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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2022 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

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

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

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

## **EMERGENCY REGULATIONS**

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

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

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

## SUBSCRIPTIONS

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**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1**

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

<b>DOC. NO.</b>	<b>RAT. NO.</b>	<b>FINAL ISSUE</b>	<b>SUBJECT</b>	<b>EXP. DATE</b>	<b>AGENCY</b>	<b>HOUSE COMMITTEE</b>	<b>SENATE COMMITTEE</b>
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## **2 EXECUTIVE ORDERS**

### **Executive Order No. 2022-17**

**WHEREAS**, the undersigned has been notified of the passing of Deputy Austin Derek Aldridge of the Spartanburg County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, Deputy Aldridge dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Spartanburg County, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Sunday, June 26, 2022, in tribute to Deputy Aldridge and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24th DAY OF JUNE, 2022.**

**HENRY MCMASTER  
Governor**

### **Executive Order No. 2022-18**

**WHEREAS**, the Order of the Palmetto, the State of South Carolina's highest civilian honor, was established by Governor John C. West in 1971 and may be presented by the Governor to natives or residents of the State in recognition of a lifetime of extraordinary achievement, service, and contribution to the well-being of the State and Nation; and

**WHEREAS**, the Order of the Silver Crescent, the State of South Carolina's most prestigious service award, was established by Governor David Beasley in 1997 and may be presented by the Governor to natives or residents of the State in recognition of a remarkable achievement or action or an individual's significant community service or volunteerism at the local level; and

**WHEREAS**, individuals who are neither natives nor current residents of the State of South Carolina but who have nevertheless made significant contributions to the State of South Carolina or benefitted the State by demonstrating or displaying remarkable leadership, service, or achievement may have heretofore warranted

or been deserving of special recognition but were ineligible for consideration based on the limitations associated with the Order of the Palmetto and the Order of the Silver Crescent; and

**WHEREAS**, the term “sandlapper” is of unconfirmed origin but has been variously ascribed to South Carolinians’ role in fighting for independence in the Revolutionary War, attributed to President George Washington’s apparent use of the term during his 1791 travels through South Carolina on his Southern Tour, and utilized in reference to the Sandhills region of the State, which demarks the ancient coastline that once dissected South Carolina; and

**WHEREAS**, regardless of the term’s origin, subsequent generations of South Carolinians have studied the words of and learned to sing *Good Sandlappers*, by Nelle McMaster Sprott, which expresses pride in calling the State home and has further led to the informal adoption of “Sandlapper” as an endearing reference to, and nickname for, South Carolinians.

**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 establish the Honorary Sandlapper award, which the Governor of the State of South Carolina may award in his discretion and bestow upon individuals who are neither natives nor current residents of the State of South Carolina as a means of recognizing and expressing the State’s gratitude for significant contributions to the State of South Carolina or its citizens or for extraordinary leadership, service, or achievement benefitting the State of South Carolina or its citizens. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 28th DAY OF JUNE, 2022.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2022-19**

**WHEREAS**, transparency must be absolute and uncompromised to maintain the public’s trust and confidence in government and to ensure that the public is aware of the manner in which public funds are appropriated and expended and can hold the relevant individuals, entities, and officials accountable for the same; and

**WHEREAS**, for the foregoing reasons, the undersigned has consistently objected to the General Assembly’s practice of appropriating public funds to—or, more appropriately, through—state agencies, which often did not request such funds and were not consulted regarding the intended use of the public funds, and directing or expecting such agencies to provide these “earmarked” appropriations to private entities or projects selected by individual members of the General Assembly; and

**WHEREAS**, in many instances, these earmarked appropriations are not accompanied by sufficient information identifying the intended recipient of the public funds or the purposes for which such funds were appropriated and are intended to be utilized; and

**WHEREAS**, after decades of overriding vetoes of successive Governors, including the undersigned, the leadership of the Senate and the House of Representatives recently began publicly disclosing the legislative sponsors and intended recipients of earmarked appropriations; and

**WHEREAS**, although the aforementioned development is a positive step—which will subject previously undisclosed information regarding earmarked appropriations to public inspection, debate, and

