

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

JAMES H. HARRISON, DIRECTOR
DEIRDRE BREVARD-SMITH, EDITOR

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

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2013 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

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

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Telephone: (803) 212-4500
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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
4317			Unemployment Insurance	1/16/14	Department of Employment and Workforce
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/04/14	Board of Cosmetology
4313			Child Support Guidelines	2/15/14	Department of Social Services
4329			Cheese & Butter	2/18/14	Department of Agriculture
4342			Nurse Licensure Compact	3/04/14	Board of Nursing
4378			Office of State Fire Marshal	4/05/14	LLR-Office of State Fire Marshal
4379			Requirements of Licensure in Real Estate Appraisal	4/05/14	Real Estate Appraisers Board
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	4/07/14	South Carolina Criminal Justice Academy
4372			Certification	4/07/14	South Carolina Criminal Justice Academy
4374			Application for Issuance or Re-issuance of Certification	4/07/14	South Carolina Criminal Justice Academy
4368			Authority of Director	4/07/14	South Carolina Criminal Justice Academy
4370			Requirement of Good Character (E-911 Operators)	4/07/14	South Carolina Criminal Justice Academy
4376			Assignment of Costs for Agency Level Contested Case Hearings	4/07/14	South Carolina Criminal Justice Academy
4369			Allow E-911 Operators One Year to Attend Training at the Academy	4/07/14	South Carolina Criminal Justice Academy
4344			Adjudication of Misconduct Allegations (Contested Case Hearing Process)	4/07/14	South Carolina Criminal Justice Academy
4347			Law Enforcement Officer and E-911 Officer Training & Certification	4/07/14	South Carolina Criminal Justice Academy
4284			Limited Herbicide Applicators License	4/08/14	Clemson University-State Crop Pest Comm.
4316			Employer-Employee Relationship	5/14/14	Department of Employment and Workforce

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4368	Authority of Director	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship		

Executive Order No. 2013-08

WHEREAS, on September 25, 2013, a fire destroyed several historic buildings containing both businesses and residences along the 700 Block of Front Street in the City of Georgetown in Georgetown County; and

WHEREAS, the fire impacted the heart of the economy in the City of Georgetown, greatly affecting tourism and industry, which prompted the City of Georgetown and Georgetown County to request recovery support from the State of South Carolina; and

WHEREAS, the federal government allocates funds to the Community Development Block Grant program to be disbursed by the South Carolina Department of Commerce for the purpose of assisting local governments to improve economic opportunities and meet community revitalization needs; and

WHEREAS, these conditions constitute an emergency as is contemplated by the terms of the South Carolina Community Development Block Grant Program Plan pursuant to 42 U.S.C. § 5301 et seq. and 24 C.F.R. Part 570, Subpart I.

NOW THEREFORE, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that an emergency exists as a result of fire destruction to the historic district in the City of Georgetown for the purpose of directing the Department of Commerce to undertake actions to allocate funds from the Community Development Block Grant to be used for economic recovery in the Georgetown community.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8TH DAY OF OCTOBER, 2013.**

NIKKI R. HALEY
Governor

4 NOTICES

STATE BOARD OF EDUCATION

ERRATA

43-279. Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts (Document No. 4404)

Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts appears in the September 27, 2013 State Register on page 24. The public hearing date has been changed from November 11, 2013 to November 13, 2013 at 1 pm.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality (BAQ), does hereby give notice of authorization being granted to the below listed sources who have requested coverage under the General Conditional Major Operating Permit Petroleum Distribution Operations, Textile Greige Operations, Fuel Combustion Operations, Concrete Plants, and Asphalt Plants. Interested persons may review the general permit and the individual facility information on our website at: <http://www.scdhec.gov/environment/baq/Permitting/GeneralPermits/>

The Petroleum Distribution Operations permit was previously open for a thirty (30) day public comment period starting on August 24, 2012, with issuance on October 1, 2012. The Textile Grieg Operations and Fuel Combustion Operations permits were previously open for a thirty (30) day public comment period starting on February 25, 2011, with issuance on April 1, 2011. The Concrete Plant permit was previously open for a thirty (30) day public comment period starting on May 27, 2011, with issuance on June 30, 2011. The Asphalt Plants permit was previously open for a thirty (30) day public comment period starting on March 22, 2013, with issuance on August 5, 2013. These permits will be reviewed in 10 years with the exception of the Asphalt Plants, which will be reviewed in 5 years. DHEC has granted coverage to the facilities listed below.

Company Name	Permit Number	County	Physical Location	Permit Type
Kinder Morgan Southeast Terminals, LLC	0080-0051	Aiken	221 Laurel Lake Drive, North Augusta, SC 29860	Petroleum Distribution Operations
Marathon Petroleum Company, LP – Belton Terminal	0200-0052	Anderson	14315 Hwy. 20, Belton, SC 29627	Petroleum Distribution Operations
Buckeye Partners LP – Belton Terminal	0200-0056	Anderson	14300 Hwy. 20 North, Belton, SC 29627	Petroleum Distribution Operations
TransMontaigne Operating Company, LP – Belton Terminal	0200-0057	Anderson	14033 Hwy. 20 North, Belton, SC 29627	Petroleum Distribution Operations
Hess Corporation – Charleston North Terminal	0560-0022	Charleston	5150 Virginia Ave., Charleston, SC 29405	Petroleum Distribution Operations

Company Name	Permit Number	County	Physical Location	Permit Type
Kinder Morgan Southeast Terminals, LLC	0980-0005	Edgefield	205 Sweetwater Rd., North Augusta, SC 29841	Petroleum Distribution Operations
Buckeye Partners LP – North Augusta Terminal	0980-0014	Edgefield	221 Sweetwater Rd., North Augusta, SC 29841	Petroleum Distribution Operations
Kinder Morgan Southeast Terminals, LLC	2060-0056	Spartanburg	200 Nebo St., Spartanburg, SC 29302	Petroleum Distribution Operations
Motiva Enterprises, LLC – Spartanburg Terminal	2060-0097	Spartanburg	300 Delmar Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
TransMontaigne Operating Company, LP – Spartanburg Terminal	2060-0098	Spartanburg	2300 South Port Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Citgo Petroleum Corporation – Spartanburg Terminal	2060-0101	Spartanburg	2590 Southport Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Buckeye Partners LP – Spartanburg Terminal	2060-0134	Spartanburg	680 Delmar Rd., Spartanburg, SC 29302	Petroleum Distribution Operations
Hamrick Mills – Hamrick Plant	0600-0004	Cherokee	2526 Cherokee Ave., Gaffney, SC 29342	Textile Griega Operations
Springfield LLC Limestone Plant	0600-0014	Cherokee	1206 Cherokee Ave., Gaffney SC 29342	Textile Griega Operations
Hamrick Mills – Musgrove Plant	0600-0062	Cherokee	150 Hamrick St., Gaffney, SC 29342	Textile Griega Operations
Greenwood Mills Inc. – Harris Plant	1240-0024	Greenwood	1820 Calhoun Rd., Greenwood, SC 29646	Textile Griega Operations
DeRoyal Textiles, Inc.	1380-0019	Kershaw	125 E. York St., Camden, SC 29020	Textile Griega Operations
Inman Mills – Saybrook Plant	2060-0042	Spartanburg	1 First St., Inman, SC 29349	Textile Griega Operations
Inman Mills – Ramey Plant	2060-0271	Spartanburg	15980 Hwy. 221, Enoree, SC 29335	Textile Griega Operations
J&S, Inc. – Plant #2	9900-0304	Lancaster	5554 Charlotte Hwy., Lancaster, SC 29721	Concrete Plants
Wando Concrete, LLC	9900-0385	Charleston	2025 Cherry Hill Ln., Charleston, SC 29419	Concrete Plants
Honea Path Generating Facility	0040-0035	Abbeville	46 Rusty Burns Dr., Honea Path, SC 29654	Fuel Combustion Operations
Naval Hospital Beaufort	0360-0005	Beaufort	1 Pinckney Blvd., Beaufort, SC 29902	Fuel Combustion Operations

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Company Name	Permit Number	County	Physical Location	Permit Type
Resort Services Inc.	0360-0046	Beaufort	336 Buck Island Rd., Bluffton, SC 29910	Fuel Combustion Operations
Beaufort-Jasper Water and Sewer Authority	0360-0050	Beaufort	14 Snake Rd., Okatie, SC 29909	Fuel Combustion Operations
South Island Public Service District	0360-0051	Beaufort	2 Lawton Canal Rd., Hilton Head Island, SC 29928	Fuel Combustion Operations
South Island Public Service District	0360-0061	Beaufort	106 A Cordillo Pkwy., Hilton Head Island, SC 29928	Fuel Combustion Operations
Roper Hospital	0560-0046	Charleston	316 Calhoun St., Charleston, SC 29401	Fuel Combustion Operations
Medical University of SC	0560-0024	Charleston	173 Ashley Ave., Charleston, SC 29425	Fuel Combustion Operations
Chevron Products Company	0560-0020	Charleston	1882 Milford St., Charleston, SC 29405	Fuel Combustion Operations
US Dept. of Justice Federal Bureau of Prisons Edgefield	0980-0026	Edgefield	501 Gary Hill Rd., Edgefield, SC 29824	Fuel Combustion Operations
McLeod Regional Medical Center	1040-0048	Florence	555 East Cheves St., Florence, SC 29501	Fuel Combustion Operations
City of Florence Regional WWMF	1040-0079	Florence	1000 Stockade Dr., Florence, SC 29501	Fuel Combustion Operations
Columbia Farms Inc. Greenville	1200-0232	Greenville	1354 Rutherford Rd., Greenville SC 29608	Fuel Combustion Operations
Renewable Water Resources – Georges Creek	1200-0424	Greenville	3635 Old Easley Bridge Rd. Greenville, SC 29611	Fuel Combustion Operations
Renewable Water Resources – Grove Creek	1200-0498	Greenville	340 Osteen Hill Rd., Piedmont, SC 29673	Fuel Combustion Operations
Greenville Hospital Systems GMMC Campus	1200-0145	Greenville	701 Grove Rd., Greenville, SC 29605	Fuel Combustion Operations
Greenville Water	1200-0334	Greenville	407 West Broad St., Greenville, SC 29601	Fuel Combustion Operations
St. Francis Health System	1200-0139	Greenville	One St. Francis Dr., Greenville, SC 29601	Fuel Combustion Operations
Self Regional Healthcare	1240-0028	Greenwood	1325 Spring St., Greenwood, SC 29646	Fuel Combustion Operations
Lee Correctional Institution	1540-0027	Lee	1204 East Church St., Bishopville, SC 29010	Fuel Combustion Operations

