as "Good Neighbor" requirements, and the state's submittal is termed a "Good Neighbor SIP." To be considered, the Department must receive comments by 5:00 p.m. on May 29, 2018, the close of the comment period.

The Department is also providing the public with the opportunity to request a public hearing on the SIP submission. If requested, the Department will hold a public hearing on June 6, 2018, at 1:00 p.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. However, pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on May 29, 2018, the Department will cancel the public hearing. If the Department cancels the public hearing, then the Department will notify the public at least one week prior to the scheduled hearing via the Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Interested persons may also contact Anthony T. Lofton, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-7217; or email at loftonat@dhec.sc.gov for more information, to view a copy of the state's proposed SIP submission, or to find out if the Department will hold the public hearing. A copy of the state's proposed SIP submission is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Synopsis:

On June 2, 2010, the U.S. Environmental Protection Agency (EPA) finalized a revised NAAQS for SO₂ (75 FR 35520, published June 22, 2010). With this rule, the EPA strengthened the health-based or "primary" standard for SO₂ by setting a new 1-hour primary SO₂ standard at the level of 75 parts per billion (ppb) and revoked the two previously existing primary standards of 140 ppb evaluated over 24-hours, and 30 ppb evaluated over an entire year. Sections 110(a)(1) and (2) of the CAA require all states to submit plans to provide for the implementation, maintenance, and enforcement of the NAAQS.

On January 9, 2018, the EPA published a Federal Register notice (83 FR 1098) for Round 3 of the 2010 SO₂ NAAQS designations. South Carolina was included in this round with designations of "Attainment/Unclassifiable" for all counties.

The Department is proposing to certify that it has addressed the aforementioned infrastructure SIP requirements for interstate transport pertaining to SO₂ for South Carolina, and that South Carolina's SIP contains adequate provisions to prevent sources or emissions activities within South Carolina from emitting SO₂ to a degree which contributes significantly to nonattainment in, or interferes with maintenance by, any other state with respect to the 2010 SO₂ 1-hour primary NAAQS for SO₂.

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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 April 27, 2018 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

Affecting Abbeville County

Abbeville County Memorial Hospital d/b/a Abbeville Area Medical Center

Upgrade of a mobile MRI to a fixed MRI in a modular building adjoined to the hospital at a total project cost of \$1,638,971.

Affecting Charleston County

Trident Medical Center, LLC d/b/a James Island Emergency

Construction of a 12,760 BGSF Freestanding Emergency Department in Charleston County at a total project cost of \$12,493,978.

Affecting Florence County

Regency Hospital Company of South Carolina, LLC d/b/a Regency Florence

Relocation of an existing 40-bed LTAC hospital from the Cedar Street campus to the main campus of Carolinas Hospital System with no increase in licensed bed capacity or services at a total project cost of \$3,224,054.

Affecting Georgetown County

Myrtle Beach Rehabilitation Hospital, LLC d/b/a Tidelands Health Rehabilitation Hospital

Transfer of 29 rehabilitation beds from Tidelands Health Waccamaw Community Hospital to Tidelands Health Rehabilitation Hospital at a total project cost of \$65,000.

Affecting Horry County

Tidelands Health Market Commons, LLC d/b/a Tidelands Health Medical Park at The Market Common

Purchase of equipment for an Imaging Suite within a new 65,000 sq ft medical office building at a total project cost of \$12,328,994.

Affecting Lexington County

Lexington Open MRI, Inc. d/b/a Palmetto Imaging West Columbia

Acquisition of a prior mobile G.E. Signa 1.T MRI and permanently place it at the facility at a total project cost of \$675,000.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from April 27, 2018. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

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

Addition of an Electrophysiology lab and a biplane lab as well as the purchase of a CT equipment at a total project cost of \$7,062,274.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO AIR QUALITY STATE PLAN FOR DESIGNATED FACILITIES AND POLLUTANTS**

