

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

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

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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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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
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2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
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Executive Order No. 2018-20

**Appointment of Commission to Investigate Annexation of Certain
Areas in Horry County and Georgetown County**

WHEREAS, due to an apparent misunderstanding between Horry County and Georgetown County regarding the Horry–Georgetown boundary line, there is a small area within the statutory boundary of Horry County that has been treated as being located in Georgetown County, and certain property owners within the affected area erroneously believe that their properties are located in Georgetown County (“Horry County Affected Area”); and

WHEREAS, due to the same misunderstanding, there is a small area within the statutory boundary of Georgetown County that has been treated as being located in Horry County, and certain property owners within the affected area erroneously believe that their properties are located in Horry County (“Georgetown County Affected Area”); and

WHEREAS, Chapter 5 of Title 4 of the South Carolina Code of Laws, as amended, sets forth a procedure for annexing, merging, or transferring an area from one county to another (“Change of Boundaries Statute”); and

WHEREAS, the Change of Boundaries Statute provides that the governing body of a county may by resolution request that a part of such county be merged with one or more adjoining counties; and

WHEREAS, pursuant to the Change of Boundaries Statute, the Horry County Council and the Georgetown County Council have presented separate resolutions, copies of which are attached hereto as Exhibit A, requesting, *inter alia*, that that the Horry County Affected Area be merged with, or annexed to, Georgetown County and that the Georgetown County Affected Area be merged with, or annexed to, Horry County; and

WHEREAS, upon receipt of an annexation request from a county governing body and presentment of the requisite resolution, the Governor shall appoint a commission of four persons, which shall, *inter alia*, investigate and report all facts pertinent to the potential annexation in accordance with sections 4-5-120 through -160 of the South Carolina Code of Laws; and

WHEREAS, it appears to the satisfaction of the undersigned that the requested annexation and corresponding resolutions comply with the procedures set forth in the Change of Boundaries Statute and are consistent with the provisions of the Joint Resolution ratified by the General Assembly on May 14, 2018, and approved by the undersigned on May 18, 2018; and

WHEREAS, there is no known opposition to the potential annexation, and Sel Hemingway and Wesley Bryant, Esquire, of Georgetown County, and Chris Eldridge and Arrigo Carotti, Esquire, of Horry County, are fit and proper persons to serve on the commission, which shall appropriately investigate all facts relating to the requested annexation and report in writing to the undersigned the pertinent facts and other relevant matters as requested or required by law; and

WHEREAS, upon receipt of the commission’s report and satisfactory compliance with sections 4-5-120 through -160 of the South Carolina Code of Laws, the undersigned shall order an election in accordance with section 4-5-170 of the South Carolina Code of Laws.

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 appoint the following fit and proper persons to investigate all facts related to the requested annexation in Georgetown County and Horry County and report in writing to the undersigned the pertinent facts and other

4 EXECUTIVE ORDERS

relevant matters in accordance with the Change of Boundaries Statute or otherwise as requested or required by law:

1. Wesley Bryant, Esquire – Georgetown County;
2. Sel Hemingway, Georgetown County Administrator;
3. Arrigo Carotti, Esquire – Horry County; and
4. Chris Eldridge, Horry County Administrator

Pursuant to sections 4-5-140 and 4-5-160 of the South Carolina Code of Laws, the Commission:

a. may contract for the survey and location of the proposed change of line and for such purpose may employ three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the commission and the third by the two selected by the commission; and

b. shall carefully investigate all facts relating to the area, population, and assessed property values of the territory proposed to be severed and that remaining, the proximity of the line to any courthouse, and the proper amount of indebtedness of the county losing area to be assessed to the county gaining such area; and

c. shall report in writing to the Governor upon all such relevant matters as the Governor may direct for his information; and

d. shall report to the Governor an itemized statement of the expense of the survey and plats; and

e. shall submit its final report to the Governor no later than August 1, 2018.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF JUNE, 2018.**

