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# SOUTH CAROLINA STATE REGISTER

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ASHLEY HARWELL-BEACH, 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.

## **2021 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

## **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**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
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4980			Transfers and Withdrawals	05/12/2021	State Board of Education	Regs and Admin Procedures	Education
4981			Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	05/12/2021	State Board of Education	Regs and Admin Procedures	Education
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4992			Consumer Protection for the Lease of Renewable Energy Generation Facilities	05/12/2021	Office of Regulatory Staff	Regs and Admin Procedures	Judiciary
4975			Hazardous Waste Management Regulations	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4977			Standards for Licensing Day Care Facilities for Adults	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4979			Septic Tank Site Evaluation Fees; Onsite Wastewater Systems; License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets; and Licensing of Onsite Wastewater Systems Master Contractors	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4988			Role of the Qualified Independent Third-Party Consultant and Expert and the Commissioners' Reliance on the Contents of the Qualified Independent Third-Party Consultant and Expert's Report	05/12/2021	Public Service Commission	Regs and Admin Procedures	Judiciary
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5011			Wildlife Management Area Regulations; and Turkey Hunting Rules and Seasons	05/12/2021	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5003			Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4995			Statement of Policy; and Specific Project Standards for Tidelands and Coastal Waters	05/12/2021	Department of Health and Envir Control	Regs and Admin Procedures	Fish, Game and Forestry
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4987			Administrator-in-Training Program Requirements	05/12/2021	LLR-Board of LTHC Administrators	Regs and Admin Procedures	Medical Affairs
5008			Fee Schedule for Bulk Licensure Verification	05/12/2021	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
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5032	Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034	Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
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**Executive Order No. 2021-15**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, any and all necessary and appropriate actions in confronting and coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), which now present different, additional, and evolving emergency conditions and extraordinary circumstances that necessitate the State taking further coordinated actions and implementing the requisite measures to address and respond to the same; and

**WHEREAS**, in preparing for and responding to the threats posed by COVID-19, the State must remain flexible to account for new and distinct circumstances—to include not only the evolving public health threats associated with COVID-19 but also modifications to the State’s allocated supplies of authorized COVID-19 vaccines—and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19; minimize the resulting strain on healthcare facilities and resources; address emerging and amplifying issues associated with the presence of COVID-19 variants in the State and the potential emergence of additional COVID-19 variants; facilitate the safe resumption or continuation of in-person classroom instruction; stabilize and reinvigorate the State’s economy; enable businesses and industries to safely reopen or resume operations; enhance testing capacity; and accelerate deployment of the State’s vaccine distribution program to ensure that allocated supplies of authorized and available vaccines are administered in an efficient, equitable, and expedited manner; and

**WHEREAS**, in furtherance of the foregoing, and in preparing for and responding to the various and evolving threats posed by COVID-19, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020, and more recently, on February 24, 2021, the President of the United States published a notice in the *Federal Register* that the national emergency shall continue and remain in effect beyond March 1, 2021; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying specific extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03, 2021-07, 2021-08, 2021-10, and 2021-13; and

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**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed Act No. 135 of 2020 (H. 3411, R-140), as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; *see also* Act No. 133 of 2020 (R-138, S. 635); Act No. 142 of 2020 (R-148, H. 5202); Act No. 143 of 2020 (R-149, H. 5305); Act No. 154 of 2020 (R-170, H. 3210); Act No. 2 of 2021 (H. 3707, R-4); and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remained in effect; and

**WHEREAS**, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 2020-50 and amending and consolidating certain emergency measures to ensure that the remaining measures were targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on November 25, 2020, the undersigned issued Executive Order No. 2020-73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that the remaining initiatives and limited restrictions were targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

**WHEREAS**, on March 1, 2021, the undersigned issued Executive Order No. 2021-11, superseding, rescinding, and replacing Executive Order No. 2020-73 and memorializing additional modifications and amendments to certain emergency measures to account for recent significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19 and to ensure that the remaining targeted restrictions or initiatives were necessary and appropriate and narrowly tailored to address and mitigate the public health and other threats and impacts associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on March 5, 2021, the undersigned issued Executive Order No. 2021-12, superseding, rescinding, and replacing Executive Order No. 2021-11 and memorializing further modifications and amendments to certain emergency measures as part of the process of regularly reviewing the same to confirm that the State's actions are narrowly tailored to address the evolving needs and circumstances and the various public health and other threats and impacts associated with COVID-19; and

**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

**WHEREAS**, as of March 23, 2021, DHEC has identified at least 460,277 confirmed cases of COVID-19 in the State of South Carolina, including 7,971 deaths due to COVID-19; and

**WHEREAS**, although COVID-19 continues to pose a serious threat to the State of South Carolina and present new and distinct emergency circumstances, the State has recently noted and documented significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19, which are due in large part to the implementation of previous emergency measures and the expedited distribution and administration of the limited supplies of authorized and allocated COVID-19 vaccines, as well as the continued diligence, resilience, and persistence of South Carolinians in making responsible choices to protect themselves and their communities; and

**WHEREAS**, for example, as of the date of this Order, DHEC and its public and private partners have conducted more than 6,500,000 tests for COVID-19 and have administered over 1,625,000 doses of vaccines for COVID-19, and as a result, DHEC continues to document measured progress and downward or declining trends associated with the average rate of cases of COVID-19 per 100,000 individuals, the percentage of positive tests for COVID-19, and the number of new hospital admissions and deaths associated with or related to COVID-19; and

**WHEREAS**, notwithstanding the aforementioned measured progress in addressing COVID-19, according to the latest public health data, all forty-six counties in South Carolina are experiencing substantial or high levels of community transmission of COVID-19, with approximately 87% of the State's counties reporting high levels of community transmission; and

**WHEREAS**, because DHEC has noted that increased testing of both symptomatic and asymptomatic individuals remains a critical component in the fight against COVID-19 and because DHEC has also continued to identify additional "hot spots" in certain areas of South Carolina, the State must remain focused on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing and further expand associated contact tracing initiatives; and

**WHEREAS**, the State of South Carolina must also continue to take further proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate and expedite the distribution and administration of authorized COVID-19 vaccines allocated to the State, particularly as the currently limited supplies of the same are anticipated to increase; and

**WHEREAS**, in addition to implementing certain emergency measures designed to limit community spread and transmission of COVID-19, in further proactively preparing for and promptly responding to the evolving threats posed by COVID-19, the State of South Carolina must also simultaneously confront the significant economic impacts and other consequences associated with COVID-19 and undertake efforts to stabilize and reinvigorate the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, accessing and utilizing federal funds and resources to assist with emergency operations, and maximizing interagency or intergovernmental coordination, cooperation, and collaboration to enhance the State's response to COVID-19; and

**WHEREAS**, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to resume or expand in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

**WHEREAS**, in light of the foregoing, and due to, *inter alia*, the continued spread of COVID-19 and the need to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to enhance testing availability and expedite the administration of authorized and allocated

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vaccines, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission of COVID-19 and to minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” *Op. Att’y Gen.*, 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, the State of South Carolina has made meaningful progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency and intergovernmental coordination, cooperation, and collaboration; and

**WHEREAS**, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the aforementioned and other different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with COVID-19, such as the presence of new variants of COVID-19 in the State and the potential emergence of additional variants of COVID-19; enhance existing testing capacity; facilitate and expedite the large-scale administration of authorized vaccines allocated to the State; and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