Company Name	Permit Number	County	Physical Location	Permit Type
Lexington Medical Center	1560-0055	Lexington	2720 Sunset Blvd., West Columbia, SC 29169	Fuel Combustion Operations
Sopakco, Inc.	1680-0104	Marlboro	320 South Broad St., Bennettsville, SC 29512	Fuel Combustion Operations
Kraft Foods – Louis Rich Facility	1780-0021	Newberry	3704 Louis Rich Dr., Newberry, SC 29108	Fuel Combustion Operations
Valenite Generating Facility	1820-0066	Oconee	7105 S. Hwy. 11, Westminster, SC 29693	Fuel Combustion Operations
South Carolina State University	1860-0065	Orangeburg	300 College St., NE, Orangeburg, SC 29117	Fuel Combustion Operations
Easley Combined Utilities Peak Plant	1880-0051	Pickens	150 Utility St., Bldg. 5, Easley, SC 29640	Fuel Combustion Operations
Palmetto Health Baptist	1900-0044	Richland	1501 Sumter St., Columbia, SC 29220	Fuel Combustion Operations
Palmetto Richland Memorial Hospital	1900-0062	Richland	5 Medical Park Dr., Columbia, SC 29203	Fuel Combustion Operations
Office of General Services FM Energy Facility	1900-0162	Richland	1121 College St., Columbia, SC 29201	Fuel Combustion Operations
SC Department of Mental Health	1900-0055	Richland	2100 Bull St., Columbia, SC 29201	Fuel Combustion Operations
Spartanburg Hospital for Restorative Care	2060-0128	Spartanburg	389 Serpentine Dr., Spartanburg, SC 29303	Fuel Combustion Operations
Spartanburg Regional Medical Center	2060-0142	Spartanburg	101 East Wood St., Spartanburg, SC 29303	Fuel Combustion Operations
Spartanburg Waster System R.B. Simms Filtration Plant	2060-0334	Spartanburg	390 Spartanburg Water Works, Rd., Chesnee, SC 29323	Fuel Combustion Operations
Lockhart Power Company Pacolet	2060-0448	Spartanburg	909 Jerusalem Rd., Pacolet, SC 29372	Fuel Combustion Operations
Lawson Fork Wastewater Treatment Plant	2060-0511	Spartanburg	2736 Country Club Rd., Spartanburg, SC 29306	Fuel Combustion Operations
Fairforest Wastewater Treatment Plant	2060-0512	Spartanburg	1450 Southport Rd., Spartanburg, SC 29306	Fuel Combustion Operations
Webb Forging Generating Facility	2180-0032	Union	160 Webb Forging Rd., Carlisle, SC 29031	Fuel Combustion Operations

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Company Name	Permit Number	County	Physical Location	Permit Type
Lockhart Power City West Diesel Generating Facility	2180-0033	Union	198 Times Blvd., Union, SC 29379	Fuel Combustion Operations
City of Rock Hill Utility Operation Center	2440-0207	York	727 South Anderson Rd., Rock Hill, SC 29730	Fuel Combustion Operations
Winthrop University	2440-0084	York	701 Oakland Ave., Rock Hill, SC 29733	Fuel Combustion Operations
Thermal Kem Generating Facility	2440-0157	York	2324 Vernsdale Rd. Rock Hill, SC 29730	Fuel Combustion Operations
Sediver Generating Facility	2440-0158	York	1707 Langrum Ct., York, SC 29754	Fuel Combustion Operations
APAC Southeast Inc. – Hardeeville Plant	9900-0271	Portable	SC Hwy. 27& 413, Hardeeville, SC 29927	Asphalt Plants
Ashmore Brothers, Inc.	9900-0013	Portable	1880 Hwy. 14, Greer, SC 29653	Asphalt Plants
Ashmore Brothers, Inc. – Anderson Plant	9900-0045	Portable	300 McGee Rd., Anderson, SC 29625	Asphalt Plants
Ashmore Brothers, Inc. – Spartanburg Plant	9900-0152	Portable	300 Half Moon Rd., Wellford, SC 29385	Asphalt Plants
Banks Brothers Asphalt Paving	9900-0454	Portable	1460 North Hwy. 25, Travelers Rest, SC 29690	Asphalt Plants
Banks Construction Company	9900-0322	Portable	4902 Banco Rd., Charleston, SC 29415	Asphalt Plants
Banks Construction Company	9900-0461	Portable	101 Mellichamp Rd. Hwy. 78 West, Summerville, SC 29484	Asphalt Plants
Boggs Materials, Inc.	9900-0584	Portable	1335 Fort Jackson Hwy., Elgin, SC 29045	Asphalt Plants
Boggs Materials, Inc. – Myrtle Beach	9900-0400	Portable	4807 South Hwy. 41, Mullins, SC 29574	Asphalt Plants
Boggs Materials, Inc. – Lynches River	9900-0539	Portable	3380 Hwy. 601 S, Pageland, SC 29718	Asphalt Plants
Boggs Materials, Inc. – Rock Hill	9900-0338	Portable	751 Porter Rd., Rock Hill, SC 29730	Asphalt Plants
C. R. Jackson, Inc. – Columbia Plants	9900-0036	Portable	100 Independence Blvd., Columbia, SC 29202	Asphalt Plants

Company Name	Permit Number	County	Physical Location	Permit Type
C. R. Jackson, Inc. – Conway Plant	9900-0171	Portable	154 Winyah Rd., Conway, SC 29526	Asphalt Plants
C. R. Jackson, Inc. – Florence Plant	9900-0160	Portable	1550 East Campground Rd. Florence, SC 29501	Asphalt Plants
C. R. Jackson, Inc. – Jefferson Plant	9900-0213	Portable	1339 Ogburn Rd., Jefferson, SC 29718	Asphalt Plants
C. R. Jackson, Inc. – Sumter Plant	9900-0254	Portable	1170 Eagle Rd., Sumter, SC 29154	Asphalt Plants
C. R. Jackson, Inc. – Holly Hill	9900-0597	Portable	Intersection of Goodfarm Road & Oakley Lane, Holly Hill, SC 29059	Asphalt Plants
Carben Asphalt, Inc.	9900-0447	Portable	155 Industrial Dr., Gaston, SC 29053	Asphalt Plants
F&R Asphalt, Inc. – Gaffney Plant	9900-0373	Portable	520 Gaffney Ferry Rd., Gaffney, SC 29342	Asphalt Plants
F&R Asphalt, Inc. – Gray Court	9900-0421	Portable	1900 Quarry Rd., Gray Court, SC 29645	Asphalt Plants
F&R Asphalt, Inc. – Lyman Plant	9900-0090	Portable	2550 Ballenger Rd., Wellford, SC 29385	Asphalt Plants
F&R Asphalt, Inc. – Pendleton Plant	9900-0107	Portable	107 Asphalt Lane, Pendleton, SC 29670	Asphalt Plants
Furr Grading & Paving, Inc.	9900-0073	Portable	5817 Hwy. 52 South, Cheraw, SC 29520	Asphalt Plants
Granite Contracting, LLC – York Plant	9900-0300	Portable	470 True Rd., McConnells, SC 29726	Asphalt Plants
Hubbard Paving & Grading, Inc.	9900-0287	Portable	698 Rock Crusher Rd., Walhalla, SC 29691	Asphalt Plants
King Asphalt, Inc.	9900-0370	Portable	2127 Greenville Hwy., Liberty, SC 29657	Asphalt Plants
King Asphalt, Inc. – Simpsonville	9900-0283	Portable	1189 Old Stage Rd., Simpsonville, SC 29681	Asphalt Plants
Lanier Construction Company, Inc. – Gaston Asphalt	9900-0035	Portable	4016 Hwy. 321, Gaston, SC 29053	Asphalt Plants
Palmetto Paving Corporation – Conway Plant	9900-0197	Portable	6184 Godwin Paradise Ln., Conway, SC 29528	Asphalt Plants

10 NOTICES

Company Name	Permit Number	County	Physical Location	Permit Type
Palmetto Paving Corporation – Florence Plant	9900-0337	Portable	1115 North Williston Rd., Florence, SC 29506	Asphalt Plants
Palmetto Paving, Inc.	9900-0478	Portable	1430 Sumter Hwy., Bishopville, SC 29010	Asphalt Plants
Panagakos Asphalt Paving	9900-0362	Portable	30 Greencove Dr., Greenville, SC 29616	Asphalt Plants
Panagakos Asphalt Paving – Gray Court	9900-0503	Portable	6977 Hwy. 14, Gray Court, SC 29645	Asphalt Plants
Ray Walker Trucking Company, Inc.	9900-0169	Portable	4 Brown Rd., Piedmont, SC 29673	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – Ridgeland	9900-0022	Portable	Hwy. 17 North, Ridgeland, SC 29936	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – Rock Hill	9900-0033	Portable	900 Hawkfield Rd., Rock Hill, SC 29730	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – Ulmer	9900-0082	Portable	8725 Rivers Bridge Rd., Olar, SC 29843	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – Orangeburg	9900-0088	Portable	2585 Kennerly Rd., Orangeburg, SC 29115	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – CMI Portable	9900-0339	Portable	244 Remount Ln., Walterboro, SC 29488	Asphalt Plants
Rea Contracting – A Division of The Lane Construction – West Columbia	9900-0083	Portable	3176 Charleston Hwy., West Columbia, SC 29172	Asphalt Plants
Sanders Brothers Construction Company, Inc. – North Charleston	9900-0234	Portable	1981 Harley St., North Charleston, SC 29406	Asphalt Plants

Company Name	Permit Number	County	Physical Location	Permit Type
Sanders Brothers Construction Company, Inc. – Summerville Plant	9900-0227	Portable	2142 Asphalt Dr., Summerville, SC 29483	Asphalt Plants
Satterfield Construction Company, Inc. – Eureka	9900-0046	Portable	275 Johnston Hwy., Trenton, SC 29847	Asphalt Plants
Satterfield Construction Company, Inc. – Stoney Plant	9900-0351	Portable	1903 Hwy. 246 North, Greenwood, SC 29649	Asphalt Plants
Satterfield Construction Company, Inc.	9900-0066	Portable	3623 Old Laurens Rd., Greenwood, SC 29649	Asphalt Plants
Sloan Construction Company	9900-0055	Portable	630 Rosewood Dr., Columbia, SC 29201	Asphalt Plants
Sloan Construction Company	9900-0060	Portable	600 Taylor St., Cayce, SC 29033	Asphalt Plants
Sloan Construction Company – Duncan	9900-0115	Portable	235 Plemmons Rd., Duncan, SC 29334	Asphalt Plants
Sloan Construction Company- Pacolet	9900-0091	Portable	230 Hwy. 176 Bypass, Pacolet, SC 29372	Asphalt Plants
Sloan Construction Company	9900-0586	Portable	1233 Golden Acres Rd., Clinton, SC 29325	Asphalt Plants
Sloan Construction Company – Blacksburg	9900-0375	Portable	493 Quarry Rd., Blacksburg, SC 29702	Asphalt Plants
Southern Asphalt Inc.	9900-0474	Portable	3374 Mt. Pisgah Cemetery Rd., Conway, SC 29528	Asphalt Plants

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document 4387

Proposed Amendments to Regulation 61-62 and the State Implementation Plan

The South Carolina Department of Health and Environmental Control issued a Notice of Proposed Regulation to revise Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP), in the *State Register* on August 23, 2013, identified as Document 4387 (2012 End of the Year Revision). The Notice published in the *State Register* proposed to amend Regulation 61-62 to incorporate by reference recent federal amendments promulgated during the period from January 1, 2012, through December 31, 2012; and to provide corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

The aforementioned Notice for the 2012 End of the Year Revision scheduled a write-in comment period that closed September 23, 2013, and a Public Hearing scheduled before the Board of Health and Environmental Control for November 14, 2013. The Public Hearing originally scheduled for November 14, 2013, in Document 4387, will be rescheduled as follows:

The Board of Health and Environmental Control has rescheduled the Public Hearing to December 12, 2013. The Board will conduct the Public Hearing in the Board Room, third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for Public Hearings will be noted in the Board's agenda published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Information on the Public Hearing can be obtained by calling the Clerk of the Board at (803) 898-3350. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARINGS

State Register Document 4388

Proposed Amendments to Regulation 61-62 and the State Implementation Plan

The South Carolina Department of Health and Environmental Control issued a Notice of Proposed Regulation to revise Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (SIP), in the *State Register* on August 23, 2013, identified as Document 4388 (2013 General Assembly Package). The Notice published in the *State Register* proposed to amend Regulation 61-62 to correct typographical errors, update definitions, provide clarification, simplify the permitting process, and delete or update obsolete requirements to ensure that we are efficiently and effectively meeting our goals of promoting and protecting the public health and the environment.

