

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

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

Published August 25, 2023

Volume 47 Issue No. 8

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.

2023 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

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

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

South Carolina State Register Subscription Order Form

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

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

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates.....1

EXECUTIVE ORDERS

Executive Order No. 2023-22 Lowering Flags for Lt. Michael Wood, Jr.....2
 Executive Order No. 2023-23 Suspending Member of Latta Town Council2
 Executive Order No. 2023-24 Lowering Flags for Officer Matthew Hare of Easley Police Department.....3
 Executive Order No. 2023-25 Lowering Flags for Sheriff Douglas Pernell, Sr.....4
 Executive Order No. 2023-26 Appointing Dillon County Sheriff.....5

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Amendment to Air Quality State Implementation Plan.....6
 Certificate of Need7
 UST Rehabilitation Contractor Certification – Arcadis, U.S., Inc.7

DRAFTING NOTICES

CLEMSON UNIVERSITY

State Livestock-Poultry Health Commission

State Meat Inspection Regulation (Exempt).....9
 State Poultry Products Inspection Regulation (Exempt)9

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Standards for Licensing Ambulatory Surgical Facilities.....10

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Athletic Commission, State

State Athletic Commission10

Engineers and Land Surveyors, South Carolina State Board of Registration for Professional

Professional Land Surveyor Licensure Requirements.....11

Occupational Safety and Health, Office of

Recordkeeping.....11

MOTOR VEHICLES, DEPARTMENT OF

International Fuel Tax Agreement and International Registration Plan.....12

PROPOSED REGULATIONS

EDUCATION, STATE BOARD OF

Document No. 5222 Criteria for Entry into Programs of Special Education for
 Students with Disabilities.....13
 Document No. 5223 Operation of Public Student Transportation Services14

TABLE OF CONTENTS

ELECTION COMMISSION, STATE

Document No. 5224	R.45-8, Defective and Duplicate Ballot Cards, Sealed After Tabulation.....	16
Document No. 5225	Retention and Storage of Election Records and Election Equipment	18

FINANCIAL INSTITUTIONS, STATE BOARD OF

Document No. 5210	Borrower's Preference Re Attorney and Insurance.....	20
Document No. 5214	Consolidated Report of Income and Expenses (Exempt).....	21
Document No. 5215	Home Improvement Loans, Savings and Loan	23
Document No. 5216	Insurance and Fidelity Bond Protection	25
Document No. 5217	Investment of Surpluses	26
Document No. 5218	Limitations and Restrictions on Borrowing by Savings and Loan Institutions (Exempt).....	28
Document No. 5219	Limitations and Restrictions on Loans, Savings and Loan	30
Document No. 5220	Limitations and Restrictions on Real Estate Mortgages (Exempt)	31
Document No. 5206	Loans Secured by Real Estate Mortgages (Exempt).....	33
Document No. 5207	Mobile Home Loans, Savings and Loan	35
Document No. 5208	Notice of Intention to Withdraw Shares.....	37
Document No. 5209	Participation in RFC Loans.....	38
Document No. 5211	Published Reports of Condition, Savings and Loan (Exempt).....	40
Document No. 5212	Reports of Financial Condition (Exempt)	42
Document No. 5213	Servicemen's Readjustment Act	43

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 5226	Transportation of Radioactive Waste Into or Within South Carolina	45
-------------------	-------------------------------------------------------------------------	----

MOTOR VEHICLES, DEPARTMENT OF

Document No. 5221	Billing Accounts.....	48
Document No. 5227	License Plates.....	50
Document No. 5228	Self-Insurers	52

SOCIAL SERVICES, DEPARTMENT OF

Document No. 5229	Family Day Care Homes.....	54
-------------------	----------------------------	----

FINAL REGULATIONS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 5188	Air Pollution Control Regulations and Standards (Exempt).....	57
-------------------	---------------------------------------------------------------	----

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5145			Child Support Guidelines	01/13/2024	Dept of Social Services	Regs and Admin Procedures	Judiciary
5175			Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5111			Campaign Practices and Reports	05/08/2024	State Ethics Commission		
5112			Contested Case Procedure	05/08/2024	State Ethics Commission		
5113			General	05/08/2024	State Ethics Commission		
5115			Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission		
5114			Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission		
5180			Definitions	05/08/2024	Dept of Disabilities and Special Needs		
5182			Unclassified Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs		
5179			License Requirement for Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs		
5181			Day Programs for Persons with Intellectual Disability	05/08/2024	Dept of Disabilities and Special Needs		
Committee Request Withdrawal							
5136			Certification of Need for Health Facilities and Services	Tolled	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs

2 EXECUTIVE ORDERS

Executive Order No. 2023-22

WHEREAS, the undersigned has been notified of the passing of Lieutenant Michael Charles Wood, Jr. of the Newberry Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Lieutenant Wood dedicated his life to protecting and serving the people of the State of South Carolina, both as a decorated law enforcement officer with the Newberry Police Department and in various other capacities, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

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

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Monday, July 31, 2023, in tribute to Lieutenant Wood and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 28th DAY OF JULY, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-23

WHEREAS, on May 25, 2023, a Grand Jury convened in Dillon County returned an Indictment charging Steven Bradley Coward, a member of the Town Council of the Town of Latta, with Domestic Violence, Second Degree, in violation of section 16-25-20(C) of the South Carolina Code of Laws, as amended, and on August 1, 2023, the undersigned was notified of the aforementioned Indictment; and

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

WHEREAS, Steven Bradley Coward, as a member of the Town Council of the Town of Latta, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and the statutory definition and classification of the offense, the undersigned has determined that the aforementioned Indictment charges Steven Bradley Coward with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see Baddourah*, 433 S.C. at 108, 113–14, 856 S.E.2d at 571, 574 (“Under the circumstances presented here . . . we conclude the charge of second-degree domestic violence qualifies as a crime involving moral turpitude.” (footnote omitted)); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Steven Bradley Coward from office as a member of the Town Council of the Town of Latta until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Steven Bradley Coward from office as a member of the Town Council of the Town of Latta until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Steven Bradley Coward and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF AUGUST, 2023.**

**HENRY MCMASTER
Governor**

Executive Order No. 2023-24

WHEREAS, the undersigned has been notified of the passing of Officer Matthew Logan Hare of the Easley Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

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

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

4 EXECUTIVE ORDERS

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

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Tuesday, August 8, 2023, in tribute to Officer Hare and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 7th DAY OF AUGUST, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-25

WHEREAS, the undersigned has been notified of the passing of Sheriff Douglas Pernell, Sr., who dutifully served as Sheriff of Dillon County from January of 2021 until the time of his passing; and

WHEREAS, in addition to his tenure as Sheriff of Dillon County, Sheriff Pernell previously served the people of the State of South Carolina and the residents of Dillon County in various other capacities over the course of his distinguished career in law enforcement; and

WHEREAS, Sheriff Pernell was a dedicated public servant, principled leader, and decorated law enforcement officer, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of distinguished service; and

WHEREAS, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Sunday, August 13, 2023, in honor of Sheriff Pernell and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 11th DAY OF AUGUST, 2023.