Statutory Authority: 1976 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 pursuant to the requirements of Sections 111 and 129 of the Clean Air Act (CAA) and 40 CFR 60.23, to provide interested persons the opportunity to attend a public hearing and comment on the Department's submittal to the U.S. Environmental Protection Agency (EPA) to revise the state plan for commercial and industrial solid waste incinerator (CISWI) units. The public hearing will be held on May 30, 2018, at 1:00 p.m., in Room 2380 of the Sims/Aycock Building, 2600 Bull Street, Columbia, S. C. The public is also invited to submit comments in writing before the public hearing. To be considered, comments must be received by 5:00 p.m. on May 29, 2018, the close of the comment period. However, if the Department does not receive a request for a public hearing by the close of the comment period, the Department will cancel the public hearing. If the public hearing is cancelled, then the Department will notify the public via the Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Comments should be submitted to Marie Brown, Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Interested persons may also contact Marie Brown via phone at (803) 898-1796 or email at brownmf@dhec.sc.gov for more information, to view a copy of the state's proposed plan, or to find out if the Department will hold a public hearing. A copy of the state's proposed CISWI state plan submission is also located on the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>.

Background:

EPA regulations found at 40 CFR Part 60, Subparts CCCC and DDDD, contain federal requirements for CISWI units, established pursuant to Sections 111 and 129 of the CAA. The rules for new sources (CCCC) are referred to as New Source Performance Standards (NSPS) while rules for existing sources (DDDD) are referred to as Emission Guidelines (EG). These rules establish emission limits and other requirements for CISWI units, and provide for state implementation and enforcement of the EG promulgated by the EPA.

South Carolina Regulation 61-62.60 (R.61-62.60), South Carolina Designated Facility Plan and New Source Performance Standards (NSPS), has been repeatedly amended to incorporate changes to 40 CFR Part 60, Subparts CCCC and DDDD, by reference. EPA finalized amendments to 40 CFR Part 60, Subparts CCCC and DDDD, in the February 7, 2013 [78 FR 9112] Federal Register, and these amendments were incorporated by reference into R.61-62.60, effective September 26, 2014 upon publication in the State Register. On December 19, 2014, the Department submitted to EPA a state plan for implementation and enforcement of the revised CISWI emission guidelines in accordance with Sections 111 and 129 of the CAA and 40 CFR Part 60.

Since the Department's 2014 state plan submittal, additional revisions to the CISWI rule were finalized upon reconsideration in the June 23, 2016, Federal Register [81 FR 40956], and were codified under 40 CFR Part 60, Subparts CCCC and DDDD. R.61-62.60 was amended to incorporate the changes to 40 CFR Part 60, Subparts CCCC and DDDD, by reference. The amendments to R.61-62.60, Subparts CCCC and DDDD, were approved

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during a public hearing conducted by the Board of the South Carolina Department of Health and Environmental Control on August 10, 2017, and were effective upon publication in the State Register on August 25, 2017.

Synopsis:

In accordance with section 129 of the CAA, each state in which an existing CISWI unit is operating is required to submit to the EPA a plan to implement and enforce EPA's emission guidelines within one year from the date of promulgation. This plan consists of applicable compliance and enforcement regulations, a list of affected sources, and emissions inventories for these sources. The Department submitted a CISWI state plan on December 19, 2014, in which it certified that it has addressed the requirements of Sections 111 and 129 and regulations under 40 CFR Part 60 for CISWI units. The Department is submitting to EPA an update to its existing CISWI state plan to document South Carolina's incorporation of the 2016 CISWI rule revisions, and the Department proposes to certify that it has addressed the state's requirements under Sections 111 and 129 of the CAA, 40 CFR Part 60, and the EPA's June 23, 2016, CISWI reconsideration rule.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 18-06-HW
Columbia Nitrogen Site

NOTICE OF CONSENT AGREEMENT, 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 Consent Agreement (CA) with J. Holcombe Enterprises, L.P., James H. Holcombe, J. Henry Fair, Jr., and PCS Nitrogen Inc. (the Respondents) to address future obligations at the Columbia Nitrogen Site located in Charleston County, at 1801 Milford Street, Charleston, South Carolina (the Site).

Future obligations described in the CA include performance of a Post-Removal Action Site Control Plan (PRSCP) as required by the United States Environmental Protection Agency (USEPA) pursuant to a Unilateral Administrative Order dated September 21, 2015 and a subsequent Administrative Settlement Agreement and Order on Consent for Removal Action entered into between the USEPA and the Respondents. The PRSCP includes a revegetation monitoring and erosion control plan, a groundwater monitoring plan, and maintenance of institutional controls. These activities will be performed under the Department's oversight and enforcement authority. Further, the CA provides for the payment of the Department's costs for overseeing the work performed by the Respondents.