The aforementioned Notice for the 2013 General Assembly Package scheduled a Staff-Informational Forum that was held on September 24, 2013, a write-in comment period that closed September 24, 2013, and a Public

Hearing scheduled before the Board of Health and Environmental Control for November 14, 2013. The Public Hearing originally scheduled for November 14, 2013, in Document 4388, will be rescheduled as follows:

The Board of Health and Environmental Control has rescheduled the Public Hearing to December 12, 2013. The Board will conduct the Public Hearing in the Board Room, third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for Public Hearings will be noted in the Board's agenda published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Information on the Public Hearing can be obtained by calling the Clerk of the Board at (803) 898-3350. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

State Register Document No. 4386

Proposed Amendments of Coastal Division Regulations:

30-1. Statement of Policy

30-5. Exceptions

30-9. Other Provisions

30-13. Specific Project Standards for Beaches and the Beach/Dune System

30-15. Activities Allowed Seaward of Baseline

The Department of Health and Environmental Control published a Notice of Proposed Regulation identified as Document 4386 in the State Register on August 23, 2013 for amendment of the Department's Coastal Division Regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. The Notice scheduled a Staff Informational Forum that was held on September 23, 2013, a write-in comment period that closed September 23, 2013, and a Public Hearing scheduled before the Board of Health and Environmental Control for November 14, 2013. The Public Hearing scheduled before the Board November 14, 2013, has been canceled and rescheduled as follows:

The Board of Health and Environmental Control has rescheduled the Public Hearing to December 12, 2013. The Board will conduct the Public Hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for Public Hearings will be noted in the Board's agenda published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board.htm>. The agenda will also provide notice of cancellation or any change in meeting times. Information on the public hearing can be obtained by calling the Clerk of the Board at (803) 898-3350. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

14 DRAFTING NOTICES

ATTORNEY GENERAL

CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

Notice of Drafting:

The Office of the Attorney General proposes to amend certain current Regulations and promulgate additional regulations to implement the South Carolina Uniform Securities Act of 2005 and to reflect other developments in securities regulation since 2005. Interested persons may submit comments to Thresechia Navarro, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211-1549. To be considered, comments must be received no later than 5:00 p.m. on November 25, 2013, the close of the drafting comment period.

Synopsis:

The Office of the Attorney General proposes to update and clarify the current Regulations.

Legislative review of the proposed regulations will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-9, Water Pollution Control Permits, to address restrictions on the land application of sludges contaminated with Polychlorinated biphenyls (PCBs) at less than 50 mg/kg (dry weight basis). Interested persons are invited to submit their views and recommendations in writing to Jeff deBessonnet, Director, Water Facilities Permitting Division, DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or via email at Jeff.DeBessonnet@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on November 25, 2013, the close of the drafting comment period.

Synopsis:

Regulation 61-9 excludes from land application sludges contaminated with PCBs at or greater than 50 mg/kg (dry weight basis) since sludges with that level of contamination are regulated by the Environmental Protection Agency under the Toxic Substances Control Act (TSCA). However, R.61-9 does not specifically address the land application of sludges with PCBs less than 50 mg/kg (dry weight basis). The Department promulgated Emergency Regulation, Document Number 4413, effective September 25, 2013, to address restrictions on the land application of sludges contaminated with PCBs due to the discovery that sludges and other materials had been contaminated with PCBs by illicit discharges to sewer systems. The Department is now proposing to amend sections 503 and 504 of R. 61-9 to include restrictions on land application of sludge, including sludges and septage that may be mixed with grease trap waste, where quantifiable levels of PCBs exist. The Department proposes to increase sludge monitoring and reporting including PCB monitoring.

The Department may make other stylistic changes to amend both regulations for internal consistency; clarification in wording; corrections of references, grammatical errors, outlining/codification and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council.

Legislative review will be required.

DEPARTMENT OF INSURANCE**CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-9-180

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-37, Annuity Mortality Tables For Use In Determining Reserve Liabilities For Annuities. Interested persons should submit their comments in writing to: Leslie M. Jones, Deputy Director, Actuarial Services, South Carolina Department of Insurance, 145 King Street, Suite 228, Charleston, South Carolina 29401. To be considered, comments must be received no later than 5:00 p.m. on November 25, 2013, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-37, Annuity Mortality Tables For Use In Determining Reserve Liabilities For Annuities, to recognize the 2012 Individual Annuity Reserve Table ("2012 IAR Table") for use in determining the minimum standard of valuation for annuity and pure endowment contracts issued on or after January 1, 2014. The "2012 IAR Table" is a generational mortality table developed by the Society of Actuaries Committee on Life Insurance Research which includes an updated mortality table and a prescribed method of projecting future mortality rates.

The National Association of Insurance Commissioners (NAIC) adopted revisions to the *NAIC Model Rule (Regulation) for Recognizing a New Annuity Table for Use in Determining Reserve Liabilities for Annuities* (#821) to incorporate the 2012 Individual Annuity Reserving Table with an effective date of Jan. 1, 2014. The proposed amendments to Regulation 69-37 will be based upon the amendments to NAIC Model #821 and will be effective January 1, 2014.

The proposed amendments to the regulation will require legislative review.

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

Statutory Authority: 1976 Code Section 40-1-50

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the boards and commissions stated herein below, proposes to add Chapter 10 to the South Carolina Code of Regulations so as to establish within this chapter and to amend the schedules of fees for certain professional and occupational licensing boards and commissions appearing in Titles 40 and 48 of the South Carolina Code of Laws, specifically: Board of Architectural Examiners (Regulation 11-5); State Athletic Commission (Regulation 20-4.10); Board of Dentistry (Regulations 39-1, 39-2, and 39-3); Board of Registration for Professional Engineers and Surveyors (Regulation 49-103); Board of Funeral Service (Regulation 57-12); Board of Medical Examiners (Regulation 81-300); Board of Nursing (Regulation 91-31); Board of Examiners in Opticianry (Regulation 96-109); Board of Physical Therapy Examiners (Regulation 101-8); Real Estate Commission (Regulation 105-13); Board of Veterinary Medical Examiners (Regulation 120-14); and the Board of Registration of Foresters (Regulation 53-16).

The South Carolina Department of Labor, Licensing and Regulation further proposes to add to Chapter 10 the fee schedule for the State Board of Barber Examiners to Chapter 10 in accordance with S.C. Code Ann. §40-7-50(B).

16 DRAFTING NOTICES

Interested persons may submit comments to Holly G. Pisarik, Director, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

South Carolina Code §40-1-50(D) establishes that fees for professional and occupational licensing boards administered by the South Carolina Department of Labor, Licensing and Regulation may be adjusted biennially to ensure that they are sufficient but not excessive to cover expenses including the total of the direct and indirect costs to the State for the operations of each respective board. The Department has determined that the following boards and commissions should adjust their fees to comport with §40-1-50: Board of Architectural Examiners; State Athletic Commission; Board of Dentistry; Board of Registration for Professional Engineers and Surveyors; Board of Funeral Service; Board of Medical Examiners; Board of Nursing; Board of Examiners in Opticianry; Board of Physical Therapy Examiners; Real Estate Commission; Board of Veterinary Medical Examiners; and the Board of Registration of Foresters. The Department, with authority delegated by the boards and commissions referenced herein above, proposes adding each of these fee schedules into Chapter 10 and amending them to cover the expenses currently incurred by the respective boards and commissions.

The Department further proposes adding the fee schedule for the Board of Barber Examiners to Chapter 10.

Legislative review of these amendments is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-21-610 and 50-23-230

Notice of Drafting:

The Department of Natural Resources proposes regulations to set additional requirements that a homemade watercraft must meet in order to be considered watercraft for the purposes of titling and registration. The subject of the proposed action is to maintain the intent of Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act. Any person interested may submit written comments to Chisolm Frampton, Colonel, Law Enforcement Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This regulation sets additional requirements that a homemade watercraft must meet in order to be considered a watercraft for the purposes of titling and registration. Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act which was intended to allow individuals a five (5) year period in which to use permitted water structures on public waters of the state after which time the structures would have to be removed. The five (5) year period established by Act 33 in 2007 expired in August of 2013 and the department has received requests from individuals to title and register some of these previously permitted structures as watercraft.

In order to maintain the intent of the law, the department is filing these proposed regulations to establish minimum requirements for an operator's position and unobstructed visibility from that position on homemade vessels.

Document No. 4416
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulations

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 4, 2013 at 9:00 a.m. If no request is received by December 3, 2013 the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 3, 2013.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Section 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

18 PROPOSED REGULATIONS

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4415

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulations

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 4, 2013 at 9:00 a.m. If no request is received by December 3, 2013 the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than December 3, 2013.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Products Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30, 47-19-30 and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

20 PROPOSED REGULATIONS

Statement of Rationale:

None.

Text:

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

Document No. 4418

CONTRACTORS LICENSING BOARD

CHAPTER 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-10-60

Article 6. Regulations Administering Fire Protection Sprinkler Systems Act.

Preamble:

Regulations 29-70 through 29-110 must be updated in conformance with the Fire Protection Sprinkler Systems Act.

Section-by-Section Discussion:

Corrects statutory authority under Article 6 heading.

29-70. Definitions.

Repeals in its entirety.

29-75. Applications, Fees.

Repeals in its entirety.

29-80. Certificate Holder; Grandfathered Qualifier.

Repeals in its entirety.

29-85. Transfer of Qualifications.

Repeals in its entirety.

29-90. Renewals.

(A)(1) Rewords first sentence for clarity and adds biennial renewal for even years; deletes last sentence.

(2) Rewords for clarity; deletes fee amount.

(B)(1) Deletes annual renewal and fee amount; adds requirement for qualification as either a NICET Level III or IV Technician Certification in "Fire Protection Engineering Technology Automatic Sprinkler System Layout."

(2) Deletes in its entirety; renumbers former subsequent section (3) as (2); adds even years for renewals and licenses with a grandfathered qualifier expire one hundred twenty one days or more past the renewal date and require reapplication for practice.

29-95. Contract Bids, Awards.

Repeals in its entirety.

29-100. Exemptions.

Repeals in its entirety.

29-105. Plan Review Fees.

Repeals in its entirety.

29-110. Violations, Complaints.

Repeals in its entirety.

