



Regulation Development Update

December 22, 2017

DHEC produces this Regulation Development Update within one business day of publication of the South Carolina State Register (the fourth Friday of each month).

The Update reports DHEC's regulation development activity, including proposed new regulations, amendments, and repeals of existing regulations, currently pending. Each entry presents a synopsis, status, and (upon assignment by the S.C. Legislative Council) a searchable S.C. State Register Document Number. Legislative Council assigns a Document Number at the Notice of Proposed Regulation stage of the regulation [promulgation process](#). The Document Number subsequently remains with the particular regulation development activity throughout the process.

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While DHEC has made every effort to maintain the accuracy of content presented in this Regulation Development Update, it reserves the right to correct errors when discovered.

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NO PENDING REGULATION DEVELOPMENT ACTIVITY FOR:

The following program areas have no pending regulation development activities at this time.

Chief Financial Officer

Budgets and Financial Management

General Counsel

Environmental Affairs

Environmental Affairs Administration
Land and Waste Management
Water

Health Regulation

Certificate of Need
Drug Control

Public Health

Disease Control
Maternal and Child Health
Public Health Preparedness
Public Health Statistics and Information Services

There are no DHEC Emergency Regulations in effect at this time.

PENDING REGULATION DEVELOPMENT ACTIVITY FOR:

The following program areas have pending regulation development activities at this time.

ENVIRONMENTAL AFFAIRS

AIR QUALITY – Proposed Amendments

R.61-62, Air Pollution Control Regulations and Standards

State Register Document TBD

Summary:

- (1) The Department proposes amending Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements, to expand and improve consistency in language regarding general and registration permits.
- (2) The Department proposes amending the introductory paragraph to Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove the sentence describing the test method for Gaseous Fluorides to improve the accuracy and clarity of the regulation's text.
- (3) The Department proposes amending Regulation 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NO_x), to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
- (4) The Department proposes amending Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to update applicability and exemptions, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
- (5) The Department proposes amending Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to improve the overall clarity and structure of the regulation, as well as to propose corrections for internal consistency, punctuation, codification, and spelling.
- (6) The Department proposes amending Regulation 61-62.70, Title V Operating Permit Program; Regulation 61-62.1, Definitions and General Requirements; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; and Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to update public participation procedures.

The Department may also propose other changes to Regulation 61-62, Air Pollution Control Regulations and Standards, that may include definitional updates, clarification of certain permitting provisions, and other changes or additions as deemed necessary, as well as corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

History and Status:

Notice of Drafting published:	October 27, 2017
Drafting comment period closed:	November 27, 2017

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Bureau of Air Quality	

ENVIRONMENTAL HEALTH SERVICES – Proposed Amendments

Note: The Department has decided to not move forward with these amendments at this time.

R.61-55, Septic Tank Evaluation Fees

State Register Document TBD

Summary:

The Department proposes amending R.61-55, Septic Tank Evaluation Fees to adjust application fees and correct and amend definitions. The revision would include an increase in fees, allow for a new expedited permitting process with associated fees, and application fees would be related to the particular service performed. This revision is needed to update the fees to an appropriate level for implementing the program. The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining and codification, and such other changes as necessary to improve the overall quality of the regulation. Legislative review is required.

History and Status:

Notice of Drafting published:

July 28, 2017

Drafting comment period closed:

August 28, 2017

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R.61-56.1, License To Construct Or Clean Onsite Sewage Treatment And Disposal Systems And Self-Contained Toilets

State Register Document TBD

Summary:

The Department proposes to amend R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets to remove the licensure of onsite wastewater system installers, and rededicate R.61-56.1 for the licensure of septage pumpers and haulers. The licensure of onsite wastewater system installers will be moved to R. 61-56.2, Licensing of Onsite Wastewater Systems Master Contractors, in a separate amendment being proposed in the S.C. State Register concurrently with this amendment of R.61-56.1. Placing these requirements into separate regulations will provide the public and regulated entities with more clarity and easier search capabilities. The revision would include an increase in fees to an appropriate level for implementing the program. The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining and

codification, and such other changes as necessary to improve the overall quality of the regulation. Legislative review is required.