**WHEREAS**, for the foregoing and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State, the detection of cases associated with new variants of COVID-19 in South Carolina, and the other circumstances referenced herein, represent the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

## 8 EXECUTIVE ORDERS

**WHEREAS**, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

**WHEREAS**, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

**WHEREAS**, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective "social distancing" practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

### **Section 1. Emergency Measures**

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take further proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate and accelerate the large-scale administration of the limited supplies of authorized COVID-19 vaccines allocated to the State and the continued expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2021-12 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

## **Section 2. Transportation Waivers**

To expedite the State of South Carolina’s preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s February 17, 2021 Expansion and Extension of the Modified Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; responding to declared



## 10 EXECUTIVE ORDERS

emergencies in the State of North Carolina or the State of Georgia; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### Section 3. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

#### **Section 4. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 23rd DAY OF MARCH, 2021.**

**HENRY MCMASTER  
Governor**

## 12 EXECUTIVE ORDERS

### Executive Order No. 2021-16

**WHEREAS**, on March 18, 2021, certain portions of the State of South Carolina experienced severe weather, including damaging winds, significant rainfall, localized flooding, and other hazardous conditions, as a result of a dangerous storm system that moved across the southeastern region of the United States; and

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

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

**Section 1.** I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties on March 18, 2021:

Closed: Fairfield County, Florence County, Orangeburg County

Abbreviated Schedule: Allendale County (closed at 12:30 p.m.), Beaufort County (closed at 12:00 p.m.), Berkeley County (closed at 2:00 p.m.), Calhoun County (closed at 12:00 p.m.), Charleston County (closed at 1:00 p.m.), Clarendon County (closed at 12:30 p.m.), Colleton County (closed at 1:00 p.m.), Dillon County (closed at 2:00 p.m.), Dorchester County (closed at 12:00 p.m.), Hampton County (closed at 1:00 p.m.), Horry County (closed at 2:00 p.m.), Lancaster County (closed at 11:30 a.m.), Lee County (closed at 12:30 p.m.), Marion County (closed at 2:00 p.m.), Marlboro County (closed at 12:00 p.m.), McCormick County (closed at 10:00 a.m.), Sumter County (closed at 1:00 p.m.), Williamsburg County (closed at 11:00 a.m.)

**Section 2.** In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 26th DAY OF MARCH, 2021.**

**HENRY MCMASTER  
Governor**

**Executive Order No. 2021-17**

**WHEREAS**, the State of South Carolina has a significant interest in recognizing and advancing existing investments in connection with the pharmaceutical, biotechnology, and medical-related industries (collectively, “Life Sciences Sector” or “Sector”) and facilitating and encouraging further investment and economic development in this critical sector, particularly in view of the impacts of the 2019 Novel Coronavirus (“COVID-19”), which have plainly demonstrated that no single nation or state should be the sole source of, or have a monopoly on the production of, or the intellectual property and supply chains for, essential medicines, medical devices and supplies, and personal protective equipment (“PPE”), as well as related inputs, components, goods, materials, and products; and

**WHEREAS**, in recent years, South Carolina has cultivated a cutting-edge Life Sciences Sector, which has an annual economic impact of more than \$12 billion; and

**WHEREAS**, at present, more than 800 firms and over 43,000 professionals in this State are directly involved in the research, development, and commercialization of innovative and essential healthcare, pharmaceutical, medical device, industrial, environmental, and agricultural biotechnology products; and

**WHEREAS**, since 2017, the Life Sciences Sector has become South Carolina’s fastest-growing economic sector, with employment increasing at approximately twice the rate of the State’s economy as a whole; and

**WHEREAS**, as evidenced by the aforementioned data, the South Carolina Department of Commerce (“Department of Commerce”), in collaboration with the State’s research institutions and the South Carolina Biotechnology Industry Organization (“SC BIO”), has consistently dedicated substantial economic development and recruitment efforts to cultivating and advancing the Life Sciences Sector; and

**WHEREAS**, in view of the State’s experience in addressing and responding to the COVID-19 pandemic, the undersigned recently directed the Department of Commerce to expand its ongoing economic development and recruitment efforts in the Life Sciences Sector and place enhanced emphasis and focus on attracting new investments, fostering and promoting the growth of existing industries and employment opportunities in the State, and supporting additional research and innovation within these critical fields; and

**WHEREAS**, notwithstanding the State’s collaborative response to COVID-19, the ongoing and evolving COVID-19 pandemic has clearly illustrated why no single nation or state should be the sole source of, or have a monopoly on the production of, or the intellectual property and supply chains for, essential medicines and medical supplies, as the United States was squarely confronted with the fact that many of these essential goods and products are solely or disproportionately manufactured in foreign countries, which forced states to compete against one another for limited domestic supplies of PPE and other critical materials; and

**WHEREAS**, in an effort to address the above-referenced and other problems, on August 6, 2020, the President of the United States issued Executive Order No. 13944 (Executive Order on Ensuring Essential Medicines, Medical Countermeasures, and Critical Inputs Are Made in the United States), which was designed to ensure that critical medicines and medical products are manufactured in the United States and to establish a strong public health industrial base with resilient domestic supply chains; and

**WHEREAS**, although President Trump’s prompt and decisive executive action helped alleviate certain aspects of this multi-faceted issue, additional measures are warranted at both the federal and state levels to increase the domestic development and production of essential medicines and critical medical supplies and to reduce and eliminate the current and unsustainable reliance on foreign manufacturers and supply chains; and

## 14 EXECUTIVE ORDERS

**WHEREAS**, as a result of the foregoing experience, and since there is no better domestic location to develop and manufacture these critical products than South Carolina, the undersigned has determined that it is necessary and appropriate for the State to initiate additional action to incentivize the production of essential medicines and medical supplies and devices in South Carolina, thereby reducing the State's current and future need to compete with foreign nations and other states for PPE and other critical medical supplies, while also creating new jobs for South Carolinians and Americans by accelerating the domestic research, development, and production of essential medicines and medical supplies; and

**WHEREAS**, in addition to undertaking the above-referenced and other measures designed to reduce or eliminate the current reliance on foreign supplies and supply chains and ensure that both the State of South Carolina and the United States have ready and reliable access to the critical supplies, supply chains, human resources, and intellectual property necessary to prepare for and promptly respond to current and future public health emergencies and other existing or emerging public health or security threats, the State must simultaneously promote the establishment and further development of a robust and secure pharmaceutical and medical supply base and maximize the long-term domestic demand for such goods and products; and

**WHEREAS**, the measures set forth herein are intended to ensure sufficient and reliable long-term domestic demand for the production of essential medicines and medical supplies, while also maximizing and incentivizing job creation and new and additional investment, particularly in those industries producing essential medicines and medical supplies, including PPE, and capitalizing on and further establishing, accelerating, and expanding upon, the State of South Carolina's significant momentum as a global leader in the Life Sciences Sector.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

### **Section 1. Pharmaceutical and Medical Supply Manufacturing Recruitment Initiative**

A. The State of South Carolina has a significant interest in recognizing and advancing existing investments and facilitating and encouraging further investment and economic development in the Life Sciences Sector, particularly in view of the impacts of the COVID-19 pandemic. In furtherance of the foregoing, as well as the undersigned's responsibility to provide for and protect the health, safety, security, and welfare of the people of South Carolina, I hereby direct the Department of Commerce to undertake the following actions and initiatives:

1. Prioritize and enhance ongoing economic development and recruitment efforts by identifying, encouraging, and incentivizing pharmaceutical and medical supply manufacturers, both international and domestic, to locate research, development, and production facilities within the State of South Carolina.
2. Develop and execute international and domestic marketing campaigns that promote the State of South Carolina as a global leader in this Sector.
3. Facilitate, assist, and incentivize growth, expansion, investment, and employment opportunities at existing businesses and industries in the Sector located within the State of South Carolina.
4. Identify and advocate for statutory or regulatory changes or enhancements to the State's existing economic development mechanisms for new business and industry investment or expansion in the Sector.