#### 4 EXECUTIVE ORDERS

scrutiny—additional safeguards are necessary to ensure that appropriations serve a valid public purpose and that the recipients expend the appropriations in accordance with the Appropriations Act and comply with other applicable law; and

**WHEREAS**, it is axiomatic that the appropriation of public funds is a distinctly legislative function entrusted to the General Assembly, *see* S.C. Const. art. III, § 1; *Gilstrap v. S.C. Budget & Control Bd.*, 310 S.C. 210, 216, 423 S.E.2d 101, 105 (1992), and that the General Assembly “has the right to specify the conditions under which the appropriated monies shall be spent,” *State ex rel. Condon v. Hodges*, 349 S.C. 232, 244, 562 S.E.2d 623, 630 (2002); and

**WHEREAS**, in exercising this legislative authority, the General Assembly has determined to appropriate hundreds of millions of dollars in public funds each year to private entities or projects through earmarked appropriations to, or through, state agencies without subjecting such entities or projects to any competitive process or objective, merits-based public evaluation; and

**WHEREAS**, although the Governor “has the ability, after the General Assembly has passed a budget, to veto items or sections contained within the budget,” *Edwards v. State*, 383 S.C. 82, 91, 678 S.E.2d 412, 417 (2009) (citation omitted); *see* S.C. Const. art. IV, § 21, “[o]nce the legislature enacts a law, all that remains is the efficient enforcement and execution of that law,” *Knotts v. S.C. Dep’t of Nat. Res.*, 348 S.C. 1, 7, 558 S.E.2d 511, 514 (2002); and

**WHEREAS**, while “[e]xecutive agencies are required to comply with the General Assembly’s enactment of a law until it has been otherwise declared invalid,” *Edwards*, 383 S.C. at 91, 678 S.E.2d at 417 (citation omitted), “[t]he administration of appropriations is a function of the executive department,” *id.* (citation omitted); and

**WHEREAS**, “[t]he power to execute a law is not incidental to the power to appropriate, but is a separate executive power,” *Knotts*, 348 S.C. at 7, 558 S.E.2d at 514, and the Governor exercises the executive power of this State, *see* S.C. Const. art. IV, §§ 1, 15; and

**WHEREAS**, to ensure that sufficient context, description, justification, and information regarding earmarked appropriations be made available for South Carolinians to evaluate the merit of those entities or projects funded with public funds and to enable the proper exercise of the undersigned’s authority to approve or veto the same, *see* S.C. Const. art. IV, § 21, the undersigned sent a letter to the Members of the General Assembly, dated May 16, 2022, requesting specific information regarding each earmarked appropriation in the 2022–23 Appropriations Act, Act No. 239 of 2022; and

**WHEREAS**, pursuant to the information, or lack thereof, submitted by Members of the General Assembly in response to the aforementioned request, the undersigned vetoed seventy-three earmarked appropriations, of which the General Assembly sustained forty-six, which ultimately prevented \$35,664,029 in public funds from being allocated to, or through, state agencies for use by private entities or projects without sufficient explanation of the intended purpose or justification of merit; and

**WHEREAS**, the South Carolina Constitution imposes limitations relating to the expenditure of public funds and requires certain reporting regarding the same, to include mandating that “[m]oney shall be drawn from the treasury of the State . . . only in pursuance of appropriations made by law,” S.C. Const. art. X, § 10, dictating that “[a]n accurate statement of the receipts and expenditures of the public money shall be published annually in such a manner as may be prescribed by law,” S.C. Const. art. X, § 9, and providing that “[b]ills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections,” S.C. Const. art. IV, § 21; and

**WHEREAS**, section 11-9-10 of the South Carolina Code of Laws, as amended, similarly provides that “[i]t shall be unlawful for any moneys to be expended for any purpose or activity except for which it is specifically appropriated”; and