HENRY MCMASTER
Governor

Executive Order No. 2023-26

WHEREAS, the undersigned has been notified that there presently exists a vacancy in the office of Sheriff of Dillon County due to the death of Douglas Pernel, Sr. on August 7, 2023; and

WHEREAS, section 23-11-40(D) of the South Carolina Code of Laws, as amended, provides that in the event of a vacancy in the office of a county sheriff, “except in the case when a vacancy occurs as a result of an indictment,” “[t]he chief deputy or second-in-command of the sheriff’s office shall act as sheriff until the vacancy is filled” by gubernatorial appointment or election and “[w]hile acting as sheriff, the chief deputy or second-in-command is subject to the duties and liabilities incident to the office of sheriff”; and

WHEREAS, upon the death of Douglas Pernel, Sr., James Lee Hamilton, Chief Deputy Sheriff of Dillon County, temporarily assumed the duties of Sheriff of Dillon County in accordance with section 23-11-40(D) of the South Carolina Code of Laws; and

WHEREAS, pursuant to section 23-11-40(B) of the South Carolina Code of Laws, “[i]f any vacancy occurs in the office more than one year prior to the next general election for county sheriffs, the Governor shall appoint some suitable person,” who shall be an elector of the county, to serve as sheriff “until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs”; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is necessary and appropriate under the circumstances presented to appoint a suitable person to serve as Sheriff of Dillon County “until a special election is held to elect a sheriff to hold the office until a sheriff is elected and qualifies in the next general election for county sheriffs” as provided by section 23-11-40(B) of the South Carolina Code of Laws; and

WHEREAS, James Lee Hamilton, of Dillon, South Carolina, is a fit and proper person to serve as Sheriff of Dillon County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint James Lee Hamilton to serve as Sheriff of Dillon County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF AUGUST, 2023.**

**HENRY MCMASTER
Governor**

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN

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

The South Carolina (SC) 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 175A of the Clean Air Act (CAA) pertaining to maintenance plans for the control of criteria pollutants. Specifically, eight years after the redesignation of any area as attainment, the state is required to submit a revised maintenance plan for maintaining the National Ambient Air Quality Standard (NAAQS) for an additional 10 years after the expiration of the original maintenance plan. As required under Section 175A of the CAA, the Department is preparing a second 10-year maintenance plan for the continued attainment of the 2008 8-hour ozone NAAQS through 2036 and is seeking public comment. To be considered, the Department must receive comments by 5:00 p.m. on September 25, 2023, 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 October 2, 2023, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, SC 29201. 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 September 25, 2023, 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 Holly Randolph, Air Regulation and SIP Management Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or email at randolhk@dhec.sc.gov for more information, or to find out if the Department will hold a public hearing.

Synopsis:

The 2008 8-hour ozone NAAQS is 0.075 parts per million (ppm). A violation of this NAAQS occurs when the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is greater than 0.075 ppm. This three-year average is termed the "design value" for the ambient air quality monitoring site. The design value for a nonattainment area is the highest monitoring site design value in the area. On May 21, 2012, based on 2008-2010 ambient air monitoring data from several monitoring sites in the North Carolina (NC) portion of the Charlotte-Gastonia-Rock Hill, NC-SC area (Charlotte Area), the U.S. Environmental Protection Agency (EPA) designated and classified a portion of York County, SC within the Rock Hill-Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) area as a marginal nonattainment area for the 2008 8-hour ozone NAAQS. Effective January 11, 2016 (80 FR 76865), the EPA redesignated the York County, SC portion within the RFATS MPO area (Maintenance Area) to attainment for the 2008 8-hour ozone NAAQS. As part of the redesignation action, the Department adopted, and the EPA approved, a maintenance plan for the Maintenance Area which demonstrated continued attainment of the 2008 8-hour ozone NAAQS through 2026.

As required under Section 175A of the CAA, the Department is preparing a second 10-year maintenance plan for the continued attainment of the 2008 8-hour ozone NAAQS through 2036. The certified ambient air monitoring data demonstrates that the Charlotte Area has attained the 2008 8-hour ozone NAAQS and maintained the NAAQS every year after redesignation. The Department believes that this attainment will continue for the duration of the second 10-year maintenance plan which, as required by Clean Air Act Section 175A(d), includes contingency plans to correct any violation of the 2008 8-hour ozone NAAQS.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **August 25, 2023**, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

The Department did not receive any new applications for filing.

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 no earlier than 30 days, but no later than 120 days, from **August 25, 2023**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Charleston County

Trident Medical Center, LLC d/b/a Johns Island Hospital

Construction for the establishment of a new 40-bed acute care and 10 ICU bed hospital for a total of 50 beds in Charleston County with 4 ORs, 1 Cath Lab, CT and MRI services for a total of 236,420 sf at a total project cost of \$277,271,812.00.

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 September 25, 2023 to:

8 NOTICES

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

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

Class I

Arcadis, U.S., Inc.
Attn: Hugh B. Devery
2839 Paces Ferry Rd, Ste 900
Atlanta, GA 30339

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered, comments should be received no later than September 22, 2023, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USC 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered, comments should be received no later than September 22, 2023, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USC 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

10 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-91, Standards for Licensing Ambulatory Surgical Facilities. Interested persons may submit written comments to the Healthcare Quality Office of Policy and Communications, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov; or the Healthcare Quality Public Comment Form (<https://forms.office.com/g/9VMEXLWtq0>). To be considered, the Department must receive comments no later than 5:00 p.m. on September 25, 2023, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(4), the Department establishes and enforces the minimum standards for the licensure, maintenance, and operation of ambulatory surgical facilities to ensure the safe and appropriate treatment of persons served in this state. In accordance with 2023 Act No. 20 (S.164), the Department proposes amending R.61-91 to promulgate regulations concerning the provision of uncompensated indigent/charity care required pursuant to S.C. Code Section 44-7-266(B) and -(C), including related definitions, licensure requirements, reporting requirements, and enforcement. Additionally, the Department proposes amending the regulation to address the required quality of care, services, and treatment provided by facilities and to prescribe the manner and method of fee payments.

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

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

DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE ATHLETIC COMMISSION

CHAPTER 20

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

Notice of Drafting:

The South Carolina State Athletic Commission proposes to amend regulations in Chapter 20 of the Code of Regulations following its five-year regulatory review conducted pursuant to S.C. Code Section 1-23-120. Interested persons may submit comments to the administrator for the commission, Jon Hollingsworth, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina State Athletic Commission proposes to amend regulations in Chapter 20 of the Code of Regulations following its five-year regulatory review conducted pursuant to S.C. Code Section 1-23-120.

Legislative review is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
CHAPTER 49**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-22-60

Notice of Drafting:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener's error. Interested persons may submit comments to Lenora Addison-Miles, Administrator, Board of Registration for Professional Engineers and Land Surveyors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-201 to correct a scrivener's error. Specifically, R.49-201B(3) should be revised to reference R.49-201C as opposed to 201D.

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Section 41-15-220

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend sections of Chapter 71, Article 1, Subarticle 3, Occupational Injury and Illness Recording and Reporting Regulation. Specifically, the Department proposes to amend Subarticle 3 to clarify that certain employers must electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis. Interested persons may submit comments to Kristina Baker, Deputy Director, SC OSHA, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

On July 21, 2023, the Occupational Safety and Health Administration (OSHA) issued for public inspection a Final Rule that is expected to become effective on January 1, 2024, amending its occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. Specifically, OSHA is amending its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year. Establishments with 20 to 249 employees in certain industries will continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. All establishments with 250 or more

12 DRAFTING NOTICES

employees that are required to keep records under OSHA's injury and illness regulation will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis.

Legislative review of this amendment is required.

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Sections 56-3-10, et seq. and 56-11-10, et seq.

Notice of Drafting:

The South Carolina Department of Motor Vehicles (SCDMV) proposes to promulgate regulations regarding International Fuel Tax Agreement (IFTA), International Registration Plan (IRP), and forms related to both of these programs. Persons interested in submitting comments regarding this Notice of Drafting may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020.

Synopsis:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-480, S.C. Reg. 38-447, and S.C. Reg. 38-500 through 38-503. The SCDMV proposes to promulgate the similar regulations in SCDMV Chapter of the South Carolina Code of Regulations.

Legislative review of the promulgated regulations is required.

Document No. 5222
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-21-510, 59-33-10, and 59-33-30

43-243.1. Criteria for Entry into Programs of Special Education for Students with Disabilities.

Preamble:

The State Board of Education proposes to amend R.43-243.1 Criteria for Entry into Programs of Special Education for Students with Disabilities. These revisions reflect developments in the field, guidance from OSEP, provide clarity and to support uniform implementation of the eligibility criteria for the thirteen categories identified in IDEA.

Section-by-Section Discussion:

Sections B – N These revisions reflect developments in the field, guidance from OSEP, provide clarity and to support uniform implementation of the eligibility criteria for the thirteen categories identified in IDEA.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on October 10, 2023, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link [2021-22 Regulations Under Review By The State Board of Education.](#)

Written comments should be submitted to Peter Keup, Director, Office of Special Education Services, 1919 Blanding Street, Columbia, SC 29201 or by e-mail to pekeup@ed.sc.gov on or before 5:00 p.m. on September 25, 2023.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to regulation 43-243.1.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Criteria for Entry into Programs of Special Education for Students with Disabilities.