B. I hereby direct the Department of Commerce to review its existing operations and organizational structure to evaluate whether modifications to the same would assist with facilitating and expediting the aforementioned initiatives, policies, and directives and, as necessary, to recommend any proposed changes to the General Assembly in accordance with section 1-30-10 of the South Carolina Code of Laws, as amended.

**Section 2. Made in South Carolina Initiative**

A. I hereby direct state agencies or departments involved in the procurement of essential medicines, medical devices, or medical supplies to use their respective authorities, as appropriate and to the extent permitted by applicable state and federal laws, to identify available domestic suppliers of the same and to maximize the procurement and utilization of products manufactured in the State of South Carolina and the United States.

B. I hereby direct state agencies and departments involved in the procurement of essential medicines, medical devices, or medical supplies to consider any and all available options to increase the procurement of the same from manufacturers and suppliers with operations located in the State of South Carolina, to include maximizing utilization of the resident-vendor preference set forth in section 11-35-1524 of the South Carolina Code of Laws, as amended.

C. I hereby authorize and direct state agencies and departments that regularly procure essential medicines, medical devices, or medical supplies, including PPE, to review existing operations and procedures and to consider, rescind, or propose, as applicable, any necessary changes to existing laws or regulations in furtherance of the directives and initiatives set forth in this Order.

D. This Section shall apply to any agency or department within the undersigned's Cabinet and any other agency or department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, unless otherwise provided by law, and any other state government agencies, departments, and offices under the authority of the undersigned. In furtherance of the aforementioned principles, considerations, and initiatives, it is further advised and recommended that executive agencies or departments not in the undersigned's Cabinet or otherwise subject to the undersigned's direct authority shall likewise act in accordance with this Order and in furtherance of the aforementioned directives and initiatives.

**Section 3. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1st DAY OF APRIL, 2021.**

**HENRY MCMASTER  
Governor**

## 16 EXECUTIVE ORDERS

### Executive Order No. 2021-18

**WHEREAS**, the State of South Carolina has taken, and must continue to take, any and all necessary and appropriate actions in confronting and coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus (“COVID-19”), which now present different, additional, and evolving emergency conditions and extraordinary circumstances that necessitate the State taking further coordinated actions, maximizing state and federal intergovernmental and interagency resources and collaborative efforts, and implementing the requisite measures to address and respond to the same; and

**WHEREAS**, in preparing for and responding to the threats posed by COVID-19, the State must remain flexible to account for new and distinct circumstances—to include not only the evolving public health threats associated with COVID-19 but also modifications to the State’s allocated supplies of authorized COVID-19 vaccines and the expansion of COVID-19 vaccine eligibility—and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19; minimize the resulting strain on healthcare facilities and resources; address emerging and amplifying issues associated with the presence of COVID-19 variants in the State and the potential emergence of additional COVID-19 variants; facilitate the safe resumption or continuation of in-person classroom instruction; stabilize and reinvigorate the State’s economy; enable businesses and industries to safely reopen or resume operations; enhance testing capacity; and accelerate deployment of the State’s vaccine distribution program to ensure that allocated supplies of authorized and available vaccines are administered in an efficient, equitable, and expedited manner; and

**WHEREAS**, in furtherance of the foregoing, and in preparing for and responding to the various and evolving threats posed by COVID-19, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”), activated the South Carolina Emergency Operations Plan (“Plan”), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and

**WHEREAS**, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020, and more recently, on February 24, 2021, the President of the United States published a notice in the *Federal Register* that the national emergency shall continue and remain in effect beyond March 1, 2021; and

**WHEREAS**, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying specific extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, 2020-67, 2020-70, 2020-72, 2020-75, 2020-77, 2021-03, 2021-07, 2021-08, 2021-10, 2021-13, and 2021-15; and

**WHEREAS**, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned’s request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, since the President of the United States first declared that a major disaster exists in the State of South Carolina due to “emergency conditions . . . resulting from the Coronavirus Disease 2019 (COVID-19) pandemic,” the Federal Emergency Management Agency (“FEMA”) has periodically amended the terms of such disaster declaration to provide, authorize, or otherwise make available to the State different and additional federal funds and resources to facilitate emergency assistance and response operations; and

**WHEREAS**, on May 18, 2020, the undersigned approved and signed Act No. 135 of 2020 (H. 3411, R-140), as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged “the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)” and recognized that “given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus”; *see also* Act No. 133 of 2020 (R-138, S. 635); Act No. 142 of 2020 (R-148, H. 5202); Act No. 143 of 2020 (R-149, H. 5305); Act No. 154 of 2020 (R-170, H. 3210); Act No. 2 of 2021 (H. 3707, R-4); and

**WHEREAS**, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remained in effect; and

**WHEREAS**, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 2020-50 and amending and consolidating certain emergency measures to ensure that the remaining measures were targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on November 25, 2020, the undersigned issued Executive Order No. 2020-73, superseding, rescinding, and replacing Executive Order No. 2020-63 and further modifying and amending certain emergency measures to ensure that the remaining initiatives and limited restrictions were targeted and narrowly tailored to address the current circumstances and public health and other threats associated with COVID-19; and

**WHEREAS**, on March 1, 2021, the undersigned issued Executive Order No. 2021-11, superseding, rescinding, and replacing Executive Order No. 2020-73 and memorializing additional modifications and amendments to certain emergency measures to account for recent significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19 and to ensure that the remaining targeted restrictions or initiatives were necessary and appropriate and narrowly tailored to address and mitigate the public health and other threats and impacts associated with COVID-19 in the least restrictive manner possible; and

**WHEREAS**, on March 5, 2021, the undersigned issued Executive Order No. 2021-12, superseding, rescinding, and replacing Executive Order No. 2021-11 and memorializing further modifications and amendments to certain emergency measures as part of the process of regularly reviewing the same to confirm that the State’s actions are narrowly tailored to address the evolving needs and circumstances and the various public health and other threats and impacts associated with COVID-19; and



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**WHEREAS**, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

**WHEREAS**, as of April 7, 2021, DHEC has identified at least 468,939 confirmed cases of COVID-19 in the State of South Carolina, including 8,118 deaths due to COVID-19; and

**WHEREAS**, although COVID-19 continues to pose a serious threat to the State of South Carolina and present new and distinct emergency circumstances, the State has recently noted and documented significant improvements in several key indicators, metrics, and data elements used to assess the measure of impact from COVID-19, which are due in large part to the implementation of previous emergency measures and the expedited distribution and administration of the limited supplies of authorized and allocated COVID-19 vaccines, as well as the continued diligence, resilience, and persistence of South Carolinians in making responsible choices to protect themselves and their communities; and