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 11, 2013. Written comments may be directed to Roger Lowe, Administrator, South Carolina Contractors' Licensing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2013. 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:

These regulations are amended in conformance with the Fire Protection Sprinkler Systems Act and in compliance with S.C. Code Ann. §§40-10-60 and 40-1-70. Regulations 29-70 through 29-85 and 29-95 through 29-110 are repealed. Reg. 29-90 updates the renewals from annual to biennial in accordance with S.C. Code Ann. §§40-10-41(F) and 40-1-50(E).

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to conform to the Fire Protection Sprinkler Systems Act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-10-60.

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

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

The proposed regulations will prevent conflict between existing regulations and newer legislation.

22 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state to promulgate these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

These regulations are amended in conformance with the Fire Protection Sprinkler Systems Act.

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. 4419
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004), 59-39-100 (Supp. 2012), and 20 U.S.C. 6301 et seq. (2002)

43-259. Adult Education

Preamble:

The State Board of Education is responsible for the administration, coordination, and management of adult basic and adult secondary (high school equivalency diploma and high school diploma) education for the purpose of facilitating and coordinating adult basic and adult secondary (high school equivalency diploma and high school diploma) education programs for South Carolina adults whose level of educational attainment is below high school, as prescribed by state and federal laws and regulations.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

Entire Regulation	The term "General Educational Development" and/or "GED" has been deleted and replaced by the term "High School Equivalency".
Entire Regulation	The word "certified" was changed to "licensed."
Section I.A.3.(e)	This section was deleted.

Section I.B.5	This section was added. Passing score requirements for all high school equivalency tests authorized by the SDE after December 31, 2013 will follow test publisher's guidelines and any additional requirements established by the State Board of Education (SBE).
Section I.C.1.(c)	The word "complete" was deleted and the word "completion" was added. The words "all five tests" were deleted and replaced with "entire".
Section II.A.3	The sentence "Students under eighteen may be assigned to an adult education program when they exhibit either an unusual educational need or physical, social, or economic problem that can be served more effectively by the adult education program." was deleted.
Section II.A.4	The words "South Carolina Virtual School Program" were changed to "virtual school program."
Section II.A.6	The words "no more than 8" were replaced with "an unlimited number of."
Section II.A.6.(a)	The words "per school year."
Section II.A.6.(b)	The words "3 units of credit per year while enrolled in adult education and a total of 12 units during his or her high school and/or adult education career" were deleted. The words "South Carolina Virtual School Program" were changed to "virtual school program."
Section II.B.3	The words "earned in an adult education learning laboratory" and "learning laboratory" were deleted.
Section II.C.7	This section was deleted.
Section II.C.8	This section renumbered as Section II.C.7.
Section II.C.9	This section renumbered as Section II.C.8. The words "South Carolina Virtual School Program (SCVSP)" were changed to virtual school program.
Section II.C.10	This section was deleted.
Section II.C.11	This section renumbered as Section II.C.9.
Section II.C.12	This section renumbered as Section II.C.10. The sentence "Records of high school credits earned must be retained indefinitely" was added.
Section II.C.13	This section renumbered as Section II.C.11.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2013, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments, requests for information should be submitted to the Office of Adult Education, Attn: David Stout, 1429 Senate Street, Suite 908, Columbia, SC 29201, or by e-mail to dstout@ed.sc.gov on or before 5:00 p.m. on November 25, 2013.

Preliminary Fiscal Impact Statement:

It is estimated that there will be no fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Adult Education.

Purpose: These regulations provide guidance to school districts and other eligible adult education providers.

24 PROPOSED REGULATIONS

Legal Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004), 59-39-100 (Supp. 2012), and 20 U. S. C. 6301 et seq. (2002).

Plan for Implementation: The proposed amendments would be incorporated within R.43-259 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

None.

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 costs to the State or its political subdivisions.

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 proposed changes are needed in order to remove most references to the Tests of General Educational Development (GED) and replace with high school equivalency diploma. The limit on high school units earned via the South Carolina virtual school program was removed. References to the South Carolina Virtual School Program were changed to virtual school program. Adult Education teacher licensure requirements were revised.

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. 4420
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: 1976 Code Sections 59-43-10 et seq. (2004)

43-237.1. Adult Education Program

Preamble:

The administration, coordination, and management of adult basic and adult secondary (high school equivalency diploma and high school diploma) education for South Carolina adults whose level of educational attainment is below high school level, as prescribed by state and federal laws and regulations, is the responsibility of the State Board of Education.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 26, 2013.

Section-by-Section Discussion

- | | |
|------------|--|
| Section A. | The words “test of General Educational Development” were changed to a “high school equivalency test.” |
| Section F. | The word “program” was changed to “course.” The minimum requirement of “(30) weeks” was changed to “(60) hours.” The statement, “unless the course is offered via the virtual school program or via an approved proficiency-based system,” was added. |
| Section H. | The words “per pupil” were changed to “formula” and the words “and student performance” were added. |
| Section J. | The terms for allocations of federal funds to other agencies were revised. Agencies deemed eligible under the Workforce Investment Act will use the same formula basis as school districts. Allocations of federal funds are no longer based solely on enrollment of students with at least twelve (12) hours of adult education instruction. |
| Section K. | Remaining state and federal grant funds will be distributed using a formula considering the number of participants and the current student performance formula for adult education programs. This formula produces the program’s allocation amount for the up-coming school year. The formula no longer includes the number of hours of student attendance for adult education programs or produces the base amount per student. |
| Section M. | The words “who have been instructed a minimum of twelve (12) hours in adult education classes” were added. The word “shall” was deleted and “may” was added. The word “certified” was changed to “licensed.” |
| Section N. | The word “the” was deleted. |
| Section S. | The words “the” and “will” were deleted. The word “current” was added. |

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2013 at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

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Written comments or requests for information should be submitted to the Office of Adult Education, Attn: David Stout, 1429 Senate Street, Suite 908, Columbia, SC 29201, or by e-mail to dstout@ed.sc.gov on or before 5:00 p.m. on November 25, 2013.

Preliminary Fiscal Impact Statement:

It is estimated that there will be no fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-237.1, Adult Education Program.

Purpose: These regulations provide guidance to school districts and other eligible adult education providers.

Legal Authority: 1976 Code Sections 59-43-10 et seq. (2004).

Plan for Implementation: The proposed amendments would be incorporated within R.43-237.1 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

None.

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 costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health. There will be no detrimental effect on the environment or public health if the regulations are not implemented.

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

None.

Statement of Rationale:

The proposed changes are needed in order to remove most references to the Tests of General Educational Development (GED). Current references will be changed to indicate high school equivalency testing program. Language regarding length of school term, funding allocations, and in-service education will be revised.

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. 4421
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: 1976 Code Section 24-25-10 (2007)

43-229. Defined Program for the Palmetto Unified School District (PUSD)

Preamble:

The Palmetto Unified School District No. 1 (PUSD) was established in 1981 by the South Carolina General Assembly, pursuant to S.C. Code Ann. § 24-25-10, to provide educational services to inmates through a statewide school district. PUSD, as a sanctioned school district, is also mandated to comply with the regulations of the State Board of Education (SBE) unless otherwise noted. The PUSD shall provide a defined educational program that complies with standards prescribed for the Board of Trustees and district operations for secondary grades and adult education programs.

The purpose of the PUSD is to enhance the quality and scope of education services for inmates within the South Carolina Department of Corrections. PUSD's mission is to maximize the academic, vocational, and life skills of student inmates in preparation for their successful return to society.

The proposed regulation will address the requirements to successfully operate the PUSD just as any other state-identified school district except where the unique needs and situations of incarcerated students require modifications or exceptions. The requirements of this regulation will help to ensure that the purpose of the PUSD is implemented and supported.

Notice of Drafting for the proposed new regulation was published in the *State Register* on June 28, 2013.

Section-by-Section Discussion

43-229. New regulation

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2013 at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed 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: <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Cathy Jones-Stork, Team Leader, Division of School Effectiveness, Office of Instructional Practices and Evaluations, 1429 Senate Street, Columbia, SC 29201, or by e-mail to cjones@ed.sc.gov on or before 5:00 p.m. on November 25, 2013.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF NEED AND REASONABLENESS: R.43-229, Defined Program for the Palmetto Unified School District (PUSD).

Purpose: Regulation 43-229, Defined Program for the Palmetto Unified School District (PUSD), is a new regulation.

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Legal Authority: 1976 Code Section 24-25-10 (2007).

Plan for Implementation: The new regulation will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The new regulation will support Palmetto Unified School District's implementation of a Defined Program for its students.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT OF ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any 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 this regulation is not implemented.

Statement of Rationale:

This new regulation will support PUSD's, as a sanctioned school district, compliance with the regulations of the State Board of Education (SBE). The PUSD shall provide a defined educational program that complies with standards prescribed for the Board of Trustees and district operations for secondary grades and adult education programs.

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. 4422
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2012), and 20 U.S.C. 6301 et seq. (2001)

43-62. Requirements for Additional Areas of Certification

Preamble:

Regulation 43-62 governs the requirements for add-on certification for educators in South Carolina. Amendments to Regulation 43-62 will (1) refine and update requirements for an educator to be endorsed in online teaching; and (2) change the wording of the regulation to replace certification with licensure in keeping with agency norms. These changes allow the Board to continue to provide appropriately certified educators for South Carolina public schools.

Legislative review of this proposal will be required.

The drafting notice was published in the *State Register* on August 23, 2013.

Section-by-Section Discussion

Title	Changed to replace Certification with Licensure, and to replace the term certification with licensure and certificate with license throughout the document.
Section V.	Changed title
Section V.D.	Changed add-on certification to endorsement, added clarifying statement.
Section V.D.2.	Changed language to specify that any level of license qualifies for this endorsement.
Section V.D.3.	Removed statement about Praxis requirement since there is not a required exam.
Section V.D.4.	Changed 4 to 3, deleted courses, added topics.
Section V.D.5.	Changed 5 to 4, deleted courses, added topics.
Section V.D. Waiver Provisions	Added clarifying language, provided explanation of going from courses to topics.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 11, 2013 at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE13-14.pdf>.

Written comments should be submitted to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to cchilds@ed.sc.gov on or before 5:00 p.m. on November 25, 2013.

Preliminary Fiscal Impact Statement:

None.

30 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Requirements for Additional Areas of Certification.

Purpose: Regulation 43-62, Requirements for Additional Areas of Certification, is being amended.

Legal Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001).

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendments to this regulation are needed to create a new optional endorsement and add-on certification in Teaching Children of Poverty.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any 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 this regulation is not implemented.

Statement of Rationale:

The amendments to this regulation will provide a clear definition of the terms add-on certification and endorsement; refine and update requirements for an educator to be endorsed in online teaching; and change the wording of the regulation to replace certification with licensure in keeping with agency norms.

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. 4423

BOARD OF REGISTRATION FOR GEOLOGISTS

CHAPTER 131

Statutory Authority: 1976 Code Sections 40-1-70 and 40-77-60

131-01 through 131-15. Board of Registration for Geologists

Preamble:

The South Carolina Board of Registration for Geologists is amending its regulations to conform to the current practice of biennial renewal.

Section-by-Section Discussion:

131-01. Definitions.

No changes.

131-02. Officers of the Board.

No changes.

131-03. Meetings.

No changes.

131-04. General Registration Provisions for Geologists-in-Training.

No changes.

131-05. General Registration Provisions for Professional Geologists.

No changes.

131-06. Examinations.

No changes.

131-07. Temporary Registration.

No changes.