Purpose: South Carolina Department of Education Regulation 43-243.1 contains criteria for entry into special education programs for students with disabilities. These revisions reflect developments in the field, guidance from OSEP, provides clarity, and supports uniform implementation of the eligibility criteria for the thirteen categories identified in IDEA.

Legal Authority: 1976 Code Sections 59-21-510, 59-33-10, and 59-33-30.

Plan for Implementation: The proposed amendment will be incorporated within R.43-243.1 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner the

14 PROPOSED REGULATIONS

existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence, guidance documents and weekly virtual update meetings including LEA special education directors.

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

These amendments propose to make revisions to reflect developments in the field, guidance from OSEP, and to provide clarity on and to support uniform implementation of the eligibility criteria for the thirteen categories identified in IDEA.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

R.43-243.1 is required to reflect developments in the field of special education, guidance from OSEP, provide clarity, and support uniform implementation of the eligibility criteria for the thirteen categories identified in IDEA.

Text:

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

Document No. 5223
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-5-100, 59-5-120, and 59-67-520

43-80. Operation of Public Student Transportation Services.

Preamble:

The State Board of Education proposes to amend R.43-80 Operation of Public Student Transportation Services to address aides on school buses.

Section-by-Section Discussion:

Section II Updated the definition of disabled student; clarified the parameters in which an aide is required on a bus and the priority for aides; and the circumstances that an aide for a student with an IEP or 504 plan may serve as an aide for the bus.

The Notice of Drafting was published in the *State Register* on April 28, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held after October 10, 2023, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amended regulation will be posted on the State Board of Education web site for review and comment. To review the regulation click on the attached link [Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Phillip Cease, Director of Governmental Affairs, 1429 Senate Street, Columbia, SC 29201 or by e-mail to phcease@ed.sc.gov on or before 5:00 p.m. September 25, 2023.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to R.43-80.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Operation of Public Student Transportation Services

Purpose: State Board of Education Regulation 43-80 deals with the transportation of students. The purpose of this amendment is to address the use of aides on school buses, particularly buses transporting students in wheelchairs and students who require the use of a Child Restraint System or are on an Individualized Education Program or accommodations plan under Section 504 of the Rehabilitation Act of 1973 (504 plan).

Legal Authority: 1976 Code Sections 59-5-60, 59-5-100, 59-5-120, and 59-67-520.

Plan for Implementation: The proposed amendment will be incorporated within Reg. 43-80 upon publication in the *State Register* as a final regulation. The proposed amendment will be implemented in the same manner the existing regulation is implemented. School and district personnel will be informed of the new procedure through electronic correspondence.

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

The purpose of this updated regulation is to clarify the order in which school districts should assign aides to busses.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

16 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

R.43-80 determines the criteria required to have an aide accompany a disabled student on a school bus, if in a wheelchair or requires use of child-restraint system, and the student is on an IEP (Individualized Education Program) or accommodations plan under Section 504 of the Rehabilitation Act of 1973 (504 plan).

Text:

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

Document No. 5224

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

45-8. Defective and Duplicate Ballot Cards, Sealed After Tabulation.

Preamble:

The State Election Commission (SEC) proposes to amend Regulation 45-8 to remove obsolete content and instructions and replace it with new content relating to records provided to the SEC when it conducts audits of county boards of voter registration and elections.

Section-by-Section Discussion:

Strike and amend the content of Regulation 45-8 with new content, including the regulation title.

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on October 18, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, September 25, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed amendment of Regulation 45-8.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-8, “Defective and Duplicate Ballot Cards, Sealed After Tabulation”, title to become “Confidentiality of Audit Records; Penalties”.

Purpose: The State Election Commission (SEC) proposes to amend this regulation by striking its provisions, including the title, and providing new regulatory content relevant to current law and conduct of elections in South Carolina. The subject of the amended regulation will be the confidential status of certain records collected by SEC as it conducts statutorily authorized audits, and penalties that may apply for improperly disclosing such information.

Legal Authority: 1976 Code Sections 7-3-10 and 7-3-20.

Plan for Implementation: After amendment of the regulation, the SEC will advise the 46 county boards of voter registration and elections of the amendment.

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

The existing regulation is obsolete, having been written and implemented for a voting system that no longer exists. The equipment and associated materials used by counties to conduct elections for which the regulation was written are either no longer in use or exist in different forms the current regulation does not sensibly address. Consequently, the current contents of the regulation are useless and cannot be implemented by any electoral authority conducting elections in South Carolina. South Carolina Code of Laws § 7-3-20(D)(3), as amended, requires the SEC, via its Executive Director, to conduct post-election reviews and audits of the various county’s boards of voter registration and elections. These audits will require SEC employees to conduct interviews and collect information from, among others, employees of the county boards. The proposed regulation clarifies the status of information collected by the SEC as it conducts such audits.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of Regulation 45-8.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The current contents of the regulation are being struck and amended with new regulatory provisions relevant to current law and practices. The title of the amended regulation will also be struck and amended to be “Confidentiality of Audit Records; Penalties.” The subject of the amended regulation will be the confidentiality of information provided to SEC auditors by, among others, employees of the various county boards of voter

18 PROPOSED REGULATIONS

registration and elections. The regulation sets forth what information shall be confidential, and establishes a potential penalty for improperly disclosing such information.

Text:

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

Document No. 5225
STATE ELECTION COMMISSION
CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10, 7-3-20, and 7-13-1640

45-17. Storage of Election Records and Equipment. (New)

Preamble:

The State Election Commission (SEC) proposes to add a new regulation stating storage and retention requirements for certain records from elections, and equipment used to conduct elections.

Section-by-Section Discussion:

Create a new regulation R.45-17.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

If a public hearing is requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, a hearing will be conducted at 1122 Lady Street, Suite 500, Columbia, South Carolina on October 18, 2023, at 10:00 AM. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, S.C. 29250. To be considered, all comments must be received no later than 5:00 PM on Monday, September 25, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SEC does not anticipate any additional cost to the State or its political subdivisions as a result of the proposed new Regulation 45-17.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 45-17, "Storage of Election Records and Equipment."

Purpose: The SEC proposes a new regulation to provide uniform procedures for all county boards of voter registration and elections to follow with regards to the retention of election records and equipment used to conduct elections.

Legal Authority: 1976 Code Sections 7-3-10, 7-3-20, and 7-13-1640.

Plan for Implementation: When the regulation is approved and then published in the South Carolina State Register, the SEC will advise the 46 county boards of voter registration and elections of the amendment. The SEC will also post a notice of the new regulation to its website.

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

Under South Carolina State and United States laws and regulations, authorities conducting elections must retain certain sets of records relating to elections for defined lengths of time. The proposed regulation underlines the requirement, and requires the various county boards of voter registration and elections to report any agreement the county may have with the South Carolina Department of Archives and History that may affect the retention of records in the boards' custody. The regulation also requires a backup of the electronic database used to conduct an election to be saved, and states a baseline standard for storage conditions under which the equipment used to conduct the election is kept.

DETERMINATION OF COSTS AND BENEFITS:

The SEC does not anticipate that any additional cost to the State or its political subdivisions will result from the proposed amendment of R.45-17.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Under South Carolina State and United States laws and regulations, authorities conducting elections must retain certain sets of records relating to elections for defined lengths of time. The proposed regulation underlines the retention requirements, and also requires the various county boards of voter registration and elections to report any agreement the county may have with the South Carolina Department of Archives and History that may affect the retention of records in the boards' custody. The regulation also requires a backup of the electronic database used to conduct an election to be saved, and states a baseline standard for storage conditions under which the equipment used to conduct the election is kept.

Text:

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

20 PROPOSED REGULATIONS

Document No. 5210
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-24. Borrower's Preference Re Attorney and Insurance.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-24 because the underlying state law references in this regulation are no longer correct, and the subject matter of the regulation is now addressed in the Consumer Protection Code, Section 37-10-102.