**HENRY MCMASTER
Governor**

Executive Order No. 2018-21

WHEREAS, the preservation of life is the ultimate right to be protected and necessarily includes the life of unborn children; and

WHEREAS, the State of South Carolina has a strong culture and longstanding tradition of protecting and defending the life and liberty of unborn children; and

WHEREAS, the State also recognizes that the availability of women’s health and family planning services is important in providing for healthy families and children; and

WHEREAS, the South Carolina Department of Health and Human Services (“DHHS”) expends taxpayer dollars to pay for health care services, including family planning services; and

WHEREAS, the General Assembly has expressed, in section 43-5-1185 of the South Carolina Code of Laws, as amended, that “State funds appropriated for family planning must not be used to pay for an abortion”; and

WHEREAS, the payment of taxpayer funds to abortion clinics, for any purpose, results in the subsidy of abortion and the denial of the right to life; and

WHEREAS, abortion clinics' primary focus on denying the right to life is contrary to and conflicts with the State's obligation to protect and preserve that right; and

WHEREAS, on August 24, 2017, the undersigned issued Executive Order 2017-15 directing DHHS to pursue all available methods and to take all necessary actions to exclude abortion clinics from receiving taxpayer funds for any purpose, including but not limited to seeking any and all requisite waivers from the Centers for Medicare and Medicaid Services ("CMS"); and

WHEREAS, DHHS subsequently submitted and is negotiating with CMS regarding such a mandatory waiver; and

WHEREAS, on July 5, 2018, because CMS had not yet approved the requisite mandatory waiver, the undersigned issued Veto No. 42, which nullified the Family Planning appropriation in DHHS's budget; and

WHEREAS, although the State should not contract with abortion clinics for family planning services, the State also should not deny South Carolinians access to necessary medical care and important women's health and family planning services, which are provided by a variety of other non-governmental entities and governmental agencies; and

WHEREAS, Proviso 33.16 of the Fiscal Year 2018–19 General Appropriations Act grants DHHS broad authority to carry forward and expend funds for the purpose of operating the Medicaid program, to include family planning services.

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 direct DHHS to exercise the authority granted in Proviso 33.16 of the Fiscal Year 2018–19 General Appropriations Act to expend such appropriated and carry-forward funds as necessary to continue the Family Planning program.

FURTHER, I hereby direct DHHS to deem abortion clinics, as defined by section 44-41-75 of the South Carolina Code of Laws, as amended, and any affiliated physicians or professional medical practices, as identified and defined by Executive Order 2017-15, that are enrolled in the Medicaid program as unqualified to provide family planning services and, therefore, to immediately terminate them upon due notice and deny any future such provider enrollment applications for the same.

This Order is effective immediately.

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

HENRY MCMASTER
Governor

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE TO REVISE AIR QUALITY STATE IMPLEMENTATION PLAN

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 Department's response to meet obligations to the U.S. Environmental Protection Agency (EPA) for the National Ambient Air Quality Standards (NAAQS) for ozone. The Department proposes to address the requirements under sections 110(a)(1) and (2) of the Clean Air Act (CAA) for State Implementation Plans (SIP) in a SIP update known as infrastructure SIP certification. These requirements were developed to assure attainment and maintenance of the NAAQS. In addition, the Department will address 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 2015 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 August 27, 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 issue. If requested, the Department will hold a public hearing on September 4, 2018, at 10:00 a.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 August 27, 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 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/Apps/Environment/PublicNotices/SearchAndDisplay/Display/8595>

Synopsis:

On October 1, 2015, the EPA finalized a revised NAAQS for ozone (80 FR 65292, published October 26, 2015). With this rule, the EPA set a new 8-hour primary and secondary ozone standard at the level of 70 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. Sections 110(a)(1) and (2) further require states to address basic SIP requirements, including but not limited to the following elements: emissions limits and other control measures, ambient air quality monitoring, a program for the enforcement of control measures, adequate resources to implement the SIP, and public notification and government consultation. Section 110(a)(1) requires states to submit SIPs within three (3) years after promulgation of a new or revised NAAQS, or October 1, 2018, in this case.