131-08. Registration by Endorsement or Reciprocity.

No changes.

131-09. Appeal.

No changes.

131-10. Requirements for Renewal/Reactivation of Expired or Lapsed Registrations.

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- (A) Changes “annual” to “biennial”.
- (B) No changes.
- (C) No changes.

131-11. Seals.

No changes.

131-12. Continuing Professional Competency.

No changes.

131-13. Fees.

- (1) Deletes the word “annually” in the second paragraph.
 - (A)(1) No changes.
 - (2) Changes fee from \$200 to \$400 to meet current biennial fee for a professional geologist.
- (B) Deletes examination fees; fees are charged by and will be paid directly to the examination provider.
- (C) Renumbers as (B); deletes Geologist-in-Training renewal fee since it is unnecessary and renumbers (2) as (1); changes professional geologist renewal fee from \$150 to \$300 to meet current biennial renewal fee; adds late renewal fee to fee schedule as (2) and moves reactivation of registration fee to (3).
- (D) Deletes Information Packet for Application; renumbers subsequent (E)-(I) to (C)-(F).
- (E) Renumbers as (C); changes fee from \$75 to \$10 to reflect currently charged fees for replacement certificates.
- (F) Deletes in its entirety, as it is moved to (B)(2).
- (G) Renumbers as (D); no textual changes.
- (H) Renumbers as (E); changes fee from \$25 to \$10 to reflect currently charged fees for rosters.
- (I) Renumbers as (F); no textual changes.

131-14. Code of Ethics for Professional Geologists and Geologists-in-Training.

No changes.

131-15. Complaints.

No changes.

The Notice of Drafting was published in the *State Register* on June 28, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at December 12, 2013 at 10:00 a.m. Written comments may be directed to Theresa Garner, Interim Administrator, South Carolina Board for Registration of Geologists, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in accordance with S.C. Code Ann. §§40-1-70 and 40-77-60 regarding the promulgation of regulations. Reg. 131-10 provides for biennial renewal in conformance with S.C. Code Ann. §40-1-50(E). National exam fees are to be paid directly to the provider, and licensing fees will be paid biennially as reflected in Reg. 131-13 per S.C. Code Ann. §40-77-240(A).

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations to conform to the current practice of biennial renewal.

Legal Authority: 1976 Code Sections 40-1-70 and 40-77-60.

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

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

The Board is updating the regulations to conform to biennial renewal.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Board's function of protecting public welfare in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are updated to conform to biennial renewal in the Board's practice act.

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.

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Document No. 4424

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-25. Retail Food Establishments

Preamble:

The intent of R.61-25, *Retail Food Establishments*, is to safeguard public health and provide to consumers safe, unadulterated food and food products at the retail level. This regulation governs restaurants, grocery stores, school cafeterias and other establishments where food is prepared and served to the public. R.61-25, *Retail Food Establishments*, was last amended in 1995.

Since that amendment, there have been numerous changes in the retail food industry, including food handling practices, food equipment technology, and food preparation processes, making R.61-25 in its current form outdated. The proposed amendments will allow the Department, through regulation, to meet current standards of the most recent edition of the United States Food and Drug Administration (FDA) Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs.

The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. It is updated and published every four years and is amended every two years via the Conference for Food Protection, a national conference of food safety regulators, food scientists, industry representatives, and members of academia.

The Department intends to strike the text of the existing regulation in total and amend the regulation in its entirety to meet current standards of the most recent edition of the FDA Food Code. The Department also intends to incorporate into R.61-25 statutory changes in the administrative appeals process pursuant to S.C. Code Ann. § 44-1-60 (Supp. 2012).

Staff initiated the statutory process for the amendment of R.61-25 by publication of an initial Notice of Drafting in the *State Register* on August 24, 2012. A second Notice of Drafting was published in the *State Register* on July 26, 2013, to extend the public comment period. The second drafting comment period ended on August 26, 2013, with no comments received. Comments received from the initial Notice of Drafting were considered in formulating the proposed regulation amendment. See the Section-by-Section Discussion of the Proposed Amendment of Regulation below and the Statement of Need and Reasonableness and Rationale herein.

Section-by-Section Discussion of Proposed Amendment of Regulation:

61-25. Retail Food Establishments

Statutory Authority: 1976 SC Code Sections 44-1-140 and 44-1-150

The Department of Health and Environmental Control, as authorized by statute, may make, adopt, promulgate and enforce reasonable rules and regulations from time to time.

The proposed amendment of R.61-25 will in effect, strike the text of the existing regulation in total, and amend the regulation in its entirety to meet the current standards of the most recent edition of the FDA Food Code, with the exception of some modifications incorporated through amendments, additions, and deletions for South Carolina specific requirements. This summary discussion provides details of these exceptions by chapter and section as these proposed changes apply. These modifications were necessary to meet regulatory inspection, compliance and enforcement protocols and any other related regulations or laws for South Carolina.

Chapters 1 through 9 of the proposed R.61-25 have words and phrases that are repeated often and require modifications to differentiate FDA Food Code language from South Carolina specific statutory and regulatory language. For brevity and space, these modifications are listed first.

Deleted the word "code" and added the word "regulation."

Added the word "retail" before "food establishment" consistent with the current R.61-25.

Deleted the words "regulatory authority" and added the word "Department."

In the following subsections, "may not" has been changed to "shall not":

2-401.12 Discharges from the Eyes, Nose, and Mouth.

3-201.11(B) Compliance with Food Law.

3-202.13 Eggs.

4-102.11 Single-service and single-use.

5-205.11(B) Using a handwashing sink

In Chapter 1, Purpose and Definition, the following changes apply:

Section 1-1:

Subsection 1-101.10

Amended: Title: Regulation 61-25. Amend from the term Food Code.

Amended: These provisions shall be known as R.61-25, hereinafter referred to as "this regulation." Amend to change from "this code" to "this regulation."

Section 1-2:

Subsection 1-201.10 (B) Terms Defined

Those definitions referenced below were added, deleted, or amended to address specific operations or terms not addressed by the definition in the FDA Food Code.

Amended: "Adulterated" to provide a complete definition of the word instead of referring to the Federal Food, Drug and Cosmetic Act Section 402 as written in the FDA Food Code.

Added: "Boarding house"

Added: "Commissary"

Added: "Community-based farmers market"

Added: "Community festivals"

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Amended: "Core Item." See subsection (136) "Violations." Moved to (136) to better define as a group, all terms related to violations of the regulation. Also amended from "Core item" to "Core violation" for consistency.

Added: "Department"

Added: "Demonstration of foods"

Amended: "Food" definition. Amended to remove the words "or chewing gum" a product not regulated under R.61-25 as chewing gum is a manufactured food. Chewing gum is not manufactured at the retail level.

Deleted: "Food Establishment" definition. A new definition is added under (110) "Retail Food Establishments" to provide clarity as South Carolina regulates "retail food establishments."

Amended: "Grade A standards" to add the requirements of the Department's R.61-34, *Raw Milk for Human Consumption*, which allows the sale of Grade A raw milk by regulation in South Carolina.

Added: "Grade decal." The Department uses a grade decal to show the consumer the sanitation standard at the most recent inspection of a retail food establishment.

Added: "Low risk food processes" to account for food items that require minimal processing. An example would be roasted corn, which is a cook and serve food item with minimal preparation.

Added: "Mobile food establishments" to further define a retail food establishment that consists of a commissary and mobile food unit(s) or mobile pushcart(s) or both.

Added: "Mobile food unit" to define this type of unit.

Added: "Mobile push cart" to define this type of unit.

Added: "Nuisance"

Added: "Pre-operational inspections"

Amended: "Priority item" definition. See subsection (136) "Violations." Moved to (136) to better define under as a group, all terms related to violations of the regulation. Also amended "Priority item" to "Priority violation" for consistency.

Amended: "Priority foundation item" definition. See subsection "Violations." Moved to (136) to better define under as a group, all terms related to violations of the regulation. Also amended "Priority foundation item" to "Priority foundation violation" for consistency.

Added: "Private residence"

Added: "Process authority"

Added: "Product assessment"

Added: "Raw milk" to establish a definition also referenced under "Grade A standards" in R.61-34, *Raw Milk for Human Consumption*, for milk that has not been pasteurized and that has been approved for sale and human consumption in South Carolina.

Added: "Regulation" that refers to R.61-25, *Retail Food Establishments*.

Deleted: "Regulatory authority" and added "Department."

Added: "Retail food establishment" to clarify and shorten the definition and consolidate terms defined from the deleted FDA Food Code definition, "Food establishments," to better define the meaning of retail food establishments regulated in South Carolina by the Department under R.61-25.

Added: "Seasonal series"

Amended: "Service animal" to add reference to the *Americans for Disabilities Act*.

Added: "Standard operating procedures (SOPs)"

Amended: "Temporary food establishment" to reflect standard operating procedures long established for South Carolina. The amended definition also details the types of events associated with temporary food establishments.

Deleted: "Vending machine location" definition. While "vending machine" has been defined in the proposed regulation for reference purposes where mentioned in the regulation, the vending machine location is not a necessary definition. Vending machines are not regulated by the Department.

Added: "Violations" to satisfy the statutory and regulatory authority given the Department. The terms "Priority violation," "Priority foundation violation," and "Core violation" are defined under (136) "Violations" to consolidate items associated with the compliance and enforcement provisions of the regulation in one definition. Also included is the term related to inspection protocols by the defining of "Consecutive violation."

In Chapter 2, Management and Personnel, the following changes apply:

Deleted: 2-102.11(C) 9 and 10 and 12 through 17 that address Demonstration of Knowledge questions in this subsection of the FDA Food Code. The deleted questions are not applicable to the majority of South Carolina's retail food service establishments and/or do not have uniform answers. Those without uniform answers would lead to a lack of uniformity in the interpretation and enforcement of the regulation.

Deleted: 2-103.11(M). The Department is not adopting the FDA Food Code section on Major Food Allergens at this time.

Amended: 2-103.11(N). Deleted references to "conditional employees," "verifiable manner," and "in accordance with law" as they did not apply to the Department's revisions of subsequent sections.

Amended: 2-201 (2-201.11, 2-201.12, 2-201.13) as this entire section was replaced with a new section that is aligned with S.C. Code Ann. Section 44-1-140 (10) and (13) (Revised 2002) and subsequent R.61-20, *Communicable Diseases*, pertaining to reporting illness and restrictions and exclusions of ill workers from the workplace.

Amended: 2-302.11(A) to specifically address nail length.

Added: 2-303.11 (B) to allow medical or religious jewelry to be covered by a glove instead of requiring removal.

In Chapter 3, Food, the following changes apply:

Added: 3-202.14(E) to allow the sale of packaged Grade A Raw Milk produced in South Carolina under R.61-34, *Raw Milk for Human Consumption*, in retail food establishments.

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Added: 3-202.18(E) with the addition of "Keep Refrigerated" to align with R.61-47, *Shellfish*.

Deleted: 3-301.11(D) alternate handwashing procedures as this is a guidance for a variance procedure the Department is not adopting.

Added: 3-304.13(B). This addition of (B) allows for a common industry practice not specified in FDA Food Code.

Deleted: 3-305.13 and 3-306.12(B) as vending is not regulated by the Department.

Amended: Combined 3-404.11(B)(1) and (2) into one section.