Section-by-Section Discussion:

15-24. Borrower's Preference Re Attorney and Insurance.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed to reflect current state law; specifically, the provisions of 37-10-102 of the Consumer Protection Code have been enacted to address the topic of attorney and insurance agent preference in applicable loan transactions.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to reflect current state law. Regulation 15-24 addresses subject matter that is now governed by the Consumer Protection Code at 37-10-102.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating regulations to remove outdated references to state law, and to remove provisions that conflict with or are sufficiently addressed by current provisions of state law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-24 requires lenders and lending institutions to allow borrowers to choose their own legal counsel and insurance agents in relation to loans of five thousand dollars or more. The State Board of Financial Institutions proposes to delete this regulation because the underlying state law references in this regulation are no longer correct, and the subject matter of the regulation is now addressed in the Consumer Protection Code at Section 37-10-102. Therefore, this regulation is obsolete.

Text:

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

Document No. 5214
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-27. Consolidated Report of Income and Expenses.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-27 to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

22 PROPOSED REGULATIONS

Section-by-Section Discussion:

15-27. Consolidated Report of Income and Expenses.

Amend to state rule for submission of Reports of Condition for banks, savings banks, savings and loan associations and trust companies.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-110 to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

DESCRIPTION OF REGULATION:

Purpose: The Agency proposes amending this regulation to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating this regulation to create parity between state-chartered and federally chartered banks, savings banks, savings and loan associations, and trust companies.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-27 addresses “Consolidated Report of Income and Expenses” for banks, which are referred to as “Reports of Condition” in the current Code. The State Board of Financial Institutions proposes amending this regulation to establish a consistent rule for submission of Reports of Condition for banks, savings banks, savings and loan associations, and trust companies, which shall be the same as is required for their federally-chartered counterparts.

Text:

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

Document No. 5215
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-60

15-23. Home Improvement Loans, Savings and Loan.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-23 because the federal law referenced therein has changed, and the 15% cap for outstanding home improvement loans is no longer applicable.

Section-by-Section Discussion:

15-23. Home Improvement Loans, Savings and Loan.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

24 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to reflect current federal law. Under current federal law, all institutions whose accounts are insured by the FDIC are eligible to apply to be a Title 1 lender, and the loan amount maximum and 15% cap are no longer applicable.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating the regulations to reflect current statutes and deleting those regulations that refer to statutes no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-23 addresses home improvement loans made by savings and loan and building and loan associations. The State Board of Financial Institutions proposes to delete this regulation because the federal law referenced therein has changed, and the loan amount maximum 15% cap for outstanding home improvement loans is no longer applicable.

Text:

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

Document No. 5216

STATE BOARD OF FINANCIAL INSTITUTIONS

CHAPTER 15

Statutory Authority: 1976 Code Sections 34-1-60 and 34-1-110

15-6. Insurance and Fidelity Bond Protection.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-6 as it contains obsolete references to and rules regarding cash depositories.

Section-by-Section Discussion:

15-6. Insurance and Fidelity Bond Protection.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with the provisions of Title 34 of the 1976 Code, as amended, which does not provide for the creation or existence of a financial institution called a cash depository.

DESCRIPTION OF REGULATION:

Purpose: Regulation 15-6 sets forth insurance and fidelity bond rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Legal Authority: 1976 Code Sections 34-1-60 and 34-1-110.

26 PROPOSED REGULATIONS

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating the regulations to reflect current statutes and deleting those regulations that refer to statutes no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-6 sets forth insurance and fidelity bond rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Text:

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

Document No. 5217
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 34-1-60 and 34-1-110

15-5. Investment of Surpluses.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-5 as it contains obsolete references to and rules regarding cash depositories.

Section-by-Section Discussion:

15-5. Investment of Surpluses.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in accordance with the provisions of Title 34 of the 1976 Code, as amended, which does not provide for the creation or existence of a financial institution called a cash depository.

DESCRIPTION OF REGULATION:

Purpose: Regulation 15-5 sets forth surplus investment rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Legal Authority: 1976 Code Sections 34-1-60 and 34-1-110.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*.

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

The Agency is updating the regulations to reflect current statutes and deleting those regulations that refer to statutes no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

28 PROPOSED REGULATIONS

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-5 sets forth surplus investment rules for state-chartered cash depositories. The South Carolina Code no longer provides for a cash depository charter, and there are no such remaining institutions chartered in South Carolina. The proposed deletion will remove this regulation, as it is no longer necessary.

Text:

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

Document No. 5218
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-2. Limitations and Restrictions on Borrowing by Savings and Loan Institutions.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-2 in order to allow state-chartered savings and loan institutions to borrow money without written approval by BOFI, in the same manner as a state-chartered bank.

Section-by-Section Discussion:

15-2. Limitations and Restrictions on Borrowing by Savings and Loan Institutions.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-110(A)(2), as it seeks to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to remove the requirement that state-chartered savings and loan associations must obtain approval from BOFI prior to borrowing money. The change will allow savings and loan associations to borrow money without BOFI approval.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to reflect changes in banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(2).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-2 prohibits state-chartered savings and loan institutions from borrowing money without written approval by the State Board of Financial Institutions. Deleting this regulation will allow these institutions to borrow money without written approval by the State Board of Institutions, in the same manner as a state-chartered bank.

30 PROPOSED REGULATIONS

Text:

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

Document No. 5219
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-9. Limitations and Restrictions on Loans, Savings and Loan.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-9 as it conflicts with Section 34-28-510, which was passed after this regulation.

Section-by-Section Discussion:

15-9. Limitations and Restrictions on Loans, Savings and Loan.

- A. Delete in its entirety.
- B. Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Sections 34-1-60, 34-1-110, and 34-28-510. [MORE]

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to remove the limitations on loans made by savings and loan associations because they conflict with the provisions of subsequently-passed Section 34-28-510, which allows the institutions to invest in or acquire loans of any type, subject to the limitations set forth therein.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating the regulations to reflect and be consistent with current statutes.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-9 sets limitations on loans by savings and loan associations. The State Board of Financial Institutions proposes to delete this regulation because the limitations set forth therein conflict with the provisions of Section 34-28-510 which sets forth the modern standard for loans issued by savings and loan associations.

Text:

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

Document No. 5220
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-41. Limitations and Restrictions on Real Estate Mortgages.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-41 to provide state-chartered credit unions with parity to federal credit unions and consistency among institutions in South Carolina by incorporating the Interagency Appraisal and Evaluation Guidelines.

32 PROPOSED REGULATIONS

Section-by-Section Discussion:

15-41. Limitations and Restrictions on Real Estate Mortgages.

- A. Delete current language and replace with certificate of title requirements.
- B. Delete current language and replace with appraisal requirements.
- C. Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation will be amended to provide state-chartered credit unions with parity to federal credit unions as to the matter of appraisal of properties which are the subject of real estate transactions.

DESCRIPTION OF REGULATION:

Purpose: The Agency proposes amending this regulation to establish consistency among institutions regarding real estate appraisals and to provide state-chartered credit unions with parity to their federal counterparts.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating regulations to establish consistency among institutions regarding real estate appraisals and to provide state-chartered credit unions with parity to their federal counterparts.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-41 sets forth rules for credit unions when making loans or advancing credit secured by a mortgage of real estate. The State Board of Financial Institutions proposes to amend this regulation to provide parity with federal credit unions and consistency among institutions in South Carolina by incorporating the Interagency Appraisal and Evaluation Guidelines.

Text:

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

Document No. 5206
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-110

15-7. Loans Secured by Real Estate Mortgages.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to amend Regulation 15-7 to provide state-chartered banks, savings banks, and savings and loans with parity with federal banks when appraising real estate for purposes of securing a loan.

Section-by-Section Discussion:

15-7. Loans Secured by Real Estate Mortgages.

- A. Update to include savings banks and savings and loan associations.
- B. Update to incorporate the use of Interagency Appraisal and Evaluation Guidelines.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

34 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-1-110(A)(1) and (2), as it seeks to permit “state-chartered banks to engage in any activity authorized for national banks by federal law or regulation of the Comptroller of the Currency” and to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to reflect the current standards for real estate appraisals for banks, savings banks, and savings and loan associations, and to provide parity with their federal counterparts.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(1) and (2). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating regulations to reflect the current standards for real estate appraisals for banks, savings banks, and savings and loan associations, and to provide parity with their federal counterparts.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-7 will be amended to provide that state-chartered banks, savings banks, and savings and loans shall have parity with federal banks when appraising real estate for purposes of securing a loan. The Board of Financial Institutions proposes to amend this regulation to require the use of the Interagency Appraisal and Evaluation Guidelines, which was jointly adopted by the Office of the Comptroller of the Currency, Board of

Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and the National Credit Union Administration.