**WHEREAS**, for example, as of the date of this Order, DHEC and its public and private partners have conducted more than 6,900,000 tests for COVID-19 and have administered over 2,165,000 doses of vaccines for COVID-19, and as a result, DHEC continues to document measured progress and downward or declining trends associated with the average rate of cases of COVID-19 per 100,000 individuals, the percentage of positive tests for COVID-19, and the number of new hospital admissions and deaths associated with or related to COVID-19; and

**WHEREAS**, notwithstanding the aforementioned measured progress in addressing COVID-19, according to the latest public health data, approximately 87% of the counties in South Carolina are still experiencing high or substantial levels of community transmission of COVID-19, and other geographic regions of the United States have recently reported significant increases in the number of cases of COVID-19; and

**WHEREAS**, because DHEC has noted that increased testing of both symptomatic and asymptomatic individuals remains a critical component in the fight against COVID-19 and because DHEC has also continued to identify additional “hot spots” in certain areas of South Carolina, the State must remain focused on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing and further expand associated contact tracing initiatives; and

**WHEREAS**, the State of South Carolina must also continue to take further proactive action to utilize, maximize, and coordinate state and federal intergovernmental and interagency resources, operations, and response efforts to facilitate and expedite the distribution and administration of authorized COVID-19 vaccines allocated to the State, particularly as the currently limited supplies of the same are anticipated to increase and in light of the recent expansion of eligibility for COVID-19 vaccines; and

**WHEREAS**, in addition to implementing certain emergency measures designed to limit community spread and transmission of COVID-19, in further proactively preparing for and promptly responding to the evolving threats posed by COVID-19, the State of South Carolina must also simultaneously confront the significant economic impacts and other consequences associated with COVID-19 and undertake efforts to stabilize and reinvigorate the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, accessing and utilizing federal funds and resources to assist with emergency operations, and maximizing interagency or intergovernmental coordination, cooperation, and collaboration to enhance the State’s response to COVID-19; and

**WHEREAS**, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to resume or expand in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

**WHEREAS**, in light of the foregoing, and due to, *inter alia*, the continued spread of COVID-19 and the need to utilize, maximize, and coordinate state and federal intergovernmental and interagency resources, operations, and response efforts to enhance testing availability and expedite the administration of authorized and allocated vaccines, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission of COVID-19 and to minimize the resulting strain on healthcare facilities and resources; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

**WHEREAS**, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

**WHEREAS**, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

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**WHEREAS**, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

**WHEREAS**, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

**WHEREAS**, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

**WHEREAS**, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

**WHEREAS**, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

**WHEREAS**, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” *Op. Att’y Gen.*, 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at \*1 (S.C.A.G. Sept. 5, 1980); and

**WHEREAS**, the State of South Carolina has made meaningful progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by utilizing and maximizing state and federal intergovernmental and interagency resources and facilitating further coordination, cooperation, and collaboration; and

**WHEREAS**, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the aforementioned and other different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with COVID-19, such as the presence of new variants of COVID-19 in the State and the potential emergence of additional variants of COVID-19; enhance existing testing capacity; facilitate and expedite the large-scale administration of authorized vaccines allocated to the State; and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—“require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

**WHEREAS**, for the foregoing and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State, the detection of cases associated with new variants of COVID-19 in South Carolina, and the other circumstances referenced herein, represent the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

**WHEREAS**, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional state and federal intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

**WHEREAS**, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

**WHEREAS**, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

### **Section 1. Emergency Measures**

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take further proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to

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include the continued utilization and coordination of state and federal intergovernmental and interagency resources, operations, and response efforts to facilitate and accelerate the large-scale administration of the limited supplies of authorized COVID-19 vaccines allocated to the State and the continued expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2021-12 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

### **Section 2. Transportation Waivers**

To expedite the State of South Carolina’s preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration’s February 17, 2021 Expansion and Extension of the Modified Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; responding to declared emergencies in the State of North Carolina or the State of Georgia; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

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E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

### Section 3. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

### Section 4. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 7th DAY OF APRIL, 2021.**

**HENRY MCMASTER  
Governor**



DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR SOUTH CAROLINA 2020-2021 ANNUAL MONITORING NETWORK PLAN

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on the proposed 2021 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA), and provide documentation of the establishment and maintenance of an air quality surveillance system that consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed Network Plan includes a statement of whether the operation of each monitor meets the requirements of [Appendix E](#) of 40 CFR Part 58, Ambient Air Quality Surveillance. As part of this Network Plan, the Department is also including an annual assessment as required under 40 CFR 51.1205(b) for those facilities that demonstrated attainment with the 1-hr Sulfur Dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) as part of the Data Requirements Rule (DRR) using modeled emission rates that were less than the maximum permit allowable rates. The Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on May 24, 2021, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the Network Plan. If requested, the Department will hold a public hearing on June 7, 2021, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. In the event that a requested public hearing cannot be held in person due to the COVID-19 guidelines restricting in-person meetings, the public hearing will be held using an alternative method that provides the public the ability to participate remotely. Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on May 24, 2021, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: <http://www.scdhec.gov/PublicNotices/>. Interested persons may also contact Holly Randolph, Air Regulation and Data Analysis Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-2470; or email at [randolhk@dhec.sc.gov](mailto:randolhk@dhec.sc.gov) for more information or to find out if the Department will hold the public hearing. A copy of the proposed 2021 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: <https://apps.dhec.sc.gov/Environment/PublicNotices/SearchAndDisplay/Display/11603>

**Synopsis:**

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan. This Network Plan, as required and described in 40 CFR Part 58.10, Annual Monitoring Network Plan and Periodic Network Assessment, must contain the following information for each monitoring station in the network:

1. The Air Quality System (AQS) site identification number (ID) for existing stations,
2. Location of each monitoring station, including street address and geographical coordinates,

3. The sampling and analysis method used for each measured parameter,
4. The operating schedule for each monitor,
5. Any proposal to remove or relocate a monitoring station within a period of eighteen months following the network plan submittal,
6. The monitoring objective and spatial scale of representativeness for each monitor,
7. The identification of any sites that are suitable for comparison against the Particulate Matter less than 2.5 microns (PM<sub>2.5</sub>) NAAQS, and
8. The MSA, Core-Based Statistical Area (CBSA), Combined Statistical Area (CSA), or other area represented by the monitor.

Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. This 2021 South Carolina Annual Ambient Air Monitoring Network Plan covers the eighteen-month period from July 1, 2021, through December 31, 2022, and includes all anticipated modifications to the monitoring network.

The DRR annual assessment includes, for the applicable facilities, a comparison of the actual SO<sub>2</sub> emissions at each facility versus the SO<sub>2</sub> emissions included in the 1-hr SO<sub>2</sub> modeling demonstration and a determination as to whether the modeling performed for the DRR is still adequate to demonstrate attainment with the 1-hr SO<sub>2</sub> NAAQS.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **April 23, 2021**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

#### **Affecting Florence County**

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

Renovation for the addition of 4 acute care beds for a total of 44 long term acute care beds at a total project cost of \$436,080.