Deleted: 3-502.11 (E) to align with R.61-47, *Shellfish*.

Amended: 3-601.11. Deleted CFR reference in (A) and deleted all of (B) as unnecessary, the single reference to "labeled as specified in law" is adequate for enforcement of this section.

Added: 3-603.11(D) for sale of packaged raw milk.

In Chapter 4, Equipment, Utensils, and Linens, the following changes apply:

Added: 4-101.17(B)(3) "Bagel boards, including a laminated hardwood may be acceptable if the food-contact surface is smooth and in good repair." Also added was 4-101.17(C), "Wicker may be used only when suitably lined." These are standard industry practices with no sanitation issues or negative impact on food safety; materials are disposable and easily replaced.

Deleted: 4-204.14, 4-204.19 and 4-204.111. Vending is not regulated by the Department.

Deleted: 4-204.110(B). This operation is addressed by R.61-47, *Shellfish*.

Amended: 4-204.117. The phrase "that is installed after adoption of this code by the regulatory authority" language is not applicable to this regulation. R.61-25, 8-101.10 addresses retail food establishments in operation prior to the effective date of this regulation and allows for their continued operation.

Deleted: 4-204.121 and 4-204.123. Vending is not regulated by the Department.

Amended: 4-205.10, Food Equipment, Certification and Classification, to provide detailed and specific explanation of the requirements of 4-205.10 for certified or classified sanitation on food equipment beyond the general FDA Food Code language. The amendment also addresses specific residential counter-top appliance use that the FDA Food Code did not address.

Deleted: 4-501.13. DHEC does not regulate safety standards for equipment.

Amended: 4-501.114. The original language in this section was deleted and new language was added to provide an industry/layman friendly version that removed references to water hardness.

Deleted: 4-602.11(A) "clean to sight and touch", (D)(4) and (D)(6) to provide more clarity and consistency to requirements.

Deleted: 4-903.11(D). This is current or common practice acceptable for all retail food establishments and is addressed in other sections of the regulation.

In Chapter 5, Water, Plumbing, and Waste, the following changes apply:

Amended: 5-101 & 5-102 with language specific to approval of public water systems in South Carolina.

Amended: 5-103.11(B). To ensure that retail food establishments that are part of a larger, non food service operation receive adequate hot water supply at all times on demand, added the requirement for the hot water system to be a dedicated system.

Amended: 5-104.11(B) & 5-202.14 with language specific to approval of public water systems in South Carolina.

Deleted: 5-203.11(C) reference to vending location handwashing sinks. Vending is not regulated by the Department.

Amended: 5-301.11 to be consistent with the requirement in 4-205.10 that food service equipment be ANSI/NSF certified.

Amended: 5-402.12 to read 5-402.12, Grease Traps and Grease Interceptors. Also, the section content was expanded to address location and installation of grease traps and grease interceptors. When required by the sewer purveyor, the amended section addresses the required parameters for proper installation and location of grease trap and grease interceptor installation if located inside the building.

Deleted: 5-501.14. Vending is not regulated by the Department.

In Chapter 6, Physical Facilities, the following changes apply:

Deleted: 6-101.11(B). The section conflicted with 9-9 requirements.

Deleted: 6-602.17. Vending is not regulated by the Department.

Amended: 6-501.115(B)(3) to add reference to the *Americans with Disabilities Act*.

In Chapter 7, Poisonous or Toxic Materials, the following changes apply:

Deleted: 7-202.12(A)(3) and (4). Unnecessary requirements.

In Chapter 8, Compliance and Enforcement, the following changes apply:

Amended: 8-101.10. Deleted (A) and amended (B) with language that provides more clarity on equipment that may remain in service that does not meet current regulations but is safe and serviceable.

Added: 8-103(B) equipment and construction variance request procedures.

Deleted: 8-201.11 and 8-201.12 requiring the submission of construction plans.

Deleted: 8-202.10 reference to inspection reports as protected documents. In South Carolina inspection reports are subject to South Carolina's Freedom of Information Act.

Amended: 8-203.10 to remove reference to approved plans and to add a fourteen day notification criteria.

Added: 8-301.11 (B) and (C) to require posting of permit and that requirements of the regulation must be met prior to receiving a permit.

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Added: 8-301.12 to allow for historically exempted operations to continue to be exempted from permit requirements based on either state statutory exemptions, food prepared for private settings (boarding houses in private residences, hunting lodges in private residences or where the hunter has shot and prepared, etc.), the nature of the food sold (extremely low, low or no risk to the public), food that is not prepared for profit or gain, and food that is regulated by other regulatory authorities.

Amended: 8-302.14 to require for a permit application only the information and documentation relevant to the issuance of the permit

Amended: 8-303.20 to establish a more consistent approval method and timeframes for changes in ownership.

Deleted: 8-303.30 (C) as general appeals are covered in 8-602.10.

Amended: 8-304.11. Replaced entire subsection with new language, reworded.

Amended: 8-304.20. Reworded to align with change of ownership section.

Deleted: 8-401.10 & 8-401.20. Addressed in Standard Operating Procedures.

Amended: 8-402.11 to 8-402.40. Reworded to reflect South Carolina laws regarding access to regulated facilities.

Amended: 8-403.10. Reworded to allow for current South Carolina retail food establishment grading system.

Amended: 8-403.30 to 8-403.50. Reworded to allow for current South Carolina retail food establishment reporting methods and to allow for electronic reporting.

Amended: 8-404. Reworded and combined to include all sections on imminent health hazards.

Amended: 8-405.11, 8-405.20 and 8-406.11. These subsections were combined along with similar subsections in other places in Chapter 8 to provide one concise subsection on timely compliance and corrections of violations in a manner that industry could easily reference and understand under section 8-405.

Amended: 8-6 through 8-905 to address South Carolina legal, statutory and regulatory authorities and processes for enforcement, penalties, appeals, etc.

Added: Chapter 9, Standards for Additional Retail Food Establishment Operations

Chapter 9 provides criteria for those special food categories and events such as food vendors at community festivals, mobile food, wild mushroom foraging, immediate outdoor cooking, South Carolina farmers markets and seasonal series or for construction and operation of a barbecue pit and pit-cooking room in South Carolina.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting January 9, 2014. The public hearing is to be held in Room 3420 (Board Room), Third Floor, Aycock Building of the S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. Please use the front entrance to the building facing Bull Street. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are

asked to limit their statements to five minutes or less, and, as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations during a public comment period by writing to Sandra D. Craig, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on November 25, 2013, the close of the public comment period.

A copy, of the proposed regulation for public comment, may be obtained by contacting Sandra D. Craig at the above address. A copy may also be obtained from the DHEC Regulation Development Update on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/reg-update.htm>. To access this document, click on the Environmental Health Services category and scan down for this proposed amendment.

Comments received during the public comment period shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed above.

Preliminary Fiscal Impact Statement:

There are no anticipated new costs associated with the implementation of this regulation to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C) (1)-(3) and (9)-(11) (Revised 2005):

DESCRIPTION OF REGULATION:

Purpose: The Department intends to strike the text of the existing regulation in total and amend the regulation in its entirety to meet current standards of the most recent edition of the United States Food and Drug Administration (FDA) Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, scientifically sound technical and legal basis for regulating the retail food establishment segment of the food industry by addressing the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. The Department also intends to revise R.61-25, *Retail Food Establishments* to comply with statutory changes in the administrative appeals process pursuant to S.C. Code Ann. § 44-1-60 (Supp. 2012).

Legal Authority: The legal authority for R.61-25 is S.C. Code Ann. Section 44-1-140 (Revised 2002).

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and the General Assembly, and publication in the *State Register*. The regulated community will be provided copies of the regulation.

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

The intent of R.61-25, *Retail Food Establishments*, is to safeguard public health and provide consumers safe, unadulterated food and food products at the retail level. The regulation governs restaurants, grocery stores, school cafeterias and other establishments, where food is prepared and served to the public. The Regulation was last amended in 1995. Since that amendment, there have been numerous changes in the retail food industry, including food handling practices, food equipment technology, and food preparation processes,

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making R.61-25 in its current form outdated. The proposed amendments will allow the Department, through regulation, to meet current standards of the most recent edition of the FDA Food Code.

The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. It is updated and published every four years and is amended every two years via the Conference for Food Protection, a national conference of food safety regulators, food scientists, industry representatives, and members of academia. Thus, the FDA Food Code is uniquely qualified to address the food safety challenges of the twenty-first century, including an increasingly globalized food supply chain, the aging population, an increased number of immune-compromised consumers, and the growing trend toward consuming food prepared outside the home.

The Department intends to strike the text of the existing regulation in total and amend the regulation in its entirety to meet current standards of the most recent edition of the FDA Food Code. The Department also intends to incorporate into R.61-25 statutory changes in the administrative appeals process pursuant to Section 44-1-60.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated new costs associated with the implementation of this regulation. There will be a benefit to food safety in South Carolina and the health of its citizens as the intent of this regulation is to provide consumers with safe, unadulterated food and food products at the retail level. The amendment of R.61-25 to the most recent edition of the FDA Food Code will allow the regulation to conform to the current national standard. For the food service industry, many of which are associated with national chains, the current edition of the FDA Food Code provides a needed uniformity and consistency with food safety rules nationally.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed regulation will not compromise the protection of the environment or the public health. The proposed regulation will help to ensure that consumers are receiving safe, unadulterated food and food products at the retail level. The amendment of R.61-25 to conform to the most recent edition of the FDA Food Code also provides effective means of reducing the risks of foodborne illnesses within retail food establishments, thus protecting consumers and industry from potentially devastating public health consequences and financial losses.

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

There will be no adverse effect on the environment if the proposed regulations are not implemented. Not implementing the proposed regulation will prevent the implementation of the latest sanitary standards and will not provide the comprehensive approach to food safety management needed in addressing food protection in the retail food industry; this could have a detrimental effect on the health of South Carolina's citizens and visitors.

Statement of Rationale:

The determination to amend this regulation in totality was in response to the need for the South Carolina regulation to reflect current industry standards and retail food safety practices set forth by the FDA Food Code for the retail food industry. These amendments provide the retail food industry the regulatory framework to

meet the latest sanitation requirements for providing safe, unadulterated food and food products to consumers. The FDA Food Code offers proven scientific reasons behind regulation and actively seeks input from the scientific and academic community as their understanding of foodborne pathogens increases. The amendment of R.61-25 to conform to the most recent edition of the FDA Food Code is supported because it provides a comprehensive approach to food safety management, superior supporting documents and training, and is consistent with the national integrated food safety management system.

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. 4425
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards

Preamble:

The Department proposes to amend R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. The Department proposes revisions to clarify the use of flow and resolve potential inconsistencies with R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. These changes limit the uses of flow in the regulation. The Department also proposes to adopt a methylmercury standard to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

A Notice of Drafting was published in the *State Register* on February 22, 2013. The notice was placed on the Department's water quality standards webpage and circulated to stakeholders and other interested parties. The Notice of Drafting was also published on the Department's Regulatory Page in its DHEC Regulation Development Update. Comments were received and used in the drafting of the proposed regulation.

Discussion of Proposed Revisions

(1) Stylistic changes to correct readability, clarity, grammar, punctuation, typography, codification, references, consistency, and language style.