Text:

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

Document No. 5207
STATE BOARD OF FINANCIAL INSTITUTIONS
 CHAPTER 15
 Statutory Authority: 1976 Code Section 34-1-60

15-19. Mobile Home Loans, Savings and Loan.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-19 to remove obsolete and outdated state and federal laws, as well as a federal regulatory entity that no longer exists, and because the subject matter is addressed in Section 34-28-510.

Section-by-Section Discussion:

15-19. Mobile Home Loans, Savings and Loan.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed because it addresses obsolete and outdated state and federal laws, as well as a federal regulatory entity that no longer exists, and because the subject matter is addressed in Section 34-28-510.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to reflect current state and federal law. Regulation 15-19 contains references to outdated federal law and refers to the Federal Home Loan Bank Board which no longer

36 PROPOSED REGULATIONS

exists. Additionally, the subject matter of Regulation 15-19 is now addressed in Section 34-28-510, which allows savings and loans to invest in loans of any type, subject to limitations established therein.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating regulations to remove references to obsolete state and federal laws.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-19 establishes rules for savings and loans when financing the purchase of a mobile home. The State Board of Financial Institutions proposes to delete this regulation because it references outdated state and federal laws, as well as a federal regulatory entity that no longer exists, and because the subject matter is addressed in Section 34-28-510.

Text:

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

Document No. 5208
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-26-210

15-40. Notice of Intention to Withdraw Shares.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-40 to remove obsolete references to state law, and remove limitations on credit unions which are currently sufficiently addressed in Code Section 34-26-210(2).

Section-by-Section Discussion:

15-40. Notice of Intention to Withdraw Shares.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in accordance with Section 34-26-210.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to remove rules for share withdrawal from distressed credit unions which are already addressed in Code Section 34-26-210(2).

Legal Authority: 1976 Code Section 34-26-210.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating regulations to remove obsolete references to state law and to remove topics sufficiently addressed in current statute.

38 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-40 establishes rules for credit unions dealing with deposit withdrawals and loans when the institution is at risk of failure. The State Board of Financial Institutions proposes to delete this regulation because restrictions on withdrawal in emergency are already addressed in Code Section 34-26-210(2).

Text:

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

Document No. 5209
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-10. Participation in RFC Loans.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-10 to remove obsolete language regarding the Reconstruction Finance Corporation, which was dismantled in 1953.

Section-by-Section Discussion:

15-10. Participation in RFC Loans.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Section 34-1-60.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing this regulation as it applies provisions of a federal law that is no longer in effect and makes reference to the Reconstruction Finance Corporation, which was dismantled in 1953.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating the regulations to remove outdated and obsolete references to federal law no longer in effect and entities no longer in existence.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

40 PROPOSED REGULATIONS

Statement of Rationale:

Regulation 15-10 governs bank participation in loans made by the Reconstruction Finance Corporation, which is no longer in existence. The State Board of Financial Institutions proposes deletion of this regulation as its provisions are obsolete.

Text:

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

Document No. 5211
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-110

15-8. Published Reports of Condition, Savings and Loan.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-8 to remove the obsolete requirement for savings and loan associations to publish a report of condition in the newspaper when called upon to do so by the chief examiner.

Section-by-Section Discussion:

15-8. Published Reports of Condition, Savings and Loan.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in accordance with Sections Section 34-1-110(A)(2), as it seeks to permit “state-chartered savings and loan associations to engage in any activity authorized... for state-chartered banks by this title or regulation or operational instruction of the State Board of Financial Institutions.”

DESCRIPTION OF REGULATION:

Purpose: Regulation 15-8 establishes requirements for savings and loan associations to publish a “report of condition” in the newspaper when called upon to do so by the “chief examiner.” The State Board of Financial Institutions proposes deleting this regulation as it is obsolete; moreover, the requirement does not exist for state-chartered banks.

Legal Authority: 1976 Code Section 34-1-110.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(2). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency is updating the regulations to reflect changes in banking practices, and to provide parity between certain types of institutions, as provided in Section 34-1-110(A)(2).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-8 establishes requirements for savings and loan associations to publish a “report of condition” in the newspaper when called upon to do so by the “chief examiner.” The State Board of Financial Institutions proposes deleting this regulation as it is obsolete; moreover, the requirement does not exist for state-chartered banks.

Text:

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

42 PROPOSED REGULATIONS

Document No. 5212
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 34-1-110 and 34-26-210

15-53. Reports of Condition. (New)

Preamble:

The State Board of Financial Institutions (BOFI) proposes a new regulation to be codified as “15-53. Reports of Condition.” This regulation would require that state-chartered credit unions file reports of financial condition with the Agency on a quarterly basis, as federal credit unions are required to do.

Section-by-Section Discussion:

15-53. Reports of Condition.

Requires credit unions to file Reports of Condition with the Agency on a quarterly basis.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The new regulation is proposed to create consistency among institutions, and to create parity between state chartered and federally chartered credit unions regarding submission of Reports of Condition.

DESCRIPTION OF REGULATION:

Purpose: The Agency proposes this regulation to require credit unions to submit Reports of Condition to the Agency on a quarterly basis.

Legal Authority: 1976 Code Sections 34-1-110 and 34-26-210.

Plan for Implementation: Legislative review of this proposal is not required pursuant to Section 1-23-120(H)(2) and Section 34-1-110(A)(3). Therefore, this regulation change will take effect upon publication of the final regulation in the State Register.

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

The Agency proposes this new regulation to create consistency among institutions, and to create parity between state chartered and federally chartered credit unions regarding submission of Reports of Condition.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The State Board of Financial Institutions proposes Regulation 15-53 requiring that state-chartered credit unions file reports of financial condition with the Agency on a quarterly basis. This requirement may be fulfilled by submitting the same quarterly report of financial condition which the credit union provides to the National Credit Union Administration.

Text:

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

Document No. 5213
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60

15-11. Servicemen's Readjustment Act.

Preamble:

The State Board of Financial Institutions (BOFI) proposes to repeal Regulation 15-11 to remove obsolete references to the Servicemen's Readjustment Act of 1944, which lapsed in 1956.

Section-by-Section Discussion:

15-11. Servicemen's Readjustment Act.

44 PROPOSED REGULATIONS

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on June 23, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at 1205 Pendleton Street, Suite 415, Columbia, S.C. 29201 on October 4, 2023, at 10:00 a.m. Written comments may be directed to Kathy Bickham, Commissioner of Banking, Board of Financial Institutions, 1205 Pendleton Street, Suite 305, Columbia, S.C. 29201 no later than 5:00 p.m., September 26, 2023. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is repealed in light of the fact that it sets forth rules regarding compliance with a federal law that is no longer in effect.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating regulations to reflect current federal law. Regulation 15-11 sets forth rules regarding compliance with a federal law that has expired and, therefore, will be repealed.

Legal Authority: 1976 Code Section 34-1-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Agency is updating regulations to remove references to federal law no longer in effect.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

Regulation 15-11 sets forth provisions for state-chartered banks related to the Servicemen’s Readjustment Act of 1944, a federal law which has lapsed. The State Board of Financial Institutions proposes deletion of this regulation as its provisions are obsolete.

Text:

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

Document No. 5226
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 13-7-10, et seq.

61-83. Transportation of Radioactive Waste Into or Within South Carolina.