#### **Affecting Greenville County**

##### **Prisma Health-Upstate d/b/a Greenville Memorial Hospital**

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,108,500.

#### **Affecting Horry County**

##### **Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Medical Center**

Purchase of a da Vinci XI Dual Console surgical system at a total project cost of \$2,188,687.

#### **Affecting Jasper County**

##### **Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital**

Construction for the expansion of the surgical department to add 1 operating room for a total of 4 operating rooms and the addition of 3489 sf at a total project cost of \$5,627,831.

## 28 NOTICES

### Affecting Kershaw County

#### **Reanimations d/b/a Reanimations Home Health Agency at Kershaw**

Establishment of a Home Health Agency in Kershaw County at a total project of \$61,900.

### Affecting Lancaster County

#### **Reanimations d/b/a Reanimations Home Health Agency at Lancaster**

Establishment of a Home Health Agency in Lancaster County at a total project of \$25,000.

### Affecting Oconee County

#### **Elevated Youth Service, Inc. d/b/a Elevated Youth Services**

Establishment of a 16 bed Residential Treatment Facility in Oconee County at a total project cost of \$350,000.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **April 23, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

### Affecting Anderson County

#### **West Greenville Home Health Care, Corp. d/b/a Brightstar Care of Piedmont/Easley**

Establishment of a Home Health Agency in Anderson County at a project cost of \$25,000.

### Affecting Greenville County

#### **Bon Secours Diagnostic Imaging, LLC d/b/a St. Francis Millennium Imaging Center**

Addition of MRI equipment and services at the Millennium campus at a total project cost of \$2,654,407.

#### **Greenville Endoscopy Center, Inc. d/b/a Greenville Endoscopy Center at Halton**

Construction of a new 10,142 sq ft Ambulatory Surgical Facility restricted to endoscopic procedures, with four endoscopy rooms for the replacement of Greenville Endoscopy Center at a total project cost of \$4,297,399.

#### **Prisma Health-Upstate Greenville Memorial Hospital d/b/a Prisma Health Greenville Memorial Hospital**

Renovation of existing space within the interventional radiology suite and the acquisition of two biplane imaging systems at a total project cost of \$8,500,000.

#### **West Greenville Home Health Care, Corp. d/b/a Brightstar Care of Piedmont/Easley**

Establishment of a Home Health Agency in Greenville County at a project cost of \$25,000.

### Affecting Kershaw County

#### **Reanimations d/b/a Reanimations Home Health Agency at Kershaw**

Establishment of a Home Health Agency in Kershaw County at a total project of \$61,900.

### Affecting Lancaster County

#### **Reanimations d/b/a Reanimations Home Health Agency at Lancaster**

Establishment of a Home Health Agency in Lancaster County at a total project of \$25,000.

### Affecting Newberry County

#### **Interim HealthCare of the Upstate, LLC**

Establishment of a Home Health Agency in Newberry County at a total project cost of \$35,000.

**Affecting Oconee County**

**West Greenville Home Health Care, Corp. d/b/a Brightstar Care of Piedmont/Easley**  
Establishment of a Home Health Agency in Oconee County at a project cost of \$25,000.

**Affecting Pickens County**

**West Greenville Home Health Care, Corp. d/b/a Brightstar Care of Piedmont/Easley**  
Establishment of a Home Health Agency in Pickens County at a project cost of \$25,000.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

Document No. 4978

**Notice of Regulation Repeal to Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Subpart UUUUa – “Performance Standards and Compliance Times for Greenhouse Gas Emissions from Existing Electric Utility Generating Units”**

Statutory Authority: S.C. Code 1-23-120(H)(1)

Pursuant to S.C. Code 1-23-120(H)(1), the Department of Health and Environmental Control (Department) hereby gives notice that the entire text of R.61-62.60, Subpart UUUUa is deemed repealed and, therefore, without legal force and effect due to underlying federal law being vacated by the United States Court of Appeals for the District of Columbia Circuit (Court).

The Department promulgated Regulation 61-62.60, Subpart UUUUa December 10, 2020, to comply with the United States Environmental Protection Agency’s “Performance Standards and Compliance Times for Greenhouse Gas Emissions from Existing Electric Utility Generating Units,” also known as the Affordable Clean Energy (ACE) rule. In accordance with S.C. Code 1-23-120(H)(1), General Assembly review was not required, as the Department promulgated Subpart UUUUa to maintain compliance with the federal law. On March 5, 2021, the Court issued a mandate officially vacating the ACE rule in Case No. 19-1140. Pursuant to S.C. Code 1-23-120(H)(1), the Court’s ruling vacating the ACE rule results in Section UUUUa being deemed repealed.

No prior version of R.61-62.60, Subpart UUUUa shall be reinstated as a result of this repeal, as no prior version exists.

The following regulatory text is repealed in its entirety and without legal force and effect:

**Subpart UUUUa - “Performance Standards and Compliance Times for Greenhouse Gas Emissions from Existing Electric Utility Generating Units”**

(A) Applicability: Except as provided in (B) below, “designated facilities” that commenced construction on or before January 8, 2014, and meet the criteria set forth in 40 CFR 60.5775a(b) are subject to this subpart and must comply with all applicable requirements of this subpart, and must comply with the plan that the Department develops to implement the emission guidelines as required in 40 CFR 60.5770a(a), including permit conditions adopted pursuant to such plan and this subpart.

(B) The types of units described in 40 CFR 60.5780a are excluded from this subpart.

(C) For purposes of this subpart, “you” means the owner or operator of the designated facility, and “Department” means the South Carolina Department of Health and Environmental Control.

## 30 NOTICES

(D) The Department will set a standard of performance for each designated facility according to 40 CFR 60.5755a and compliance periods for each standard of performance according to 40 CFR 60.5750a through construction permits issued to each designated facility. Construction permits issued pursuant to this provision will be subject to the public participation procedures in Regulation 61-62.1, Section II.N. Each designated facility shall comply with the applicable standard of performance, compliance period, and associated requirements as set forth in the facility's construction permit, in addition to those requirements set forth in this subpart.

(E) For the Department to determine a standard of performance for each designated facility according to 40 CFR 60.5735a and 60.5755a, and issue a construction permit, each designated facility must submit to the Department upon request the information set forth in (E)(1) through (E)(5) below. Submission in full of the information in (E)(1) through (E)(5), in combination with any additional application information under Regulation 61-62.1, Section II.C.3 requested by the Department as relevant, will constitute a designated facility's permit application for purposes of construction permits issued to satisfy the requirements of this subpart.

(1) An evaluation of the applicability of each of the heat rate improvements specified in 40 CFR 60.5740a(a)(1) to the designated facility;

(2) An evaluation of the degree of emission limitation achievable ranges set forth in Table 1 to 40 CFR 60.5740a(a)(2)(i) through application of the heat rate improvements at the designated facility;

(3) If applicable, a summary of the application of remaining useful life or other relevant factors as provided in 40 CFR 60.24a(e) in the Department's derivation of the designated facility's standard of performance;

(4) The information listed in 40 CFR 60.5740a(a)(4)(i) through (iv) as applicable; and

(5) Supporting material, including any other materials requested by the Department or otherwise necessary to support the Department's review and determination of standards of performance.