R.61-68.C.4 - The proposed added language clarifies how critical flows will be utilized to determine permit limits or conditions, as was requested by stakeholders.

R.61-68.C.4.a(3) and b(3) - The proposed removal of language that is no longer needed with the clarification that is proposed.

R.61-68.C.4.a(4) - The proposed change in numbering to accommodate the removal of language from the previous sections.

(2) Revision of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

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R.61-68.E.18 and 19. - The proposed added language is added to reflect the EPA's most recent recommendations and guidance concerning methylmercury and implementation language for derivation of permit limits.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on November 26, 2013, at 1:00 p.m. in Peebles Auditorium, Third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-68, Water Classifications and Standards.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Jason Gillespie at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by email at jason.gillespie@dhec.sc.gov or fax at (803) 898-4140. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2013, the close of the comment period.

Comments received at the forum and/or submitted in writing by the close of the comment period on November 26, 2013, shall be considered by staff in formulating the final proposed regulations for public hearing on January 9, 2014, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on October 25, 2013 may be obtained in the Department's Regulation Development Update on the Department's Regulatory Internet site under the Water category at: <http://www.dhec.sc.gov/administration/regs/reg-update.htm>. In the Update, click on the Water category and scan down to this proposed amendment. A copy can also be obtained by contacting Jason Gillespie, Water Quality Standards Coordinator at the above address or by calling (803) 898-4330, or by email at jason.gillespie@dhec.sc.gov.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments to R.61-68, Water Classifications and Standards at a public hearing to be conducted by the Board of the Department of Health and Environmental Control at its regularly scheduled meeting on January 9, 2014, at 10:00 a.m. The public hearing will be held in room 3420 (Board Room), Third Floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. Notice of cancellation or any change in meeting times will be noticed in the Board meeting agenda at least 24 hours in advance of the meeting. The Board agenda is published by the Department of Health and Environmental Control at the following address: <http://www.scdhec.gov/administration/board.htm>. Information on the public hearing can be obtained by calling the Clerk of the Board at (803) 898-3550. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005):

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-68, *Water Classifications and Standards*.

Purpose: Proposed amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA).

Legal Authority: S.C. Code Ann. Sections 48-1-40, 48-1-60, and 48-1-80 (2008), implementing the CWA.

Plan for Implementation: The proposed amendments would be incorporated within R.61-68 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the present regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

The amendment to R.61-68 is required to comply with Federal requirements of Section 303(c)(2)(B) of the CWA. The proposed amendments to R.61-68 include the following:

Addition and adoption of methylmercury criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

The proposed changes to R.61-68 relating to methylmercury criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes reflect the EPA's most recent criteria.

Modification and adoption of changes to R.61-68 to address potential inconsistencies with R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. These changes are necessary to clarify the uses of flow in the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment to R.61-68, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing standards would have incurred similar cost or the fact that the standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-68 will promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna in the State as well as the citizens of South Carolina.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h) (2005).

The first issue contained in the proposed amendment of R.61-68 is a requirement of the CWA and is necessary for compliance with EPA's recommendations for the triennial review of the water quality standards to ensure consistency with the CWA. The second issue serves to resolve any potential conflict with R.61-119 and limits the use of flow in the regulation.

Text:

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

Document No. 4414
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200, 50-11-2210 and 50-11-2215

123-204. Additional Regulations Applicable to Specific Properties

Preamble:

The South Carolina Department of Natural Resources is proposing to change the existing regulations that govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. The following is a section-by-section summary of the proposed changes and additions:

123-204. Additional Regulations Applicable to Specific Properties

N. Jim Timmerman Natural Resources Area at Jocassee Gorges - adds additional roads open year round on Jocassee.

JJ. adds free daily use card requirement for 13 properties in order to monitor property use.

A Notice of Drafting was published in the *State Register* on September 27, 2013, Volume 37, Issue No. 9.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on December 19, 2013 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than 5:00 pm on November 25, 2013.

Preliminary Fiscal Impact Statement:

The amendment of Regulation 123-204 will not have fiscal impact since the changes will not impact use of DNR properties and they actually increase the roads open to year round use on one property and allow for use determination of other properties.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Regulation 123-204 in order to establish clearer road use guidelines for additional roads open year round and provide a method of use monitoring through free self service data cards.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all special use restrictions related to use of Department-owned land. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in all DNR land use documents and the Managed Lands section of the DNR web site. The public will be notified through web and through news releases and other Department media outlets and publications.

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

These regulations increase roads open year round on the Jim Timmerman Natural Resources Area at Jocassee Gorges and require a free daily use card on 13 properties in order to monitor use.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There is no impact on Wildlife Management Areas or hunting seasons.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting and use areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

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

Document No. 4426

REAL ESTATE APPRAISERS BOARD

CHAPTER 137

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

137-100 through 137-900.09. Real Estate Appraisers Board

Preamble:

To satisfy the requirements of licensure in the real estate appraisal, Regulations 137-100 through 137-900.09 must be updated in conformance with the Real Estate Appraisers Board Practice Act.

Section-by-Section Discussion:

137.100. Definitions.

No changes.

137.100.01. Appraisal Experience Point System.

Changes “shall” to “may”.

137-100.02. Qualifications.

(A) No changes.

(B) Changes “appraiser apprentice” to “apprentice appraiser”; numbers subsection and rewords for clarity; adds requirement for apprentice appraiser applicant to attend a trainee/supervisor orientation; changes “classroom” to “qualifying” before “education”.

(C)(1) Changes “classroom” to “qualifying” before “education”.

(2) Adds new subsection from former (E)(2); changes “Certified General license” to “Licensed appraiser classification” and “Bachelors” to “Associate” throughout; changes “ageconomics” to “agricultural economics”.

(3) Renumbers (2); adds that two thousand hours of appraisal experience equate to 250 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) Renumbers (3).

(5) Renumbers (4); changes “five” to “two” years.

(D)(1) Changes “classroom” to “qualifying” before “education”.

(2) Changes “Associate” to “Bachelors” in the first sentence; deletes “Applicants for the Certified Residential license” in the first sentence; and deletes rest of the subsection.

(3) Adds that two thousand five hundred hours of appraisal experience equate to 312.5 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) No changes.

(5) No changes.

(E)(1) Changes “classroom” to “qualifying” before “education”.

(2) Deletes “Applicants for the Certified General license” in the first sentence; and deletes rest of the subsection.

(3) Adds that three thousand hours of appraisal experience equate to 375 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) No changes.

(5) No changes.

(F) No changes.

(G) No changes.

137-100.03. Residential Appraisal Categories.

No changes.

137-100.04. Residential Point Values.

No changes.

137-100.05. Nonresidential Point Values.

No changes.

137-100.06. Nonresidential Appraisal Categories.

No changes.

137-100.07. Other Appraisal Experience.

No changes.

137-200.01. Mass Appraisal Activity.

No changes.

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137-200.02. Residential Mass Appraisals.

No changes.

137-200.03. Nonresidential Mass Appraisals.

(A) 1.-7. No changes.

8.-9. Adds “feet)” to complete the parenthetical phrase “square feet”.

(B) No changes.

137-200.04. Mass Appraisal Experience Verification.

No changes.

137-300.01. Responsibilities of an Apprentice Appraiser.

Changes “appraiser apprentice” to “apprentice appraiser” in the section title and throughout.

(A)(1) No changes.

(2) Adds new subsection regarding apprentice and supervisor training course.

(3) Renumbers (2); no changes.

(4) Renumbers (3); adds that apprentice shall have access to all appraisals.

(5) Renumbers (4); no changes.

(6) Renumbers (5); no changes.

(7) Renumbers (6); adds that apprentice is eligible to take the examinations after completing the experience required for the licensed or certified appraiser classification.

137-300.02. Responsibilities of a Supervising Appraiser.

Changes “appraiser apprentice” to “apprentice appraiser” throughout.

(B)(1) Adds new subsection regarding apprentice and supervisor training course.

(2) Renumbers (1); no changes.

(3) Renumbers (2); adds “or allow access” after “copy”.

(4) Renumbers (3); no changes.

(5) Renumbers (4).

(6) Adds new subsection regarding that supervising appraiser must be certified for a minimum of 3 years prior to being eligible for becoming a supervisor.

(7) Renumbers (5); changes “two” to “three”.

137-400.01. Temporary Practice.

A. Deletes phrase “in connection with federally-related transactions” from first sentence.

B. Deletes last clause of second sentence.

C. Specifies time limit as six months from the date of the permit, with a possible six month extension upon request of the appraiser.

D. No changes.

137-500.01. Continuing Education.

(A) Changes “appraiser apprentice” to “apprentice appraiser”.

(B) No changes.

(C)(1)-(3) No changes.

(4) Changes “at least every two (2) years” to “prior to each renewal”.

(D) Adds second sentence; appraisers may use qualifying courses for continuing education credit if content is substantially different from previous qualifying courses.

(E) No changes.

(F) No changes.

(G) No changes.

Previous Section 137-600.01. Written Complaints.

Repeals in its entirety.

137-600.01. Member Request for Investigation.

Renumbers section title from 137-600.02 to 137-600.01; no changes to text.

137-600.02. Ex Parte Communications.

Renumbers section title from 137-600.03 to 137-600.02; no changes to text.

137-600.03. Disciplinary Actions.

Renumbers section title from 137-600.04 to 137-600.03.

(A) Changes “one” to “two” thousand dollars and adds “or a total fine not to exceed ten thousand dollars”.

(B)-(E) No changes.

137-700.01. Hearings.

No changes.

137-700.02. Role of Board Members.

No changes.

137-700.03. Failure to Appear.

No changes.

137-700.04. Expungement of Disciplinary Action.

New section; adds that licensee may petition the Board for expungement of a public reprimand from the licensee’s South Carolina record.

137-800.01. Payment of Fees.

No changes.

137-800.02. Bad Checks.

No changes.

137-800.03. Biennial Fee Schedule.

52 PROPOSED REGULATIONS

Changes section title from “Annual Fee Schedule” to “Biennial Fee Schedule” and “appraiser apprentice” to “apprentice appraiser” throughout; adds numbers for clarity; deletes last two sentences about reinstatement as redundant.

- (1) Changes apprentice appraiser permit fee from 200.00 to 400.00.
- (2) Changes apprentice appraiser permit renewal fee from 200.00 to 400.00.
- (3) New fee; adds mass appraiser renewal fee of 400.00.
- (4) Adds “(per application)” after appraiser license/certification examination fee.
- (5) Changes appraiser license/certification fee from 200.00 to 400.00.
- (6) Changes appraiser license/certification renewal fee from 200.00 to 400.00.
- (7) No changes.
- (8) No changes.
- (9) Adds “(per application)” after permit/license/certification replacement fee.”
- (10) Adds “(per application)” after personal name change.
- (11) Changes inactive status fee from 100.00 to 200.00.
- (12) Changes reinstatement from inactive licensed or certified appraiser fee from 200.00 to 400.00.
- (13) Adds “(per request)” after attestation of license/certification.
- (14) Adds “(per application)” after course approval (under 15 hours).
- (15) Adds “(per application)” after course approval (15 hours or more).
- (16) No changes.
- (17) No changes.
- (18) Adds “(per application)” after instructor approval.
- (19) No changes.
- (20) No changes.
- (21) Adds “(per request)” after appraisers roster and changes fee from 20.00 to 40.00.
- (22) Adds “(per request)” after appraiser mailing labels.
- (23) Adds “(per request)” after diskette of appraisers roster and changes fee from 25.00 to 50.00.
- (24) Adds “(per application)” after change in appraiser classification.
- (25) Adds “(per application)” after appraiser equivalent continuing education approval.
- (26) Adds “(per occurrence)” and “(or amount specified by law; see Section 34-11-70)” after bad check charge and changes bad check charge from 20.00 to 30.00.
- (27) Adds “(per application)” after temporary practice permit.
- (28) Changes Federal Registry Transmittal fee from 25.00 to 80.00.