Preamble:

Pursuant to S.C. Code Sections 13-7-10 et seq., the Department of Health and Environmental Control (“Department”) requires compliance with all applicable provisions and current revisions of Title 10, Part 71 of the Code of Federal Regulations (10 CFR 71), and any disposal facility’s radioactive material license requirements and site disposal criteria regarding the packaging, transportation, disposal, storage or delivery of radioactive materials. The Department proposes amending R.61-83 to incorporate 10 CFR 71 regulations promulgated in 2018, provide clarification for conformance with disposal site criteria, include an exemption allowance to be consistent with R.61-63, *Radioactive Materials (Title A)*, and update forms to the current Department documents in use. The proposed amendments may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 28, 2023, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendment:

Section	Type of Change	Purpose
Statutory Authority	Addition	Added statutory authority for clarity.
Table of Contents	Reorganization	Updated to reflect proposed amendments to regulatory text.
Section 1		
1.2	Addition/Deletion	Cited Federal regulations adopted by reference.
Section 2		
2.1-2.2	Technical Correction	Corrected for punctuation.

46 PROPOSED REGULATIONS

2.11.1-2.11.2	Technical Correction, Revision	Corrected for punctuation and to clarify shipper reference.
Section 3		
3.1	Revision	Revise contact information and revise form number.
3.2, 3.2.3, 3.2.4	Technical Correction	Corrected for punctuation.
3.2.5	Technical Correction, Revision	Corrected for punctuation and to clarify shipper reference.
3.3	Revision	Amended to add criteria type.
3.5.1-3.5.2	Revision	Amended for stylistic clarity.
Section 4		
4.1	Revision	Amended for stylistic clarity.
4.1.1	Revision	Update form identification number.
4.1.2	Revision	Amended to clarify shipper reference.
4.2	Revision	Update form identification number.
4.3	Revision	Update form identification number.
4.4	Revision	Update form identification number.
Section 5		
5.1	Revision	Update form identification number.
5.1.1-5.1.2	Technical Correction	Corrected for punctuation.
5.1.3	Revision	Update form identification number.
5.2	Revision	Update form identification number.
5.3	Revision	Update form identification number.
Section 7		
7.1.1	Technical Correction	Corrected for misspelled word.
7.1.2	Revision	Amended for stylistic clarity and to clarify shipper reference.
7.2.1	Technical Correction	Corrected for punctuation.
7.2.2	Revision	Amended for stylistic clarity and to clarify shipper reference.
7.4	Revision	Amended for stylistic clarity.
Section 8 (new)	Addition	Included an exemption for consistency with R.61-63.
Section 9 (previous Section 8)	Technical Correction	Corrected for codification.
Attachments	Deletion	Removed forms from the regulations and indicate by reference source of forms.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Lynne Garner of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia,

S.C. 29201; garnerld@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 25, 2023, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 9, 2023, 10:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>.

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

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-83, Transportation of Radioactive Waste Into or Within South Carolina.

Purpose: The Department proposes amending R.61-83, Transportation of Radioactive Waste Into or Within South Carolina, to incorporate the 2018 revisions to 10 CFR 71, and any disposal facility's radioactive material license requirements and site disposal criteria regarding the packaging, transportation, disposal, storage, or delivery of radioactive materials.

Legal Authority: 1976 Code Sections 13-7-10, et seq.

Plan for Implementation: The amendments will take legal effect upon Board approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendment. In Addition, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. For a fee, printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

Adoption of the proposed amendments of R.61-83 enables compliance with federal regulations and standards.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendment will potentially relieve the burden to the regulated community by providing the ability to grant exemptions from the requirements of the regulation when authorized by law and when SCDHEC determines it will not result in undue hazard to public health and safety of property.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

48 PROPOSED REGULATIONS

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These proposed amendments will promote an effective regulatory program for radioactive material users under state jurisdiction, and protection of the public and workers from unnecessary exposure to ionizing radiation. These proposed changes will also provide updates to the transportation safety standards for radioactive materials.

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

The State's authority to implement federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The regulation was promulgated pursuant to Act No. 429 of 1980, the South Carolina Radioactive Waste Transportation and Disposal Act, amending S.C. Code Ann. 13-7-10 *et seq.* of the South Carolina Atomic Energy and Radiation Control Act. The purpose of the regulation is to require written notification to the Department of shipments of radioactive waste by any shipper, carrier, or other person who transports such waste within the State's borders. An additional purpose of the regulation is to require that shippers of waste obtain adequate financial assurance and hold the State harmless in case of radiological injury or damage arising out of the transportation of the waste, and for the enforcement of transportation and disposal requirements of radioactive waste. This regulation applies to generators and shippers of radioactive waste, including, for example, nuclear power plants, waste brokers and processors, educational and government institutions, and research facilities.

Text:

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

Document No. 5221

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Sections 56-1-5, et seq.

- 90-500. Establishing an Account. (New)
- 90-501. Department Invoicing Procedures. (New)
- 90-502. Delinquent Accounts. (New)
- 90-503. Closing Accounts. (New)

Preamble:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-250 through 38-253. The SCDMV proposes to promulgate similarly worded regulations in the

SCDMV Chapter of the South Carolina Code of Regulations with some amendments to keep with current SCDMV practice for billing accounts.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Section-by-Section Discussion:

Create a new Article 5 to Chapter 90 of the South Carolina Code of Regulations titled “Billing Accounts.”

Notice of Public Hearing and Opportunity for Public Comment:

Persons interested in submitting comments regarding the Proposed Regulations may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020. To be considered, all comments must be received no later than 5:00 p.m. on Monday, September 25, 2023.

A public hearing will be held regarding the Proposed Regulations at the South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 on Monday, October 2, 2023, at 2:00 p.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SCDMV does not anticipate any additional cost to the State, its political subdivisions, or the public as a result the proposed promulgation of these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 90-500 through 90-503. Billing Accounts.

Purpose: To enact these regulations within the SCDMV section of the South Carolina Code of Regulations, largely as it currently is written in the SCDPS section of the South Carolina Code of Regulations, but with amendments to capture SCDMV’s current procedures to establishing, invoicing, and closing such accounts and with amendments for dealing with delinquent accounts.

Legal Authority: 1976 Code Sections 56-1-5, et seq.

Plan for Implementation: SCDMV has never stopped providing these services and will continue to provide them under the permissions granted through the SCDPS regulations pertaining to these matters. Thus, new implementation is not necessary since services will continue uninterrupted.

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

Promulgation of these regulations is necessary to complete the legal separation of the SCDPS and SCDMV within the South Carolina Code of Regulations.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

50 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-250 through 38-253. The SCDMV proposes to promulgate similarly worded regulations in the SCDMV Chapter of the South Carolina Code of Regulations with some amendments to keep with current SCDMV practice for billing accounts.

Text:

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

Document No. 5227

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Sections 56-3-10, et seq.

90-600. Motor Vehicles License Plates for Members of Congress of the United States. (New)

90-601. Issuance and Use of Specially Designated Motor Vehicle License Plates for Members of the South Carolina General Assembly. (New)

90-602. Special License Plates for Various State Officials. (New)

Preamble:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-100 through 38-102. The SCDMV proposes to promulgate similar regulations in SCDMV Chapter of the South Carolina Code of Regulations.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Section-by-Section Discussion:

Create a new Article 6 to Chapter 90 of the South Carolina Code of Regulations titled “Special License Plates for Public Officials.”

Notice of Public Hearing and Opportunity for Public Comment:

Persons interested in submitting comments regarding the Proposed Regulations may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020. To be considered, all comments must be received no later than 5:00 p.m. on Monday, September 25, 2023.

A public hearing will be held regarding the Proposed Regulations at the South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 on Monday, October 2, 2023, at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SCDMV does not anticipate any additional cost to the State, its political subdivisions, or the public as a result the proposed promulgation of these regulations.

Statement of Need and Reasonableness:

These regulations are necessary to govern how public officials obtain special license plates. Currently, these regulations are housed in Chapter 38 of the South Carolina Code of Regulations. When the Department of Motor Vehicles became a standalone cabinet agency in 2003, applicable regulations for DMV functions were not moved to Chapter 90. While the substance of the regulations will not change in this amendment, the numbering of the regulations will. There are minor updates to align with how the DMV processes these special license plates currently to ensure a seamless continuity of operations for this particular transaction.

DESCRIPTION OF REGULATION: 90-600 through 90-602. Special License Plates for Public Officials.

Purpose: To enact this regulation within the SCDMV section of the South Carolina Code of Regulations, similarly to how it currently is written in the SCDPS section of the South Carolina Code of Regulations, since SCDMV is the State agency that has statutory authority over these types of license plates.

Legal Authority: 1976 Code Sections 56-3-10, et seq.