**WHEREAS**, in addition to requiring the disclosure of additional information regarding earmarked appropriations, the General Assembly also recently amended and strengthened the requirements in Proviso 117.21 of the Appropriations Act, specifying that “[e]ach state agency receiving funds that are a direct appropriation to a non-profit organization, prior to disbursing the funds, shall require from each recipient organization a plan of how the state funds will be spent and how the expenditures will provide a public benefit”; providing that “[a]fter receiving the funds, non-profit organizations shall provide quarterly spending updates to the respective state agency”; requiring that “[a]fter all state funds have been expended, each organization shall provide an accounting of how the funds were spent”; and directing that the state agencies receiving such information shall report the same to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by June 30; and

**WHEREAS**, article IV, section 17 of the South Carolina Constitution provides that “[a]ll State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements”; and

**WHEREAS**, section 1-1-840 of the South Carolina Code of Laws, as amended, similarly authorizes the Governor to “call upon any department or institution at any time for such special reports as may be deemed in the interest of the public welfare”; and

**WHEREAS**, section 1-3-10 of the South Carolina Code of Laws, as amended, also requires that “[t]he departments, bureaus, divisions, officers, boards, commissions, institutions and other agencies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities”; and

**WHEREAS**, at present, South Carolinians are better positioned than ever to hold Members of the General Assembly to account for discharging their duty to be good stewards of public funds, but the undersigned is authorized to take additional proactive action and impose additional safeguards in the administration of appropriations to facilitate transparency and accountability, to enhance the public’s trust and confidence in government, and to ensure that the public is aware of the manner in which public funds are appropriated and expended and can hold the appropriate individuals, entities, and officials accountable.

**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. Directing Additional Safeguards to Ensure Transparency and Accountability in Appropriations**

A. I hereby order and direct that any and all earmarked appropriations, as further defined herein, provided to, or through, any Executive Branch agency or department, as further defined herein, shall be expended and administered in strict compliance with the purposes specified in the annual Appropriations Act and may only be expended or administered in a manner that serves a public purpose and is consistent with the agency or department’s authorizing or enabling legislation or other applicable law.

B. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall ensure strict and timely compliance with the terms of, and requirements set forth in, Proviso 117.21 of the 2022–

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23 Appropriations Act, Act No. 239 of 2022, and any subsequent version thereof appearing in any annual Appropriations Act, as applicable.

C. I hereby order and direct, pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall promptly make available for public review and inspection on the agency or department's website any and all reports, accountings, forms, updates, communications, or other materials required by Proviso 117.21.

D. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall deliver, tender, disburse, or transmit any resulting funds or payments directly to any entity designated in the Appropriations Act and shall be prohibited from providing any such funds to any intermediary for presentment. Any such Executive Branch agency or department that receives earmarked appropriations shall not deliver, tender, disburse, or transmit any resulting funds or payments to the identified or intended recipient until the recipient and the agency or department have demonstrated compliance with the directives set forth in this Section and other applicable law.

E. I hereby order and direct that any Executive Branch agency or department, as further defined herein, that receives earmarked appropriations, as further defined herein, in the annual Appropriations Act shall certify to the undersigned and the Executive Budget Office, in writing, compliance with the foregoing directives, as applicable, on an annual basis prior to the conclusion of the corresponding fiscal year.

F. For purposes of this Section, "Executive Branch agency or department" is defined as any agency, department, or official within the undersigned's Cabinet or any other agency, department, or official within the Executive Branch, as defined by section 1-30-10(A) of the South Carolina Code of Laws, as amended, including any boards or commissions that are part of, comprised within, or under the jurisdiction of such agency or department, as well as any and all other departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies or undertakings of the State, to the maximum extent provided by law.

G. For the purposes of this Section, "earmarked appropriations" are defined as any non-recurring appropriation to an Executive Branch agency or department that is not requested by the agency or department to which it is allocated or appropriated to and received by and is specifically identified in an annual Appropriations Act as a direct appropriation to, or is otherwise intended to be distributed or dispersed directly to, a non-profit organization, private entity, political subdivision of the State, or other external organization, without regard to whether any such earmarked appropriation was vetoed by the Governor.

H. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to alter or conflict with provisions of the Appropriations Act or any other applicable law, to include the Consolidated Procurement Code or the Administrative Procedures Act.

I. I hereby supersede, rescind, and replace Executive Order Nos. 2004-29 and 2016-16, with any modified or remaining provisions thereof incorporated, in whole or in part, herein.