On September 30, 2016, the Department submitted a request to EPA Region 4 that the EPA designate each county in the State of South Carolina as "attainment" for the ozone NAAQS. The EPA designated all counties in the state Attainment/Unclassifiable (82 FR 54232, published November 16, 2017). Thus, South Carolina meets attainment of the 2015 8-hour ozone NAAQS.

The Department is proposing to certify that it has addressed the aforementioned infrastructure SIP requirements, including those for interstate transport, pertaining to the 2015 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 2015 8-hour ozone NAAQS, as demonstrated by the EPA's air modeling. Pending the receipt of a request for a public hearing and/or any comments received, this amendment to the SIP will take effect 30 days following publication of this Notice in the South Carolina State Register, after which, the Department will submit a final SIP certification package to the EPA for approval.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF RESCHEDULED PUBLIC HEARING AND OPPORTUNITY OF PUBLIC COMMENT ON PROPOSED DESIGNATION OF CAPACITY USE AREA PURSUANT TO S.C. CODE SECTION 49-5-60

July 27, 2018

The South Carolina Department of Health and Environmental Control ("Department") proposes the designation of all of Aiken County, Allendale County, Bamberg County, Barnwell County, Calhoun County, Lexington County, and Orangeburg County as part of the Western Capacity Use Area. Interested persons are invited to make oral or written comments on the proposed Capacity Use Area at a public hearing to be conducted by the Board of Health and Environmental Control on September 13, 2018. This public hearing replaces the previously scheduled August 9, 2018, public hearing, which is hereby rescheduled for the September 13, 2018 date. The public hearing will be held in the Board Room of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. The Board meeting commences at 10:00 a.m. The Board's agenda will be published 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Due to the rescheduled public hearing, the Department also hereby extends the written comment period to August 27, 2018. Interested persons may submit written comments on the proposed Capacity Use Area to Mr. Robert Devlin at SCDHEC, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on August 27, 2018. Comments received pursuant to the now rescheduled August 9, 2018, public hearing notice need not be resubmitted. All comments received by the extended deadline date will be included in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

SCDHEC's technical report on groundwater conditions in Aiken, Allendale, Bamberg, Barnwell, Calhoun, Lexington, and Orangeburg Counties is available on the Internet at <http://www.dhec.sc.gov/Library/CR-012038.pdf>. A copy of the report may be obtained by contacting Ms. Amira Berezowska at 803-898-3563.

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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 July 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 Aiken County

Georgia-Lina Energy Workers Healthcare Corp

Establishment of a Home Health Agency in Aiken County at a total project cost of \$20,000.

Affecting Berkeley County

Low Country Endoscopy Center, LLC

Development of an endoscopy only ambulatory surgery facility at a total project cost of \$7,708,591.

Affecting Darlington County

Well Care Home Health of the Midlands, Inc.

Establishment of Home Health Agency in Darlington County at a total project cost of \$29,000.

Affecting Dillon County

Well Care Home Health of the Midlands, Inc.

Establishment of Home Health Agency in Dillon County at a total project cost of \$29,000.

Affecting Horry County

Conway Hospital, Inc. d/b/a CMC Health Plaza South

Development of a multispecialty ambulatory surgery facility with 2 operating rooms at total project cost of \$11,692,394.

Affecting Lee County

Well Care Home Health of the Midlands, Inc.

Establishment of Home Health Agency in Lee County at a total project cost of \$29,000.

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 July 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 Richland County

First Priority Home Care, LLC

Establishment of a Home Health Agency in Richland County at a total project cost of \$15,000.

Affecting Sumter County

Sumter Treatment Specialists, LLC

Establishment of an outpatient narcotic treatment program at a total project cost of \$156,500.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Relocation of Nonmetallic Mineral Processing Plants
Public Notice #18-031-GCM-Memo

In accordance with S.C. Regulation 61-62.1, Section II.B.6, a facility may request an exemption from the requirement to obtain a construction permit for modifications to existing equipment, including the reconstruction, relocation, and replacement of existing equipment.