Plan for Implementation: SCDMV has never stopped providing these services and will continue to provide them under the permissions granted through the SCDPS regulations pertaining to these matters. Thus, new implementation is not necessary since services will continue uninterrupted.

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

Promulgation of these regulations is necessary to complete the legal separation of the SCDPS and SCDMV within the South Carolina Code of Regulations.

DETERMINATION OF COSTS AND BENEFITS:

None.

52 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to regulations currently contained at S.C. Reg. 38-100 through 38-102. The SCDMV proposes to promulgate similar regulations in SCDMV Chapter of the South Carolina Code of Regulations.

Text:

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

Document No. 5228

DEPARTMENT OF MOTOR VEHICLES

CHAPTER 90

Statutory Authority: 1976 Code Section 56-9-60

90-400. Self-Insurers. (New)

Preamble:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to a regulation currently contained at S.C. Reg. 38-121. The SCDMV proposes to promulgate a similarly worded regulation in the SCDMV Chapter of the South Carolina Code of Regulations with amendments to the regulation to delete unnecessary sections now contained in statute and additions to address functional issues regarding self-insurers.

The Notice of Drafting was published in the *State Register* on July 28, 2023.

Section-by-Section Discussion:

Create a new Article 4 to Chapter 90 of the South Carolina Code of Regulations titled “Self-Insurers.”

Notice of Public Hearing and Opportunity for Public Comment:

Persons interested in submitting comments regarding the Proposed Regulation may contact Brandy A. Duncan, General Counsel, SCDMV, P. O. Box 1498, Blythewood, South Carolina 29016-0020. To be considered, all comments must be received no later than 5:00 p.m. on Monday, September 25, 2023.

A public hearing will be held regarding the Proposed Regulation at the South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201 on Friday, October 6, 2023, at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The SCDMV does not anticipate any additional cost to the State, its political subdivisions, or the public as a result the proposed promulgation of these regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 90-400. Self-Insurers.

Purpose: To enact this regulation within the SCDMV section of the South Carolina Code of Regulations, largely as it currently is written in the SCDPS section of the South Carolina Code of Regulations, since SCDMV is the State agency that has statutory authority over self-insurers. Some amendments from the current form of the regulation are proposed to delete sections that are unnecessary due to being set out in statute and to add material that addresses functional issues regarding self-insurers.

Legal Authority: 1976 Code Section 56-9-60.

Plan for Implementation: SCDMV has never stopped providing these services and will continued to provide them under S.C. Code §56-9-60. Thus, new implementation is not necessary since services will continue uninterrupted.

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

Promulgation of these regulations is necessary to complete the legal separation of the SCDPS and SCDMV within the South Carolina Code of Regulations.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

54 PROPOSED REGULATIONS

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

None.

Statement of Rationale:

2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, the SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this Notice of Drafting pertains to a regulation currently contained at S.C. Reg. 38-121. The SCDMV proposes to promulgate a similarly worded regulation in the SCDMV Chapter of the South Carolina Code of Regulations with amendments to the regulation to delete unnecessary sections now contained in statute and additions to address functional issues regarding self-insurers.

Text:

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

Document No. 5229
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 63-13-180

114-528. Family Day Care Homes.

Preamble:

The Department of Social Services is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

The Department of Social Services is responsible for establishing and promulgating rules and regulations for the proper operation of family child care homes and for the care and protection of children who are in family child care homes. The existing regulations regarding family child care homes (S.C. Code of Regulations 114-528) need to be repealed and replaced with proposed Regulations 114-530 through 114-537.

The Department of Social Services is proposing regulations that set forth the requirements for family child care homes. The proposed regulations are designed to promote the health, safety, and welfare of the children who are to be served by assuring safe and adequate physical surroundings and healthful food and by assuring supervision and care of the children by capable, qualified personnel of sufficient number.

Section-by-Section Discussion:

114-528. Family Day Care Homes.

1. Delete Regulation 114-528 Sections A through H in its entirety
2. Replace with Proposed Regulations 114-530 (A) which sets forth definitions
3. Add 114-531(A) through (G) which sets forth procedures for registration and licensure
4. Add 114-532(A) through (H) which sets forth requirements for management, administration, and staffing
5. Add 114-533(A) through (G) which sets forth requirements for supervision and discipline
6. Add 114-534(A) through (I) which sets forth requirements for health, sanitation, and safety
7. Add 114-535(A) through (D) which sets forth requirements for the physical site
8. Add 114-536(A) through (D) which sets forth requirements for food preparation and service
9. Add 114-537(A) through (C) which sets forth requirements for infant care

The Notice of Drafting was published in the *State Register* on May 26, 2023.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at Edgar A. Brown Building, 1205 Pendleton Street, Suite 224 Columbia South Carolina 29201 on October 9, 2023 at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written Comments may be directed to Cynthia Lara, Director Child Care Licensing, South Carolina Department of Social Services, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202 and by way of electronic mail to commentsonchildcareregulations@dss.sc.gov, no later than 5:00 p.m. on September 25, 2023.

Preliminary Fiscal Impact Statement:

The Department of Social Services does not anticipate any additional costs to be incurred by the State in complying with the proposed regulation.

Statement of Need and Reasonableness:

These regulations are being updated to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department’s mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

DESCRIPTION OF REGULATION:

Purpose: The Agency is repealing Regulation 114-528 (Family Day Care Homes) because it will no longer be necessary and proposing Regulations 114-530 through 114-537, which will set forth the requirements for the operation of a family child care home.

Legal Authority: 1976 Code Section 63-13-180, as amended.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. The Department of Social Services will notify the applicable providers of the revised regulation and will post the regulations on the Department’s website.

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

The Department is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of

56 PROPOSED REGULATIONS

national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the regulation are primarily related to licensing and administrative functions. The regulation will benefit children who are to be served in family child care homes by assuring safe and adequate physical surroundings and healthful food and by assuring supervision and care of children by capable, qualified personnel of sufficient number.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no effect on the environment. The regulations further public health interests because the regulations support the Department's mission to promote the safety and well-being of children receiving care in family child care homes.

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

There is no detrimental effect on the environment; however, an inability to regulate family child care homes would have a detrimental effect on children who are receiving care family child care homes.

Statement of Rationale:

The Department is repealing Regulation 114-528 and proposing Regulations 114-530 to 114-537 to establish and maintain standards for family child care homes that are reasonably aligned with recommended standards of national organizations and which further the Department's mission to establish and maintain standards that protect the health, safety, and well-being of children receiving care in family child care homes.

Text:

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

Document No. 5188
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq. and the Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416

61-62. Air Pollution Control Regulations and Standards.

Synopsis:

Pursuant to the Pollution Control Act and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department of Health and Environmental Control (Department) must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

The U.S. Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 97 include revisions to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Cross-State Air Pollution Rule (CSAPR) Trading Programs.

The Department is amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2022, through December 31, 2022.

The Department is also amending R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, and the State Implementation Plan (SIP), to incorporate by reference recently promulgated federal amendments to the CSAPR NO_x Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAA) and the CSAPR SO₂ Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.

The Department is also making other changes to R.61-62, Air Pollution Control Regulations and Standards, for overall quality of regulatory text as deemed necessary to maintain compliance with federal law. These changes include corrections and other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

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

The Department had a Notice of Drafting published in the March 24, 2023, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
R.61-62.60		
Subpart XXX	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart IIII	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.

58 FINAL REGULATIONS

Subpart JJJJ	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
R.61-62.63		
Subpart C	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart AAAA	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart YYYY	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart ZZZZ	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart DDDDD	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart GGGGG	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart IIII	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
Subpart HHHHHH	Revision	Amended to incorporate federal revisions by reference for compliance with federal law.
R.61-62.97		
Subpart A	Revision Technical Correction	Amended to incorporate federal revisions by reference for compliance with federal law, and to correct punctuation.
Subpart B	Revision Technical Correction	Amended to incorporate federal revisions by reference for compliance with federal law, and to correct punctuation.

Instructions:

Amend R.61-62 pursuant to each individual instruction provided with the text of the amendments below.

Text:

61-62. Air Pollution Control Regulations and Standards.

Statutory Authority: 1976 Code Section(s) 48-1-10 et seq.