(F) Monitoring, Recordkeeping, and Reporting Requirements. Each designated facility must comply with the following requirements in accordance with the compliance schedule set forth in the designated facility's construction permit referenced in paragraph (D) of this subpart:

(1) You must either:

(a) Monitor and report emission and electricity generation data according to 40 CFR Part 75; or

(b) Implement an alternative monitoring, recordkeeping, and reporting program that meets the requirements of 40 CFR 60.5785a(a)(2). A designated facility implementing such a program shall conduct all alternative monitoring, recordkeeping, and reporting in accordance with specific requirements set forth in the construction permit referenced in paragraph (D) of this subpart.

(2) You must keep records for a minimum of five (5) years from the date the record is used to determine compliance with a standard of performance requirement. Each record must be in a form suitable and readily available for expeditious review.

(G) For the Department to consider a revised standard of performance for a designated facility, such designated facility shall submit to the Department, either of its own accord or upon Department request, the information specified in paragraph (E) of this subpart.

(H) Definitions of terms used in this subpart are set forth in 40 CFR 60.5805a, except as otherwise provided in paragraph (C).

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE OF GENERAL PUBLIC INTEREST

## UPDATED INSIGNIFICANT ACTIVITIES LIST – APRIL 2021

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

The Department is updating the Title V Insignificant Activities List. This list is maintained by the Department and periodically published in the *South Carolina State Register* when updates are made. If you have questions or comments, please contact Mareesa Singleton, Air Permitting Division, at (803) 898-4123.

“Insignificant Activity” generally means any air emissions or air emissions unit at a plant that has the potential to emit less than 5 tons per year of any criteria pollutant or less than 1000 pounds per year of any compound listed in S.C. Regulation 61-62.5, Standard No. 8 - Toxic Air Pollutants. The Department may determine that certain types or classes of units may be considered insignificant at higher emission levels, or that, due to the nature of the pollutant(s) emitted, a unit may be considered significant at a lower emission rate. In accordance with S.C. Regulation 61-62.70.5(c), the Department shall maintain a list subject to EPA approval of air emissions or air emission units which are considered to be insignificant. No emission or activity can be excluded from a Title V operating permit to the extent it is needed to determine compliance with an applicable requirement, as defined under S.C. Regulation 61-62.70.2(f). An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to S.C. Regulation 61-62.70.9.

The Department will also provide notice of any additions and deletions to the list of Insignificant Activities and Emissions.

**Section A.**

The following activities/emissions units are considered insignificant and are not required to be included in a title V permit application:

1. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.
2. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, etc.
3. Recreational, residential, and portable type wood stoves, heaters, or fireplaces, and non-production related smokehouses (used exclusively for smoking food products).
4. Indoor or outdoor kerosene space heaters.
5. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).
6. Water heaters which are used solely for domestic purposes.
7. Motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling.
8. Fugitive particulate emissions from passenger vehicle traffic and routine lawn and grounds keeping operations.

## 32 NOTICES

9. Laboratory equipment and compounds used for chemical, biological or physical analyses such as quality control, environmental monitoring, bench-scale research or studies, training in chemical analysis techniques, and minor research and development (this does not apply to facilities where R & D is the primary objective). This exemption extends to the venting of in-line and in-situ process analysis equipment and other monitoring and sampling equipment.

10. Non-production laboratory equipment used at non-profit health or non-profit educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction.

11. Vacuum production devices used in laboratory operations.

12. Equipment used for hydraulic or hydrostatic testing.

13. Routine housekeeping or plant upkeep activities such as painting, roofing, paving, including all associated preparation.

14. Brazing, soldering or welding equipment used for regular maintenance at the facility.

15. Blast cleaning equipment using a suspension of abrasives in water.

16. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR. 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners).

17. Flares used solely to indicate danger to the public.

18. Firefighting equipment, "prop fires", and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane. See Section B for fire pump.

19. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.

20. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.

21. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.

22. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.

23. Devices used solely for safety such as pressure relief valves, rupture discs, etc., if associated with a permitted emission unit.

24. Pressurized storage tanks containing fluids such as liquid petroleum gas (LPG), liquid natural gas (LNG), natural gas, or inert gases.

25. All petroleum storage tanks less than 3.8 cubic meters (1000 gallons).

26. Water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater).

27. Electric motors emitting only ozone.

28. Venting of refrigerants that are exempt from the venting prohibition contained in 40 CFR 82 subpart F.

**Section B.**

The following insignificant activities/emissions units must be listed in the Title V application but emissions from these activities do not have to be quantified:

1. Boilers and space heaters less than 1.5 million BTU/hr rated input capacity which burn only virgin liquid fuels or virgin solid fuels.
2. Boilers and space heaters less than 10 million BTU/hr rated input capacity which burn only virgin gas fuels.
3. Emergency or portable engines less than or equal to 150 KW rated capacity.
4. Emergency or portable engines greater than 150 KW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.
5. Diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.
6. Internal Combustion engines used to drive compressors or pumps with a mechanical power output of less than 200 horsepower.
7. All storage tanks, excluding those listed in Section A. above, with a capacity less than 38.7 cubic meters (10,000 gallons) that store organic liquids, excluding those that store a hazardous air pollutant except as an impurity.

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

**NOTICE OF GENERAL PUBLIC INTEREST**

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

Mandatory codes include the:

- 2021 Edition of the International Building Code;
- 2021 Edition of the International Residential Code;
- 2021 Edition of the International Fire Code;
- 2021 Edition of the International Plumbing Code;
- 2021 Edition of the International Mechanical Code;
- 2021 Edition of the International Fuel Gas Code;
- 2020 Edition of the National Electrical Code.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Molly F. Price, Council Administrator, at PO Box 11329 Columbia, SC 29211-1329, or to [contact.bcc@llr.sc.gov](mailto:contact.bcc@llr.sc.gov) on or before September 22, 2021. Additional information may be found on the Council's website at [www.llr.sc.gov/bcc](http://www.llr.sc.gov/bcc).



## 34 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-79, Hazardous Waste Management Regulations. Interested persons may submit comment(s) on the proposed amendments to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [bowersjb@dhec.sc.gov](mailto:bowersjb@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on May 24, 2021, the close of the Notice of Drafting comment period.

#### Synopsis:

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department puts forth and enforces standards regarding the generation, treatment, storage and disposal of hazardous waste in the state of South Carolina. The Department proposes amending R.61-79 to adopt the federal final rule titled “Modernizing Ignitable Liquids Determinations,” published on July 7, 2020, at 85 FR 40594-40608. This rule, published in the Federal Register by the United States Environmental Protection Agency (“EPA”), updates the flash point test methods used to determine if a liquid waste is hazardous. It allows the use of non-mercury thermometers in several approved analytical methods that currently require mercury thermometers. This rule provides greater clarity to determinations of hazardous waste, provides more flexibility in testing requirements, improves environmental compliance, and, thereby, enhances protection of human and environmental health. Because this rule is less stringent than prior Federal requirements, the EPA has made state adoption optional.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-69-10 et seq.

#### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-77, Standards for Licensing Home Health Agencies. Interested persons may submit comment(s) on the proposed amendments to the Office of Policy and Communications of Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [HQRegs@dhec.sc.gov](mailto:HQRegs@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on May 24, 2021, the close of the Notice of Drafting comment period.