### **Section 2. 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 shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor and the Executive Budget Office to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1st DAY OF JULY, 2022.**

**HENRY MCMASTER  
Governor**

## 8 NOTICES

### 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 **July 22, 2022**, 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 Greenville County**

###### **St. Francis Hospital, Inc. d/b/a Bon Secours St. Francis Imaging, Simpsonville**

Addition of MRI equipment and services at the Simpsonville campus at a total project cost of \$1,226,862.

##### **Affecting Greenwood County**

###### **Self Regional Healthcare**

Purchase of an incremental intraoperative CT imaging and navigation equipment at a total project cost of \$2,542,500.

###### **Self Regional Healthcare**

Renovation of an existing operating room to a hybrid operating room at a total project cost of \$3,286,147.00.

##### **Affecting Horry County**

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

Purchase of a da Vinci Xi dual console robotic surgical system at a total project cost of \$2,542,500.

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

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$1,665,864.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **July 22, 2022**. "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 Charleston County**

###### **Windwood Farm Home for Children, Inc. d/b/a Riverside Behavioral Health Service at Windwood Farm**

Renovation for the addition of four (4) residential treatment beds for children and adolescents for a total of 16 beds at a total project cost of \$245,000.

##### **Affecting Greenville County**

###### **St. Francis Hospital, Inc. d/b/a Bon Secours St. Francis Imaging, Simpsonville**

Addition of MRI equipment and services at the Simpsonville campus at a total project cost of \$1,226,862.

##### **Affecting Greenwood County**

###### **Self Regional Healthcare**

Purchase of an incremental intraoperative CT imaging and navigation equipment at a total project cost of \$2,542,500.

##### **Affecting Orangeburg County**

###### **The Regional Medical Center of Orangeburg and Calhoun Counties**

Development of an Emergent and Elective Percutaneous Coronary Intervention (PCI) Program at a total project cost of \$628,397.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

Proviso 34.59 (DHEC: Permit Extension) of the 2022-2023 General Appropriations Bill, H.5150, requires that the Department of Health and Environmental Control (“Department”) provide notice of the extension of expiration dates for certain Department-issued permits.

**Synopsis:**

Proviso 34.59, effective July 1, 2022, extends the expiration and any associated vested right of a critical area permit or navigable water permit issued by the Department for the construction of a dock until June 30, 2023, provided the permit is valid on July 1, 2021, or at any time during the previous eighteen months.

This proviso does not affect Department permits issued pursuant to R.30-12(N), Access to Coastal Lands.

For questions concerning this notice, please contact Ms. Barbara Neale at [nealeb@dhec.sc.gov](mailto:nealeb@dhec.sc.gov) or by phone at (843) 953-0245 for OCRM permits; or Mr. Chuck Hightower at [hightocw@dhec.sc.gov](mailto:hightocw@dhec.sc.gov) or by phone at (803) 898-0369 for Navigable Waters permits. The official text of Proviso 34.59 is available at [https://www.scstatehouse.gov/sess124\\_2021-2022/appropriations2022/tap1b.htm#s34](https://www.scstatehouse.gov/sess124_2021-2022/appropriations2022/tap1b.htm#s34).

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 59489  
Commercial Tracts Site

**NOTICES OF VOLUNTARY CLEANUP CONTRACT,  
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with City of Florence (the Responsible Party). The VCC provides that the Responsible Party, with DHEC’s oversight, will fund and perform future response actions at the Commercial Tracts facility located in Florence County at 150 North McQueen Street, Florence, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department’s future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:



## 10 NOTICES

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or [vincenef@dhec.sc.gov](mailto:vincenef@dhec.sc.gov).

Any comments to the proposed VCC must be submitted in writing, postmarked no later than August 22, 2022, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

**SOUTH CAROLINA AERONAUTICS COMMISSION**  
**CHAPTER 4**

Statutory Authority: 1976 Code Sections 55-1-1 et seq.,  
particularly Section 55-5-80 (N), and Section 55-5-280 (D)

**Notice of Drafting:**

The South Carolina Aeronautics Commission proposes to draft regulations addressing the use of the State Aviation Fund and the operation and administration of the airport land use program by the Commission and the Division of Aeronautics. Interested parties are invited to present their views in writing to James Stephens, Executive Director, South Carolina Aeronautics Commission, 2553 Airport Blvd., West Columbia, South Carolina, 29170-2142. To be considered, comments must be received no later than 5:00 p.m. on August 23, 2022, the close of the drafting comment period.