The CA 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). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties. The CA is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting G. Kendall Taylor, Director, at 803-898-0835 or taylorgk@dhec.sc.gov.

Any comments to the proposed CA must be submitted in writing, postmarked no later May 29, 2018 and addressed to: G. Kendall Taylor, Director, BLWM Division of SARR, SCDHEC, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the CA, the Respondents will receive a covenant not to sue for the work done in completing the response actions specifically covered in the CA and completed in accordance with the approved work plans and reports. Upon execution of the CA, the Respondents 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 Ann. Section 44-56-200, for the matters addressed in the CA. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Respondents may seek contribution from any person who is not a party to this administrative settlement.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File # 58584
Patheon API Manufacturing Site

NOTICE 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 Patheon API Manufacturing, Inc. (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Patheon API Manufacturing facility located in Greenville County, at 309 Delaware Street, Greenville, South Carolina (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a Remedial Investigation (RI) to determine the source, nature, and extent of release of hazardous substances, pollutants, or contaminants based on recommendations for the Site and, if necessary, a Feasibility Study to evaluate alternatives to clean-up the Site. Further, the Responsible Party will 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). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties. The VCC is available:

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

Any comments to the proposed VCC must be submitted in writing, postmarked no later May 28, 2018 and addressed to: David Wilkie, 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 its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code 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.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Health Planning Committee has scheduled regional public hearings regarding the Draft 2018-2019 South Carolina Health Plan. These hearings will take place at the following times and locations:

Upstate

Thursday, May 3, 2018, 10:00 a.m., Greenville Health Department, 200 University Ridge, Greenville, SC 29601;

Midlands

Wednesday, May 2, 2018, 10:00 a.m., Department of Health and Environmental Control Headquarters, People's Auditorium, 2600 Bull Street, Columbia, SC 29201;

Pee Dee

Tuesday, May 1, 2018, 10:00 a.m., Florence Health Department, 145 East Cheves Street, Florence, SC 29506;

Lowcountry

Friday, May 4, 2018, 10:00 a.m., Charleston County Library, 68 Calhoun Street, Charleston, SC 29401 – Main Auditorium.

The South Carolina Health Planning Committee invites public comment on the Draft 2018-2019 South Carolina Health Plan from April 27, 2018 until 5:00 PM on May 25, 2018. Comments may be submitted in writing via e-mail to coninfo@dhec.sc.gov or mail to Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201. Alternatively, comments may be presented in person at one of the regional hearings noted above. Changes to the 2018-2019 South Carolina Health Plan will be substantially limited to population projections, need analyses, and scrivener's errors. Need methodologies referencing a specific year's projected population will also be updated, as needed.

The Draft 2018-2019 South Carolina Health Plan shall be accessible beginning April 27, 2018 via the following link:

<http://www.scdhec.gov/Health/FHPF/HealthFacilityRegulationsLicensing/CertificateOfNeed/>.

For further information, call (803) 545-4200.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

April 27, 2018

This errata makes the following nonsubstantive corrections to prior published amendments of Regulation 61-63, Radioactive Materials (Title A).

In the March 26, 2010, South Carolina State Register (Volume 34, Issue 3), Document Number 4123 included a codification numbering error in RHA 2.7.5.1.2. The numbering mistakenly followed "2.7.5.1.2.1." with "2.7.5.1.2.3." These should be consecutively numbered as indicated below. The actual regulatory provisions of RHA 2.7.5.1.2. remain as published in Document Number 4123. The Department of Health and Environmental Control ("Department") corrects the numbering in RHA 2.7.5.1.2. as follows:

2.7.5.1.2.1 Registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR 207.20(a);

2.7.5.1.2.2 Licensed as a pharmacy by a State Board of Pharmacy;

2.7.5.1.2.3 Operating as a nuclear pharmacy within a Federal medical institution; or

2.7.5.1.2.4 A Positron Emission Tomography (PET) drug production facility registered with a State agency.

In the May 26, 2000, South Carolina State Register (Volume 24, Issue 5), Document Number 2519 included a numbering error in RHA 5.6.2.1. The numbering mistakenly displays a capitalized “I” for the first item RHA 5.6.2.1. lists. The item should appear with a lower-case “i” for correct Roman numeral numbering as indicated below. The actual listed items of RHA 5.6.2.1. remain as published in Document Number 2519. The Department corrects the numbering in RHA 5.6.2.1. as follows:

5.6.2.1 Each radiographic exposure device must have attached to it by the user, a durable, legible, clearly visible label bearing the:

- (i) Chemical symbol and mass number of the radionuclide in the device;
- (ii) Activity and the date on which this activity was last measured;
- (iii) Model number and serial number of the sealed source;
- (iv) Manufacturer of the sealed source; and
- (v) Licensee’s name, address, and telephone number

16 DRAFTING NOTICES

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-21-540(11), 59-33-20(c), and 59-33-30

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-241, Medical Homebound Instruction.

Interested persons may submit their comments in writing to Victoria Ladd, State School Nurse Consultant, Office of Health and Nutrition, 1401 Senate Street, Columbia, South Carolina 29201 or by e-mail to vladd@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on May 29, 2018.

Synopsis:

The State Board of Education Regulation 43-241 provides guidance for schools related to students who cannot attend public school and are eligible for medical homebound or hospitalized instruction. The purpose of this amendment is to add “nurse practitioner” and “physician’s assistant” as providers who may sign medical related school forms. This amendment would align this signatory process with other forms.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

Notice of Drafting:

The Department of Health and Environmental Control (“Department” or “DHEC”) proposes amending R.61-36, Frozen Desserts. The Department further proposes amending the requirements of R.61-35, Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products, and merging it into R.61-36. This will entail repealing R.61-35 and adding its amended requirements to R.61-36. Along with merging these regulations, the Department proposes adding regulatory requirements for manufacturing cheese, butter, and other non-grade “A” milk products to R.61-36 and changing its title.

Interested persons may submit written comments to Sandra D. Craig, Director, Division of Food and Lead Risk Assessments, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, or by email at craigsd@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the drafting comment period.

Synopsis:

The Department proposes amending R.61-36 and the requirements of R.61-35. Currently, R.61-36 and R.61-35 are both based on 21 CFR Part 110, which has been replaced by 21 CFR Part 117. In the interest of efficiency, the Department proposes repealing R.61-35 and merging its amended requirements into R.61-36. The Department further proposes adding requirements for manufacturing cheese, butter and other non-grade “A” milk products to R.61-36 and renaming the regulation R.61-36, Manufactured Grade Dairy Products. The South Carolina Department of Agriculture previously regulated these products (also based on 21 CFR Part 110), but, going forward, oversight will reside with the DHEC pursuant to an agreement between the two agencies.

In addition to revising and adding standards, the proposed amendments will provide for an initial permit fee and annual renewal fee to support Department implementation.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending Regulation 61-79, Hazardous Waste Management Regulations. Interested persons may submit comments in writing to David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201 or via email at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the draft comment period.

Synopsis:

The Department proposes amending Regulation 61-79 to adopt a final rule published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The Department’s adoption of the entirety of the rule is not required by federal law. The final rule is summarized below.

The Department proposes adopting the “Hazardous Waste Generator Improvements Rule,” published on November 28, 2016, at 81 FR 85732-85829. Adopting the rule would reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

While the majority of the rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. However, due to interrelated nature of the equivalent provisions and the more stringent provisions, the Department proposes adopting the rule in a single drafting that will undergo General Assembly review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes to amend Regulation 61-79, Hazardous Waste Management Regulations. Interested persons may submit comments in writing to David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201 or via email at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the draft comment period.

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Synopsis:

The Department proposes amending Regulation 61-79 to adopt a final rule published in the Federal Register by the United States Environmental Protection Agency (“EPA”). The final rule is summarized below.

The Department proposes adopting the “Imports and Exports of Hazardous Waste” Rule, published on November 28, 2016, at 81 FR 85696-85729 and 82 FR 41015-41016. The rule amends existing requirements regarding the export and import of hazardous wastes from and into the United States. The Department proposes adopting the rule to maintain compliance with federal law and provide greater protection to human health and the environment by:

1. Making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development,
2. Enabling electronic submittal to the EPA of all export and import-related documents (e.g., export notices, export annual reports), and
3. Enabling electronic validation of consent in the Automated Export System for export shipments subject to Resource Conservation and Recovery Act export consent requirements prior to exit.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is not required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(2) and 44-1-150

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-25, Retail Food Establishments. The Department further proposes amending requirements of R.61-37, Retail Food Establishment Inspection Fees, and merging R.61-37 into R.61-25. This will entail repealing R.61-37 and adding its provisions, as amended, to R.61-25.