#### Synopsis:

Pursuant to S.C. Code Sections 44-69-10 et seq., the Department sets standards for the care, treatment, health, safety, welfare, and comfort of patients served by home health agencies, and for the maintenance and operation of home health agencies. The Department proposes amending R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws and revise definitions and requirements for

obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

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

**COMMISSION ON HIGHER EDUCATION  
CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-112-10 et seq.

**Notice of Drafting:**

The Commission on Higher Education proposes to amend the regulation that addresses the Determination of Rates of Tuition and Fees. The purpose of this regulation is to assist higher education institutions with determining a student's status as a South Carolina resident for purposes of assessment of tuition and fees. Interested persons may submit comments to Dr. Karen Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period.

**Synopsis:**

The Commission on Higher Education proposes to amend the regulation (R.62-600 through 62-612) that addresses the determination of rates of tuition and fees (Section 59-112-10 et seq.). This regulation governs institutional decisions regarding classifying a student as a South Carolina resident or a non-resident. The regulation was last amended in 2020.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to ensure the regulation is consistent with the changes to law, concerning classification of veterans for in-state tuition and fee purposes.

Legislative review of this proposal will be required.

**COMMISSION ON HIGHER EDUCATION  
CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-149-10 et seq. and 59-149-15

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement. Interested persons may submit comments to Dr. Karen Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period.

**Synopsis:**

## **36 DRAFTING NOTICES**

The South Carolina Commission on Higher Education proposes to amend the regulation (R.62-1200.1 through 62-1200.75) that addresses the Legislative Incentives for Future Excellence (LIFE) Scholarship Program (Section 59-149-10 et seq.) and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement Section (59-149-15). The program regulation was last amended in 2021.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to provide clarification as to the eligibility, duration and continued eligibility, and awarding of the LIFE Scholarship and a LIFE Scholarship Enhancement, and procedures followed by institutions in disbursing LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students. Other changes will be proposed to promote consistency in administration among the state institutions by editing or rewriting sections to remove redundancy, ensure the regulation is consistent with the current statute, and make certain sections easier to interpret.

Legislative review of this proposal will be required

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
Statutory Authority: 1976 Code Section 59-150-360

### **Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions. Interested persons may submit comments to Dr. Karen Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period. The program regulation promulgated by the Commission was last amended in 2011.

### **Synopsis:**

The South Carolina Commission on Higher Education proposes to amend the regulation (R.62-900.150 through 62-900.200) that addresses the policies and procedures for administering the Lottery Tuition Assistance Program for two-year public and independent institutions (Section 59-150-360). Regulation for implementation of Lottery Tuition Assistance is the responsibility of the South Carolina State Board for Technical and Comprehensive Education for the technical college system, and the South Carolina Commission on Higher Education for the two-year public and private institutions. The regulations are to be developed in a coordinated effort, provide for the allocation of funds based on the tuition assistance granted at each institution, and be interchangeable between each of the institutions affected.

Legislative review of this proposal will be required.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
Statutory Authority: 1976 Code Sections 59-104-20 and 59-104-25

### **Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the Palmetto Fellows Scholarship Program at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen

Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period.

**Synopsis:**

The South Carolina Commission on Higher Education proposes to amend (R.62-300 through 62-375), the regulation that addresses the policies and procedures for administering the Palmetto Fellows Scholarship Program (Section 59-104-20 and 59-104-25) at the public and independent colleges and universities in the state. The program regulation was last amended in 2021.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to include editing or rewriting sections so as to clarify language, improve upon understanding of the regulation, and promote consistency in the administration of the scholarship program among the public and independent colleges and universities in the state.

Legislative review of this proposal will be required.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
Statutory Authority: 1976 Code Section 59-150-370

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the policies and procedures for administering the S.C. HOPE Scholarship Program at the public and independent colleges and universities in the state. Interested persons may submit comments to Dr. Karen Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period.

**Synopsis:**

The South Carolina Commission on Higher Education proposes to amend the regulation (R.62-900.85 through 62-900.140) that addresses the policies and procedures for administering the S.C. HOPE Scholarship Program (Section 59-150-370) at the public and independent colleges and universities in the state. The regulation was last amended in 2021.

Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to promote consistency in administration among state institutions by editing or rewriting certain sections to make or to remove redundancy, ensure the regulation is consistent with the current statute, and make certain sections easier to interpret.

Legislative review of this proposal will be required.

## 38 DRAFTING NOTICES

### COMMISSION ON HIGHER EDUCATION CHAPTER 62 Statutory Authority: 1976 Code Section 59-142-20

#### **Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend the regulation that addresses the South Carolina Need-based Grant Program. Interested persons may submit comments to Dr. Karen Woodfaulk, Director, Office of Student Affairs, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, June 11, 2021, the close of the drafting comment period. The regulation was last amended in 2011.

#### **Synopsis:**

The South Carolina Commission on Higher Education proposes to amend, the regulation (R.62-450 through 62-505) that addresses the South Carolina Need-based Grant Program (Section 59-142-20). Revisions to the existing regulation are being considered to clarify the policies and procedures for administering the program. Proposed amendments are anticipated to make changes to promote consistency in administration among the institutions.

Legislative review of this proposal will be required.

### DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60 50-1-200, 50-1-220, 50-11-10, 50-11-310, 50-11-500, 50-11-525, 50-11-580, 50-11-2200, and 50-11-2210

#### **Notice of Drafting:**

The South Carolina Department of Natural Resources (SCDNR) proposes to amend Regulation 123-40, related to Wildlife Management Areas, to expand public lands hunting opportunities. The purpose of the proposed action is to determine whether certain Wildlife Management Area properties should be open for hunting on Sundays and/or other days. Any person wishing to provide comments may submit them to Kevin Ryan, Director of Government Affairs, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

#### **Synopsis:**

The amended regulations will increase public hunting opportunities on Wildlife Management Area lands owned and managed by the Department.

The proposed changes will require legislative review.

Document No. 5046  
**COMMISSION OF FORESTRY**  
CHAPTER 55  
Statutory Authority: 1976 Code Section 48-23-200

55-10. Allocation of Forest Tree Seedlings in Short Supply.

**Preamble:**

The South Carolina Forestry Commission proposes to repeal Regulation 55-10, regarding allocation of forest tree seedlings in short supply. Regulation 55-10 is outdated, no longer applicable, and should be repealed pursuant to Section 1-23-120(J).

Section-by-Section Discussion:

Repeal entire regulation.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

**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 South Carolina Forestry Commission Headquarters, 5500 Broad River Road, Columbia, South Carolina 29212 at 10:00 a.m. on June 17, 2021. Written comments may be directed to Tim Adams, Program Manager, South Carolina Forestry Commission, Post Office Box 21707, Columbia, South Carolina 29221, no later than 5:00 p.m. on May 24, 2021.

**Preliminary Fiscal Impact Statement:**

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions due to the repealing of this regulation.

**Statement of Need and Reasonableness:**

Repealing the proposed regulation is made pursuant to Section 1-23-120(J) and will remove a regulation that is outdated and no longer applicable.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Forestry Commission proposes to repeal Regulation 55-10, regarding allocation of forest tree seedlings in short supply. It is outdated and no longer applicable.

Legal Authority: 1976 Code Section 48-23-200.

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

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

This repeal is needed pursuant to Section 1-23-120(J) to repeal an outdated regulation.