**Synopsis:**

The South Carolina Aeronautics Commission is charged by Title 55 of the South Carolina Code of Laws, as amended, with the administration of the State Aviation Fund. The Commission seeks to draft and submit for approval regulations that enumerate and clarify existing procedures regarding land use requirements affecting airports in South Carolina.

This regulation will require legislative review.

**STATE BOARD OF EDUCATION**  
**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-110, 59-18-310, 59-29-10, et seq., 20 U.S.C. 1232(g),  
and Pub. L. No. 114-95

**Notice of Drafting:**

The State Board of Education proposes to amend Regulation 43-234: Defined Program for Grades 9–12, last revised May 25, 2018.

Interested persons may submit their comments in writing to Katie Nilges, Director of Governmental Affairs, 1429 Senate Street, or by e-mail to [Knilges@ed.sc.gov](mailto:Knilges@ed.sc.gov). To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2022.

**Synopsis:**

State Board of Education Regulation 43-234 outlines the defined program for students in grades 9-12. The purpose of this amendment is to comply with the directive provided for in Proviso 1.101 (SDE: Graduation Requirements) of the 2022-23 General Appropriations Act. As directed by the South Carolina General Assembly pursuant to Proviso 1.101, “of the funds appropriated or authorized herein, and pursuant to Section 59-39-100 of the 1976 Code, the Department of Education, through the State Board of Education, is directed to promulgate regulations to update the current graduation requirements to include within the existing credits a required half credit in personal finance. The regulation shall be submitted to the State Board of Education for first reading by September 30<sup>th</sup>”.

Legislative review is required.

## 12 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

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

The Department of Health and Environmental Control (“Department”) proposes amending R.61-68, Water Classifications and Standards. Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 22, 2022, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to the South Carolina Pollution Control Act, S.C. Code Ann. 48-1-10 et seq., the Department establishes classified water uses and water quality criteria. The Department proposes to amend R.61-68, Water Classifications and Standards, as determined necessary to manage and protect the quality of South Carolina’s waters through narrative hydrologic criteria. Specific sections which may be amended include C, D, E, F, G, and H.

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.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

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

The Department of Health and Environmental Control (“Department”) proposes amending R.61-9, Water Pollution Control Permits. Interested persons may submit comment(s) on the proposed amendments to Ann Clark of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; clarkar@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 22, 2022, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to the South Carolina Pollution Control Act, S.C. Code Ann. 48-1-10 et seq., the Department establishes programs to regulate discharges from point sources including concentrated animal feeding operations. The Department proposes to amend R.61-9.122, The National Pollutant Discharge Elimination System. The amendment will remove the existing language of R.61-9.122.23, Concentrated animal feeding operations, and replace it with language that is consistent with current federal regulation 40 CFR Section 122.23. The requirement for South Carolina to include regulations in conformance with the federal regulation is stated at 40 CFR Section 123.25(a)(6).

The proposed amendment 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(H)(1), exempts this amendment from General Assembly review, as the Department proposes this amendment for compliance with federal law.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF PODIATRY EXAMINERS  
CHAPTER 134**

Statutory Authority: 1976 Code Sections 40-1-70, 40-51-40, 40-51-67, 40-51-70, and 40-51-210

**Notice of Drafting:**

The South Carolina Board of Podiatry Examiners proposes repealing R.134-50, amending R.134-10, 134-30 and 134-40, and adding a regulation regarding hyperbaric oxygen treatments. The Board may amend or repeal additional regulations in accordance with its regulatory review conducted pursuant to S.C. Code Section 1-23-120(J). Interested persons may submit written comments to Maggie Murdock, Administrator, Board of Podiatry Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The purpose of the amendments is to update requirements concerning licensure and examinations and to add guidance concerning the scope of practice for Podiatry.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF VETERINARY MEDICAL EXAMINERS  
CHAPTER 120**