The Department has developed a guidance document, in the form of a memo, to be used by the Bureau of Air Quality (BAQ) staff to help streamline the permitting process eliminating the requirement to obtain a construction permit for a previously permitted source, where no new applicable requirements are triggered due to the relocation of the equipment/facility for nonmetallic mineral processing operations covered under the General Conditional Major and State Operating Permits for Nonmetallic Mineral Processing Plants. This guidance will be maintained by the Department and periodically published in the South Carolina State Register. Additionally, this guidance will be maintained on the DHEC website at: <http://www.scdhec.gov/Environment/AirQuality/Training/>.

If you have questions or comments, please contact Mareesa Singleton, Division of Engineering Services, at (803) 898-4113.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

REVISION OF SOUTH CAROLINA MODELING GUIDELINES FOR AIR QUALITY PERMITS

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

The South Carolina Department of Health and Environmental Control (Department or DHEC) is publishing this Notice of General Public Interest to provide opportunity to comment on the Department's proposal to revise the Modeling Guidelines for Air Quality Permits guidance document. This guidance outlines the procedures used to address the requirements demonstrating a facility's emissions will not interfere with the attainment or maintenance of any ambient air quality standard as required under Regulation 61-62.1, Definitions and General Requirements, Section II(C)(3), and Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7(k). The document will be maintained by the Department and is posted for review on the DHEC website at: <http://www.scdhec.gov/Apps/Environment/PublicNotices/SearchAndDisplay/Display/8589>.

To be considered, the Department must receive comments by 5:00 p.m. on August 27, 2018, the close of the comment period.

10 NOTICES

Please contact John Glass, Air Modeling Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-4074; or email at glassjp@dhec.sc.gov for more information.

Synopsis:

The Department has drafted changes to the state modeling guidance. Permittees use this guidance to develop modeling included in their submitted permit applications prior to obtaining required permits necessary to construct and operate sources of air pollutant emissions. The revisions will update this guidance to conform to changes in South Carolina-specific procedures for addressing compliance with ambient air quality standards, as well as changes adopted when the Environmental Protection Agency (EPA) updated The Guideline on Air Quality Models (Appendix W), effective on May 22, 2017. The Department will consider comments submitted before finalizing the Modeling Guidelines and will post the final guidance on the DHEC website.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than August 27, 2018 to:

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

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

Class II

Hynes Land & Environmental Services

Attn: Amanda Hynes
2411 Oak Street, Suite 403J
Myrtle Beach, SC 29577

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

NOTICE OF GENERAL PUBLIC INTEREST

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

Mandatory codes include the:

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

Permissive codes include the:

2018 Edition of the International Property Maintenance Code;
2018 Edition of the International Existing Building Code;
2018 Edition of the International Swimming Pool and Spa Code;
2018 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before November 21, 2018.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

South Carolina Department of Labor, Licensing and Regulation (LLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held on September 6, 2018, 10:00 AM at the SC Department of LLR, 121 Executive Center Drive, Columbia, SC 29211, Suite 230. Interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the South Carolina Department of Labor, Licensing and Regulation will promulgate, revoke, or modify Rules and Regulations pursuant to Section 41-15-210, South Carolina Code of Laws, 1976.

The parts of the Occupational Safety and Health Rules and Regulations being considered at the hearing are as follows:

Subarticle 6 (General Industry):

Revisions to Sections: Subpart Z—Toxic and Hazardous Substances and 1910.1024 Beryllium

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Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the SC Department of LLR during normal business hours by contacting the Occupational Health and Safety Administration office at 803-896-5811.

Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than August 24, 2018. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views in writing on or before August 31, 2018.

Emily Farr, Director
South Carolina Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

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

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

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-5 related to fees assessed by the Auctioneers' Commission to delete pro-rated fees. Interested persons may submit written comments to Amy Holleman, Administrator, Auctioneers' Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-5 to delete pro-rated fees from the fee schedule of the Auctioneers' Commission as there is no statutory authority supporting pro-rating fees.