137-800.04. Permit, License and Certification Renewals.

No changes.

137-800.05. Expired Permit, License or Certificate.

No changes.

137-800.06. Disclosure of Appraiser Classification and Number.

No changes.

137-900.01. Educational Providers - Approval Required.

No changes.

137-900.02. Exemption from Regulation.

No changes.

137-900.03. Providers of Courses.

No changes.

137-900.04. Application for Provider Approval.

No changes.

137-900.05. Curriculum and Attendance.

(A) No changes.

(B) Changes “appraiser apprentice” to “apprentice appraiser”.

(C)-(M) No changes.

137-900.06. Provider, Instructor and Course Renewals.

No changes.

137-900.07. Enrollment Agreement Policies and Procedures.

No changes.

137-900.08. Other Operating Procedures.

(A) No changes.

(B) Adds “qualifying and” before continuing education.

1. No changes.

2. Adds “and synchronous” and rewords for clarity.

3. Adds “qualifying and” before continuing education.

(C)-(G) No changes.

137-900.09. Instructors.

No changes.

The Notice of Drafting was published in the *State Register* on February 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on December 10, 2013. Written comments may be directed to Roderick Atkinson, Administrator, South Carolina Real Estate Appraisers Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., November 25, 2013. 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.

54 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Real Estate Appraisers Practice Act and in compliance with S.C. Code Ann. §40-60-10(I)(3). These regulations are edited to update the term “appraiser apprentice” as defined in S.C. Code Ann. §40-60-20(8) to “apprentice appraiser” throughout. Reg. 137-100.02 establishes qualifications for apprentice appraisers, licensed appraisers, certified residential real estate appraisers, and certified general real estate appraisers in accordance with S.C. Code Ann. §40-60-33. Reg. 137-300.01 and Reg. 137-300.02 add that apprentice appraisers and their supervisors are required to complete a course oriented toward requirements for supervisors and expectations for apprentices prior to apprentices obtaining an apprentice credential in compliance with S.C. Code Ann. §40-60-34(C), (D) and (E). Also, Reg. 137-300.02 adds that supervising appraisers must be certified for a minimum of three years prior to their eligibility as supervising appraisers. Reg. 137-400.01 establishes requirements for temporary practice permits in accordance with S.C. Code Ann. §40-60-34(F). Reg. 137-500.01 updates the continuing education requirements in conformance with S.C. Code Ann. §40-60-35. Reg. 137-600.01 is repealed, since it is provided for in S.C. Code Ann. §§40-60-80 and 40-1-80. Reg. 137-600.03 amends the amount of the fine per occurrence or violation in accordance with S.C. Code Ann. §40-60-120(A). Reg. 137-700.04 adds the expungement of South Carolina disciplinary actions per S.C. Code Ann. §40-1-120(E). Reg. 137-800.03 updates two fees by industry standards in accordance with S.C. Code Ann. §40-60-50(B) and (C) and updates other fees to meet biennial fee requirements. Reg. 137-900.08 addresses other operating procedures including continuing education as provided for in S.C. Code Ann. §§40-60-35 and 40-60-36.

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to conform to the practice act and to the Uniform Standards of Professional Appraisal Practice (USPAP).

Legal Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3).

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

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

The proposed regulations will prevent conflict between existing regulations and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the board’s function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are amended in conformance with the current Real Estate Appraisers Board Practice Act.

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.

56 EMERGENCY REGULATIONS

Filed: September 25, 2013 3:45pm

Document No. 4413

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 1-23-130 and 48-1-10 et seq.

Emergency Situation:

Emergency Regulation for Management of Wastewater System Sludge, including Land Application of Sludge, Impacted by Illicit Discharges of Polychlorinated Biphenyls (PCB)

Introduction.

The Department was notified in July 2013 of polychlorinated biphenyls (PCB) contaminated material in three publicly owned treatment works (POTWs) located in upstate South Carolina. Because PCBs were banned in the United States over thirty years ago, they are not expected to be found in wastewater systems. The Department's investigation indicates the materials found in the POTWs were illicitly discharged into the systems and originated from unknown sources.

It was believed these illicit discharges were limited to upstate POTWs until September 2013 when PCB contaminated material was detected in a restaurant grease trap in Richland County. Therefore, the Department finds there is a significant risk that illicit discharges of PCBs may be occurring statewide, and it is appropriate to take immediate action to prohibit land application of PCB contaminated material. Additionally, because permits for wastewater systems in South Carolina do not address the discharge of PCBs to waters of the State, immediate action is necessary to ensure PCB contaminated sludges are properly handled by systems affected by these illicit discharges.

PCBs are chemicals that were used as coolants and lubricants in transformers, capacitors, and other electrical equipment before being banned by Congress in 1979 because of evidence that they build up in the environment and can cause adverse health effects. Once in the environment, PCBs do not readily break down and therefore remain in the environment for long periods of time cycling through the air, water, and soil. PCBs are taken up in small organisms and fish. PCBs can accumulate in leaves and the above-ground parts of plants and food crops.

Land Application of Sludge.

Some South Carolina wastewater treatment systems are permitted for the land application of their sludge. The Department's current regulations for land application, R.61-9.503 and 504, mirror the current federal sewage sludge regulations related to pollutant loading adopted in 40 CFR 503. The federal Toxic Substances Control Act (TSCA) regulates PCB levels in sludge at levels equal to or greater than 50 parts per million (ppm). Because PCBs were banned in the United States over thirty years ago, they are not expected to be found in wastewater systems. Therefore, there are currently no federal or state regulations to limit the land application of sludge below 50 ppm.

With the issuance of this emergency regulation, the Department is prohibiting the land application of sludge with quantifiable levels of PCBs from wastewater systems, including but not limited to municipal wastewater treatment facilities, industrial wastewater treatment facilities, and septage from septic tank management and grease trap waste from interceptor tanks serving facilities such as restaurants that have quantifiable levels of PCBs.

Sludge Treatment at Wastewater Systems.

In wastewater systems impacted by illicit discharges of PCB contaminated waste, PCBs collect in the sludge of wastewater treatment systems. Sludge treatment by methods such as thickening, digestion and dewatering generates additional wastewater that must be managed by the wastewater treatment system. To protect public health and the environment related to the effluent discharge to surface waters and the land, the Department needs to establish restrictions for sludge treatment operations.

South Carolina has water quality standards that apply to dischargers (e.g., NPDES facilities). However, because they have been banned, PCBs are not typically identified in permit applications and unless PCBs are expected to be present. The NPDES permit process does not evaluate PCBs for discharge limitations in a permit. However, in the present circumstances, wastewater systems must manage PCBs that have accumulated in sludge. Since management of PCB contaminated sludge creates a new, but temporary wastestream, it is important to evaluate the return wastestream to determine if levels of PCBs are above detection (i.e., quantification levels).

The Department finds that this regulation is needed to immediately manage wastewater system sludge, including land application of sludge, impacted by illicit discharges. The Department further finds that this regulation is needed to protect the public health and the environment from the adverse effects of PCBs in the environment. The Department is a natural resources and health related agency, and finds that abnormal or unusual conditions exist that require immediate action to promulgate this emergency regulation.

Text:

Emergency Regulation for Management of Wastewater Treatment System Sludge, including Land Application of Sludge, Impacted by Illicit Discharges of Polychlorinated Biphenyls (PCB)

Section 1.

Polychlorinated Biphenyls (PCBs) Restriction Related to Land Application.

Land application pursuant to permits under Regulation 61-9 of sewage sludge (including domestic septage), industrial sludge, and/or grease trap waste (e.g., interceptor tanks for restaurants), of which for the purpose of this regulation is referred to as sludge, may not occur if levels of PCBs are quantifiable using EPA SW-846 Method 8082A, with sample preparation method #3550C ONLY.

Section 2.

Land Application of Sludge.

Land application permittees under Regulation 61-9 must collect representative sludge samples for PCB levels at least quarterly based on calendar year quarters to confirm compliance with Section 1. If a representative sample has not been taken within fifteen (15) days prior to the effective date of this regulation, the permittee shall cease land application until sampling has been completed to confirm compliance with Section 1. Data collected must be maintained by the permittee for five (5) years and submitted to the Department annually and should accompany other applicable annual reports. Any quantifiable level of PCBs in the sludge shall be reported to the Department in writing within five (5) calendar days of receipt of the results by the permittee.

Section 3.

Sludge Treatment at Wastewater Systems.

58 EMERGENCY REGULATIONS

a) This section applies when a wastewater system is managing PCB contaminated sludge following illicit discharges of PCB waste to the system.

b) When operating sludge management systems (e.g., thickening, dewatering), where wastewater is generated that is feeding back in the wastewater treatment system (e.g., filtrate piped to the head of the treatment facility), if the returned wastewater is below levels of quantification as set by item “c” below, then such operation is deemed in compliance with state water quality regulations.

c) For the purposes of this regulation, the practical quantification level for the returned wastewater should be evaluated based on EPA Method 608 for PCBs in wastewater. The wastewater system owner must collect representative samples to confirm that the returned wastewater is below this level of quantification.

Section 4.

Implementation.

Definitions applicable to this regulation are specified in R.61-9 and the Pollution Control Act, South Carolina Code Section 48-1-10 et seq. This regulation is self-implementing, and is in addition to the requirements in permits issued pursuant to Regulation 61-9. This regulation is effective for ninety (90) days from the date of filing with the Legislative Council pursuant to South Carolina Code Section 1-23-130.

Filed: October 9, 2013 4:21pm

Document No. 4417

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-21-610 and 50-23-230

Emergency Situation:

This regulation sets additional requirements that homemade watercraft must meet in order to be considered watercraft for the purposes of titling and registration. Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act which was intended to allow individuals a five (5) year period in which to use permitted water structures on public waters of the state after which time the structures would have to be removed. The five (5) year period established by Act 33 in 2007 expired in August of 2013 and the department has received requests from individuals to title and register some of these previously permitted structures as watercraft. In order to maintain the intent of the law, the department is filing these emergency regulations to establish minimum requirements for an operator's position and unobstructed visibility from that position on homemade watercraft. Because the five (5) year period expired in August, the department is filing these emergency regulations to handle any requests for titling and registration that do not meet the intent of the law.

Text:

123-60. Homemade Watercraft

To title and register a homemade watercraft, the vessel must first meet the definition of a watercraft and must have an operator's position from which the operator is afforded unobstructed forward visibility to each side of center line for at least seventy degrees and the operator must have unobstructed lateral visibility to each side of centerline at ninety degrees from the operator's position.

Any watercraft that is capable of being used as a homemade houseboat must also comply with any legal requirements for a marine toilet.

A floating dock cannot be titled or registered as a watercraft.