Statutory Authority: 1976 Code Section 40-69-60

**Notice of Drafting:**

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define “emergency patient,” “radiography” and “imaging” in R.120-1; to update and clarify R.120-9 regarding the practice standards for licensed veterinary technicians and revise and move practice standards for unlicensed veterinary aides to R.120-8; and to clarify R.120-3 in accordance with the statutes for licensure and examinations for veterinarians. Interested persons may submit written comments to Meredith Buttler, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The purpose of the amendments is to clarify and update the definitions and scope of practice for the licensed veterinary technicians and unlicensed veterinary aides as they relate to the animal health care tasks and supervision levels and to clarify the regulations with regard to the statutes for licensure and examinations for veterinarians.

Legislative review of this amendment is required.

## 14 DRAFTING NOTICES

### SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

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

The South Carolina Workers' Compensation Commission proposes to amend existing Regulation 67-610 regarding the amending of pleadings and the adding or removing of a party. Interested persons may submit comments by August 11<sup>th</sup>, 2022, to Gary M. Cannon, Executive Director, South Carolina Workers' Compensation Commission, PO Box 1715, Columbia, SC, 29202-1715, or electronically at [gcannon@wcc.sc.gov](mailto:gcannon@wcc.sc.gov).

#### **Synopsis:**

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-610 regarding the amending of pleadings and the adding or removing of a party.

Legislative review of this amendment is required.

Document No. 5110  
**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114  
Statutory Authority: 1976 Code Section 43-1-80

114-550. Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care.

**Preamble:**

The South Carolina Department of Social Services is amending Regulation 114-550 regarding the licensure of family foster homes and the approval of adoptive homes.

Section-by-Section Discussion:

114-550. Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care.

- A. Clarify applicability provision.
- B. No changes.
- C. Adds limitation for a foster home licensure or adoptive home approval.
- D. Add timeline to licensing procedure.
- E. Align age requirement for Kinship Licensure with statute.
- F. Add language to include adoptive placement.
- G. Clarify eligibility standards.
- H. Clarify requirements for physical exams.
- I. Clarify home study standards and require all references to be documented in writing.
- J. Clarify capacity standards.
- K. Clarify sleeping standards and add language regarding extenuating circumstances.
- L. Clarify living space standards.
- M. Correct spelling error.
- N. Revise the standards regarding barriers around swimming and wading pools.
- O. Align age requirement for sex offender registry checks with statute.
- P. No changes.
- Q. Relocate several pool assurances to Section N.
- R. No changes.
- S. Align age requirement for sex offender registry checks with statute.
- T. No changes.
- U. Correct a numbering error.
- V-Z. No changes.

The Notice of Drafting was published in the *State Register* on May 27, 2022.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at September 9, 2022, at 10:00 am. Written comments may be directed to Dawn T. Barton, Director Permanency Management at South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202, no later than 5:00 pm on August 22, 2022. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

**Preliminary Fiscal Impact Statement:**

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

## 16 PROPOSED REGULATIONS

### Statement of Need and Reasonableness:

#### DESCRIPTION OF REGULATION:

Purpose: The Department is revising the regulations to ensure compliance with statutory authority, to correct previous errors, and to ensure the safety and wellbeing of children.

Legal Authority: 1976 Code Section 43-1-80.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. DSS will notify staff and licensing partners of the amended regulation, provide training, and post the amended regulation on the agency's website.

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

The proposed regulations are necessary to ensure compliance with the statutes concerning licensure of family foster homes and adoptive homes.

#### DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any of any political subdivision.

#### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment of this State. These regulations contribute to the Department's function of protecting public welfare and promoting safety, permanency, and wellbeing for children.

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

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

### Statement of Rationale:

These revised regulations are updated to ensure compliance with statutory authority, to correct previous errors, and to ensure the safety and wellbeing of children.

### 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. 5109  
**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114  
Statutory Authority: 1976 Code Section 63-11-30

114-590 through 114-595. Residential Group Care Facilities for Children.

**Preamble:**

The Department of Social Services proposes to amend regulations that address licensure of residential group care facilities for children.