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-37(B)(5) to reduce the late renewal fee. Interested persons may submit comments to Roderick Atkinson, Administrator, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-37(B)(5) to reduce the late renewal fee. Currently the late renewal fee is \$25 per month, and the Commission proposes to reduce the amount to \$15 per month.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39**

Statutory Authority: 1976 Code Section 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to: add a regulation regarding the use of Botox and other neuromodulators in a dental setting, and a regulation governing the use of lasers in a dental practice; to amend R.39-8 regarding laboratory work authorization form and R.39-10 regarding sanitary standards; and to amend R.39-11 regarding ethics. Interested persons may submit comments to Rita Melton, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

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Synopsis:

The South Carolina Board of Dentistry proposes to add a regulation regarding the use of Botox and other neuromodulators in a dental setting and a regulation governing the use of lasers in a dental practice. The Board further proposes to amend R.39-8 to provide more guidance for a laboratory work authorization form and to establish standards for handling materials sent to a laboratory and R.39-10(A)(6) to provide that sterilization must comply with current CDC recommendations. The Board proposes amending the current Code of Ethics in R.39-11 to strike the current language and adopt the current American Dental Association (ADA) Code of Ethics.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF REGISTRATION FOR FORESTERS

CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Notice of Drafting:

The South Carolina Board of Registration for Foresters proposes to amend its regulations to conform to current administrative procedures. Interested persons may submit comments to Molly Price, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Registration for Foresters proposes to amend its regulations to conform to current administrative procedures; most of the regulations have not been updated since the publication of the 1976 Code.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Section 40-29-10(D)(3)

Notice of Drafting:

The South Carolina Manufactured Housing Board proposes to amend R.79-42 relating to manufactured home installation to conform to Federal requirements set forth by the Department of Housing and Urban Development.

Interested persons may submit written comments to Roger Lowe, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Manufactured Housing Board proposes to amend R.79-42 relating to installation to conform to Federal requirements set forth by the Department of Housing and Urban Development.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN OPTOMETRY**

CHAPTER 95

Statutory Authority: 1976 Code Section 40-37-40(A)(7)

Notice of Drafting:

The South Carolina Board of Examiners in Optometry proposes to amend R.95-3 regarding licensure requirements, R.95-4 regarding continuing education requirements, and R.95-5 regarding licensure by endorsement. Interested persons may submit comments to April Koon, Administrator, Board of Examiners in Optometry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Optometry proposes to amend R.95-3 to eliminate the requirement that all portions of the national examination be passed, R.95-4 to reduce continuing education requirements and to require the use of an electronic continuing education tracking service offered through the Agency, and R.95-5 eliminating and modifying certain requirements for obtaining licensure by endorsement.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY**

CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(C) and (D)(8), 40-43-86(B), and 40-43-150

Notice of Drafting:

The South Carolina Board of Pharmacy proposes amending R.99-45 to comport with statutory requirements regarding the ratio of pharmacists to pharmacy technicians and to modify the penalty for violating the statutorily-mandated ratio. Interested persons may submit comments to Traci Collier, Assistant Administrator, South Carolina Board of Pharmacy, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Pharmacy proposes amending R.99-45 to comport with statutory requirements regarding the ratio of pharmacists to pharmacy technicians and to modify the penalty for violating the statutorily-mandated ratio.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHYSICAL THERAPY EXAMINERS**

CHAPTER 39

Statutory Authority: 1976 Code Section 40-45-60

Notice of Drafting:

The South Carolina Board of Physical Therapy Examiners proposes to amend R.101-07 to expand opportunities for licensees to obtain continuing education/competence credit. Interested persons may submit

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comments to Mack Williams, Administrator, Board of Physical Therapy Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Physical Therapy Examiners proposes to amend R.101-07 to expand opportunities for licensees to obtain continuing education/competence credit.

Legislative review of this amendment is required