Interested persons may submit written comments to Sandra D. Craig, Director, Division of Food and Lead Risk Assessments, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, or by email at craigsd@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the drafting comment period.

Synopsis:

Currently, R.61-25 is based on the 2013 Federal Food and Drug Administration (“FDA”) Food Code (“Food Code”), which the FDA has revised and replaced with the 2017 Food Code. The Department proposes amending R.61-25 to incorporate much of the revisions appearing in the 2017 Food Code. The Department further proposes amending the fee scale currently appearing in R.61-37, and, in the interest of efficiency, moving the amended fee scale to R.61-25 and repealing R.61-37. The amended fee scale would be a more concise scale based on process (risk) level or type of establishment, instead of the current eight-tiered gross sales method. The fee scale revision would also include a fee increase, as the Department has not updated the fees in approximately 18 years.

The Department may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-827, and 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending Regulation 61-56, Onsite Wastewater Systems. The Department further proposes amending requirements of Regulation 61-55, Septic Tank Site Evaluation Fees, and merging R.61-55 into R.61-56. This will entail repealing R.61-55 and adding its provisions, as amended, to R.61-56. The Department also proposes amending requirements of Regulation 61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets, and Regulation 61-56.2, Licensing of Onsite Wastewater Master Contractors, and merging R.61-56.1 and R.61-56.2 into R.61-56. This will entail repealing R.61-56.1 and R.61-56.2 and adding their provisions, as amended, to R.61-56.

Interested persons are invited to submit written comments to David Vaughan, Division Director, Division of Onsite Wastewater Management, Rabies Prevention, and Enforcement, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or via email at vaughadr@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the drafting comment period.

Synopsis:

The Department proposes amending Regulation 61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will clarify and modernize the regulation to address needed updates in administering the Onsite Wastewater program.

The Department further proposes amending the fee schedule currently appearing in R.61-55 and, in the interest of efficiency, moving the amended fee scale to R.61-56. This will entail repealing R.61-55 and simultaneously adding its provisions, as amended, to R.61-56. The proposed amendments will include amended definitions, increase in fees, a new, expedited permitting process with associated fees, and assignment of application fees to specific performed services. These amendments would update fees to an appropriate level for implementing site evaluations for proposed individual sewage treatment and disposal systems.

The Department also proposes amending provisions of R.61-56.1 and R.61-56.2 and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for Department staff, regulated entities, and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The proposed amendments will include changes to licensing and fee requirements for pumpers and haulers currently under R.61-56.1. The proposed amendments also will revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination, continuing education, and an associated licensure fee.

The Department may also include stylistic changes for internal consistency, such as corrections for clarity in wording, references, grammar, outlining and codification, and such other changes as necessary to improve the overall quality of the regulation.

Legislative review is required.

20 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-29-40

Notice of Drafting:

The Department of Health and Environmental Control (“Department” or “DHEC”) proposes amending Regulation 61-120, South Carolina Immunization Registry. Interested persons may submit comments in writing to Stephen White, Immunization Division, Communicable Disease Prevention and Control, 2100 Bull Street, Columbia, S.C. 29201 or via email at immunizationregulation@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2018, the close of the draft comment period.

Synopsis:

The Department proposes amending R.61-120 to allow DHEC to provide specific Healthcare Effectiveness Data and Information Set (“HEDIS”) data from the South Carolina Immunization Registry (“Registry”) to health plans. HEDIS is a tool used by health plans to measure performance on important dimensions of care and service, including immunization data for clients. Proposed amendments to the regulation will also include: (1) details regarding the availability and use of a patient portal, which will be a feature of the new Registry allowing patients to access his or her immunization records; (2) clarifications pertaining to patient consent for the new patient portal; and (3) revisions to bring the regulation into conformity with updates and improvements to the Registry and advancements in public health practice.

The Department may also include stylistic changes, such as deletions of obsolete language, corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

General Assembly review is required.