Section-by-Section Discussion:

114-590. Licensing of Residential Group Care Organizations for Children.

1. Renumbers definitions
2. Deletes number 17 for consistency
3. Revises number 31 to enhance clarity
4. Revises number 35 to enhance clarity

114-591. Organization and Administration.

1. Revises subparagraph (B)(4)(c) to enhance clarity
2. Adds subparagraph (B)(4)(h) to include a requirement for the board of directors
3. Revises subparagraph (C)(6) to clarify who bears the cost of financial audits
4. Revises subparagraph (G)(1) to include a documentation requirement
5. Deletes subparagraph (G)(3)
6. Adds subparagraph (G)(2)(f) to include a documentation requirement
7. Revises subparagraph (H)(2) to eliminate a requirement
8. Revises subparagraph (I)(1)(d) to enhance clarity
9. Deletes subparagraph (I)(1)(f)
10. Revises subparagraph (K) to clarify requirements for volunteer staff
11. Revises subparagraph (L)(7) to clarify background check requirements
12. Revises subparagraph (M)(7) to expand acceptable training methods
13. Revises subparagraph (M)(9) to correct training hours required
14. Revises subparagraph (M)(10) to enhance clarity
15. Revises subparagraph (P)(2) to enhance clarity

114-593. Services to Children.

1. Revises subparagraph (U)(1) to add a disaster plan requirement
2. Revises subparagraph (X)(2) to enhance clarity

114-595. Licensing and Enforcement.

1. Revises subparagraph (D) to correct the title
2. Revises subparagraph (D)(1) to correct license renewal intervals
3. Revises subparagraph (G)(1) adding a condition for license revocation

The Notice of Drafting was published in the *State Register* on March 25, 2022.



## **18 PROPOSED REGULATIONS**

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at Edgar A. Brown Building, 1205 Pendleton Street, Suite 224 Columbia, South Carolina 29201 on September 20, 2022, at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written Comments may be directed to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202 and by way of electronic mail to [dawn.barton@dss.sc.gov](mailto:dawn.barton@dss.sc.gov), no later than 5:00 p.m. on September 6, 2022.

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

There will be no increased costs to the State or its political subdivisions.

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

Following the enactment of the Family First Prevention Services Act of 2018 (Public Law 115-123) these regulations are being further updated to establish and maintain standards for residential group care organizations that are reasonably aligned with recommended standards of national organizations concerned with standards for such organizations, to clarify certain requirements, and to improve consistency in the interpretation of the regulations.

### **DESCRIPTION OF REGULATION:**

**Purpose:** The Agency is amending and updating Regulations 114-590 through 114-595 (Residential Group Care Organizations for Children) to reinforce requirements established by the Family First Prevention Services Act of 2018 (Public Law 115-123), to enhance clarity, and to improve consistency in the interpretation of the regulations.

**Legal Authority:** 1976 Code Section 63-11-30.

**Plan for Implementation:** The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department of Social Services will notify licensees of the revised regulations and will post the regulations on the Department's website in the Child Welfare Services Policy and Procedures Manual.

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

The proposed regulations are necessary to promote compliance with licensing standards concerning the care of children who are placed in residential group care facilities.

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

The costs associated with the regulations are primarily related to licensing and administrative functions, as well as foster care maintenance payments. The regulations will benefit children in foster care and other children who need residential group care placement by establishing consistent standards related to admissions, safety, protection, and care of these children by adult caregivers. The regulations also promote protection of civil rights.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no effect on the environment. The regulations further public health interests because the regulations support the Department's mission to promote the safety, permanency, and well-being of children in foster care and other children who may need residential group care placement.

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

There is no detrimental effect on the environment; however, an inability to regulate residential group care organizations for children would have a detrimental effect on children who are in foster care and other children who may need residential placement for their care, safety, and well-being.

**Statement of Rationale:**

Regulations 114-590 through 114-595 (Residential Group Care Organizations for Children) are being revised to reinforce requirements established by the Family First Prevention Services Act of 2018 (Public Law 115-123), to enhance clarity, and to improve consistency in the interpretation of the regulations.

**Text:**

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