61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards.

Regulation 61-62.60, Subpart XXX, shall be revised as follows:

Subpart XXX - “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”

The provisions of 40 CFR Part 60 Subpart XXX, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart XXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 81	August 29, 2016	[81 FR 59332]
Revision	Vol. 85	March 26, 2020	[85 FR 17244]
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 87	February 14, 2022	[87 FR 8197]

Regulation 61-62.60, Subpart IIII, shall be revised as follows:

Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”

The provisions of 40 CFR Part 60 Subpart IIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	July 7, 2016	[81 FR 44212]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
Revision	Vol. 86	June 29, 2021	[86 FR 34308]
Revision	Vol. 87	August 10, 2022	[87 FR 48603]

Regulation 61-62.60, Subpart JJJJ, shall be revised as follows:

Subpart JJJJ - “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”

The provisions of 40 CFR Part 60 Subpart JJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 81	August 30, 2016	[81 FR 59800]

60 FINAL REGULATIONS

40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 85	October 7, 2020	[85 FR 63394]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
Revision	Vol. 86	June 29, 2021	[86 FR 34308]
Revision	Vol. 87	August 10, 2022	[87 FR 48603]

61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

Regulation 61-62.63, Subpart C, shall be revised as follows:

Subpart C - “List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List”

The provisions of 40 CFR Part 63 Subpart C, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart C			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 69	November 29, 2004	[69 FR 69320]
Revision	Vol. 70	December 19, 2005	[70 FR 75047]
Revision	Vol. 87	January 5, 2022	[87 FR 393]

Regulation 61-62.63, Subpart AAAA, shall be revised as follows:

Subpart AAAA - “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills”

The provisions of 40 CFR Part 63 Subpart AAAA, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	January 16, 2003	[68 FR 2227]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	March 26, 2020	[85 FR 17244]
Revision	Vol. 85	October 13, 2020	[85 FR 64398]
Revision	Vol. 87	February 14, 2022	[87 FR 8197]

Regulation 61-62.63, Subpart YYYY, shall be revised as follows:

Subpart YYYY - “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines”

The provisions of 40 CFR Part 63 Subpart YYYY, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference

as if fully repeated herein.

40 CFR Part 63 Subpart YYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	March 5, 2004	[69 FR 10512]
Revision	Vol. 69	August 18, 2004	[69 FR 51184]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	March 9, 2020	[85 FR 13524]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 87	March 9, 2022	[87 FR 13183]

Regulation 61-62.63, Subpart ZZZZ, shall be revised as follows:

Subpart ZZZZ - “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”

The provisions of 40 CFR Part 63 Subpart ZZZZ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart ZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 75	March 3, 2010	[75 FR 9648]
Revision	Vol. 75	June 30, 2010	[75 FR 37732]
Revision	Vol. 75	August 20, 2010	[75 FR 51570]
Revision	Vol. 76	March 9, 2011	[76 FR 12863]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	March 6, 2013	[78 FR 14457]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 85	December 4, 2020	[85 FR 78412]
Revision	Vol. 87	August 10, 2022	[87 FR 48603]

Regulation 61-62.63, Subpart DDDDD, shall be revised as follows:

Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”

The provisions of 40 CFR Part 63, Subpart DDDDD as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]

62 FINAL REGULATIONS

40 CFR Part 63 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 71	April 20, 2006	[71 FR 20445]
Revision	Vol. 71	December 6, 2006	[71 FR70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 80	November 20, 2015	[80 FR 72789]
Revision	Vol. 83	November 14, 2018	[83 FR 56713]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 85	December 28, 2020	[85 FR 84261]
Revision	Vol. 87	October 6, 2022	[87 FR 60816]

Regulation 61-62.63, Subpart GGGGG, shall be revised as follows:

Subpart GGGGG - “National Emission Standards for Hazardous Air Pollutants: Site Remediation”

The provisions of 40 CFR Part 63 Subpart GGGGG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart GGGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	October 8, 2003	[68 FR 58172]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	November 29, 2006	[71 FR 69011]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 85	July 10, 2020	[85 FR 41680]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 87	December 22, 2022	[87 FR 78545]

Regulation 61-62.63, Subpart IIIII, shall be revised as follows:

Subpart IIIII - “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants”

The provisions of 40 CFR Part 63 Subpart IIIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart IIIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	December 19, 2003	[68 FR 70904]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 85	December 28, 2020	[85 FR 84261]
Revision	Vol. 87	May 6, 2022	[87 FR 27002]

Regulation 61-62.63, Subpart HHHHHH, shall be revised as follows:

Subpart HHHHHH - “National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources”

The provisions of 40 CFR Part 63 Subpart HHHHHH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart HHHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	February 13, 2008	[73 FR 8408]
Revision	Vol. 85	November 19, 2020	[85 FR 73854]
Revision	Vol. 87	November 10, 2022	[87 FR 67791]

61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program.

Regulation 61-62.97, Subpart A, Paragraph 1, shall be revised as follows:

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016, edition of 40 CFR 97.402 through 97.408, 97.411 through 97.418, 97.420 through 97.428, and 97.430 through 97.435, as subsequently amended upon publication in the Federal Register as listed below, are adopted and incorporated by reference as if fully repeated herein.

40 CFR Part 97 Subpart AAAAA			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 81	October 26, 2016	[81 FR 74504]
Revision	Vol. 86	April 30, 2021	[86 FR 23054]
Revision	Vol. 87	August 26, 2022	[87 FR 52473]

Regulation 61-62.97, Subpart A, Paragraph 3, shall be revised as follows:

3. For purposes of this subpart, the provisions of 40 CFR 97.404(a)(1) and (b) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

Regulation 61-62.97, Subpart B, Paragraph 1, shall be revised as follows:

1. Except as provided in paragraphs 2. and 3. of this subpart, the provisions of the July 1, 2016, edition of 40 CFR 97.702 through 97.708, 97.711 through 97.718, 97.720 through 97.728, and 97.730 through 97.735, as subsequently amended upon publication in the Federal Register as listed below, are adopted and incorporated by reference as if fully repeated herein.

40 CFR Part 97 Subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 81	October 26, 2016	[81 FR 74504]
Revision	Vol. 86	April 30, 2021	[86 FR 23054]
Revision	Vol. 87	August 26, 2022	[87 FR 52473]

Regulation 61-62.97, Subpart B, Paragraph 3, shall be revised as follows:

64 FINAL REGULATIONS

3. For purposes of this subpart, the provisions of 40 CFR 97.704(a)(1) and (b) that are otherwise adopted and incorporated by reference are modified by removing the phrase “The following units in a State (and Indian country within the borders of such State)” and adding in its place the phrase “The following units in South Carolina (but not in Indian country within South Carolina’s borders)”.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-62, Air Pollution Control Regulations and Standards.

Purpose: The EPA promulgated amendments to federal air quality regulations in 2022. The recent federal amendments include revisions to Standards of Performance for New Stationary Sources, mandated by 42 U.S.C. Section 7411, and revisions to federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, mandated by 42 U.S.C. Section 7412. In 2021 and 2022, the EPA also promulgated revisions to Cross-State Air Pollution Rule (CSAPR) Trading Programs, mandated by 42 U.S.C. Section 7410. The Department, therefore, amends R.61-62 and the SIP, as necessary, to incorporate these amendments to federal regulations. The Department also makes corrections for internal consistency, clarification, and codification to improve the overall text as necessary for compliance with federal law.

Legal Authority: 1976 Code Sections 48-1-10 et seq., and the Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416.

Plan for Implementation: The amendments will take legal effect upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2022 included revised Standards of Performance for New Stationary Sources and revised NESHAP for Source Categories. The Department adopts these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. In 2021 and 2022, the EPA also revised federal CSAPR Trading Programs regulations. Adoption of the federal CSAPR Trading Program revisions is necessary to address transport SIP requirements pursuant to 42 U.S.C. Section 7410. These amendments are reasonable, as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these revisions. The amendments adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to federal delegation and the authority granted by Section 48-1-50 of the Pollution Control Act. The amendments benefit the regulated community by clarifying and updating the regulations and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the amendments to R.61-62 provides continued protection of the environment and public health.

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

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.