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### **DETERMINATION OF COSTS AND BENEFITS:**

There will be no costs incurred by the state concerning the repeal of this regulation.

### **UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the repeal.

### **EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The repeal of this regulation will have no detrimental effects 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 repeal is not approved.

### **Statement of Rationale:**

This repeal is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and identifies a regulation that is no longer needed or applicable.

### **Text:**

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

Document No. 5044  
**COMMISSION OF FORESTRY**  
CHAPTER 55  
Statutory Authority: 1976 Code Section 48-23-200

55-1. General Regulations on South Carolina Forestry Commission Lands.

### **Preamble:**

The South Carolina Forestry Commission proposes to amend Regulation 55-1, regarding general regulations on South Carolina Forestry Commission lands. This amendment is made pursuant to Section 1-23-120(J) and will remove obsolete language and add language to clarify conflicting regulations with other agencies.

### **Section-by-Section Discussion:**

Update chapter name and statutory authority

3. Adds language to clarify where regulations may conflict with SCDNR regulations.
4. Removes and adds language clarifying the use of roads on Forestry Commission lands.
7. Removes and adds language clarifying the use of firearms on Forestry Commission lands.
8. Removes and adds language concerning target shooting on Forestry Commission lands.
9. Removes and adds language clarifying hunting and fishing hours on Forestry Commission lands.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

**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 South Carolina Forestry Commission Headquarters, 5500 Broad River Road, Columbia, South Carolina 29212 at 10:00 a.m. on June 17, 2021. Written comments may be directed to Mike Shealy, Program Manager, South Carolina Forestry Commission, Post Office Box 21707, Columbia, South Carolina 29221, no later than 5:00 p.m. on May 24, 2021.

**Preliminary Fiscal Impact Statement:**

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of the proposed amendment.

**Statement of Need and Reasonableness:**

This proposed amendment is made pursuant to Section 1-23-120(J) and will remove obsolete language and add language to clarify conflicting regulations with other agencies.

**DESCRIPTION OF REGULATION:**

Purpose: The South Carolina Forestry Commission proposes to amend Regulation 55-1, regarding general regulations on South Carolina Forestry Commission lands to remove obsolete language and add language to clarify conflicting regulations with other agencies. The regulation deals with the general rules on Commission lands to include entry onto, road accessibility, hunting, fishing, firearms, artifacts, and Wildlife Management Areas.

Legal Authority: 1976 Code Section 48-23-200.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The amended regulation will also be posted on the agency's website.

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

This amendment is needed pursuant to Section 1-23-120(J) to remove obsolete language and add language to clarify conflicting regulations with other agencies.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no costs incurred by the state concerning the implementation of these amendments.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the amendments.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The amendments to this regulation will have no detrimental effects on the environment or public health.

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



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There will be no detrimental effect on the environment or public health if these amendments are not implemented.

### **Statement of Rationale:**

This amendment is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and removes obsolete language and adds language to clarify conflicting regulations with other agencies.

### **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. 5045  
**COMMISSION OF FORESTRY**  
CHAPTER 55

Statutory Authority: 1976 Code Section 48-23-200

55-6. Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas.

### **Preamble:**

The South Carolina Forestry Commission proposes to amend Regulation 55-6, regarding hunting and fishing on State Forest Lands established as Wildlife Management Areas. Regulation will be amended to eliminate obsolete language and add language to clarify existing conflicts with other agencies and regulations, pursuant to Section 1-23-120(J).

### Section-by-Section Discussion:

Amendment removes obsolete language in reference to the Department of Natural Resources and adds language to clarify potential conflicts to other regulations.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

### **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 South Carolina Forestry Commission Headquarters, 5500 Broad River Road, Columbia, South Carolina 29212 at 10:00 a.m. on June 17, 2021. Written comments may be directed to Mike Shealy, Program Manager, South Carolina Forestry Commission, Post Office Box 21707, Columbia, South Carolina 29221, no later than 5:00 p.m. on May 24, 2021.

### **Preliminary Fiscal Impact Statement:**

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of the proposed amendment.

### **Statement of Need and Reasonableness:**

This proposed amendment is made pursuant to Section 1-23-120(J) and will remove obsolete language and add language to clarify conflicting regulations with other agencies.

**DESCRIPTION OF REGULATION:**

Purpose: The South Carolina Forestry Commission proposes to amend Regulation 55-6, regarding hunting and fishing on state forest lands established as Wildlife Management Areas to remove obsolete language and add language to clarify conflicting regulations with other agencies. The regulation will establish precedence between Forestry Commission regulations and SCDNR Wildlife Management Areas Regulations for hunting and fishing on state forest lands.

Legal Authority: 1976 Code Section 48-23-200.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The amended regulation will also be posted on the agency's website.

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

This amendment is needed pursuant to Section 1-23-120(J) to remove obsolete language and add language to clarify conflicting regulations with other agencies.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no costs incurred by the state concerning the implementation of these amendments.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the amendments.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The amendments to this regulation will have no detrimental effects 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 these amendments are not implemented.

**Statement of Rationale:**

This amendment is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and removes obsolete language and adds language to clarify conflicting regulations with other agencies.

**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. 5043

### COMMISSION OF FORESTRY

#### CHAPTER 55

Statutory Authority: 1976 Code Section 48-23-200

55-11. Price Changes for Forest Tree Seedlings.

#### **Preamble:**

The South Carolina Forestry Commission proposes to amend Regulation 55-11, regarding price changes for forest tree seedlings. The regulation will be amended to clarify the use of direct costs only in the cost of production for forest tree seedlings and update the locations of annual seedling price lists, pursuant to Section 1-23-120(J).

#### Section-by-Section Discussion:

Amendment adds language to ensure seedling prices are established each year and only direct costs are used in establishing prices. Also updates the availability of seedling price lists.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

#### **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 South Carolina Forestry Commission Headquarters, 5500 Broad River Road, Columbia, South Carolina 29212 at 10:00 a.m. on June 17, 2021. Written comments may be directed to Tim Adams, Program Manager, South Carolina Forestry Commission, Post Office Box 21707, Columbia, South Carolina 29221, no later than 5:00 p.m. on May 24, 2021.

#### **Preliminary Fiscal Impact Statement:**

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of the proposed amendment.

#### **Statement of Need and Reasonableness:**

This proposed amendment is made pursuant to Section 1-23-120(J) and will add language to establish seedling prices annually and clarify language concerning the allowable costs in establishing the prices.

#### DESCRIPTION OF REGULATION:

**Purpose:** The South Carolina Forestry Commission proposes to amend Regulation 55-11, regarding price changes for forest tree seedlings to clarify the costs allowable in establishment of prices.

**Legal Authority:** 1976 Code Section 48-23-200.

**Plan for Implementation:** The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. The amended regulation will also be posted on the agency's website.

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

This amendment is needed pursuant to Section 1-23-120(J) to clarify to the public the costs included in the price of tree seedlings. It also updates and expands the locations of price lists available to the public. The changes will increase public opportunity and add stability in seedling prices.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no costs incurred by the state concerning the implementation of these amendments.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning the amendments.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

The amendments to this regulation will have no detrimental effects 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 these amendments are not implemented.

**Statement of Rationale:**

This amendment is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and clarifies pricing development of tree seedlings and increases the access and delivery of tree seedlings to the public.

**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.