History and Status:

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R.61-56.2, Licensing Of Onsite Wastewater Systems Master Contractors

State Register Document TBD

Summary:

The Department proposes to amend R.61-56.2, Licensing of Onsite Wastewater Systems Master Contractors, to include the requirements for all installers that construct onsite wastewater (septic) systems. Among other requirements, the revision will include continuing educational requirements and a tiered system of installers with associated tiered fees. To assist the industry in meeting the requirements for continuing education and ensure adequate and appropriate courses are available, the Department is proposing a delayed implementation of the continuing educational units' ("CEU") requirement to be phased into the program three years after passage of the regulation. The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining and codification, and such other changes as necessary to improve the overall quality of the regulation. Legislative review is required.

History and Status:

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OCEAN AND COASTAL RESOURCE MANAGEMENT – Proposed Amendment

R.30-14, Administrative Procedures (Coastal Division)

State Register Document TBD

Summary:

Section F of Regulation 30-14 sets forth procedures for any landowner claiming ownership of affected property to request review of the adopted final or revised setback line, baseline, erosion rate, or all three. Amendments to Section F of Regulation 30-14 will clarify the review process applicable to the revised jurisdictional lines and erosion rates affecting beachfront property.

The Department may also make revisions for grammatical errors, revisions for typographical errors, and other such stylistic changes.

Legislative review is required.

History and Status:

Notice of Drafting published:

November 24, 2017

Drafting comment period will close:

December 27, 2017

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EMERGENCY MEDICAL SERVICES AND TRAUMA – Proposed New Regulation

R.61-118, South Carolina Stroke Care System

State Register Document 4760

Summary:

The Department of Health and Environmental Control (“Department”) proposes a new regulation to address the requirements of the Stroke System of Care Act of 2011, S.C. Code Sections 44-61-610 et seq. (Supp. 2016). The proposed regulation establishes a process of application and recognition of acute care hospitals wishing to be recognized as stroke centers within South Carolina. The proposed regulation establishes a statewide stroke registry for the collection and analysis of stroke care by acute care hospitals within the State. Additionally, the proposed regulation adopts a nationally recognized, standardized stroke-triage assessment tool, posted on the Department’s website and distributed to all Emergency Medical Services (“EMS”) agencies licensed by the Department. Legislative review is required.

Link to Notice of Final Regulation submitted for legislative review:

<http://www.scstatehouse.gov/regs/4760.docx>

History and Status:

Notice of Drafting published:	April 28, 2017
Drafting comment period closed:	May 29, 2017
Board approval to publish Notice of Proposed Regulation:	September 7, 2017
Notice of Proposed Regulation published:	September 22, 2017
Proposed Regulation comment period closed:	October 23, 2017
Public Hearing:	December 7, 2017
General Assembly review period of Notice of Final Regulation begins:	January 2018

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HEALTH FACILITY LICENSING – Proposed Amendments and Proposed New Regulation

R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries

State Register Document 4740

Summary:

The Department of Health and Environmental Control is amending Regulation 61-16. These amendments are necessary to incorporate recent changes in state law as well as changes to current practices and standards. The amendment incorporates provisions allowing dietitians to prescribe diets and other dietary services; incorporate requirements of S.C. Code Sections 44-41-410 through -480 relating to the provision of abortion services; incorporate existing inspection and construction fees; and incorporate new safe haven requirements.

Link to Notice of Final Regulation submitted for legislative review:

<http://www.scstatehouse.gov/regs/4740.docx>

History and Status:

Notice of Drafting published:	September 23, 2016
Drafting comment period closed:	October 24, 2016
Board approval to publish Notice of Proposed Regulation:	December 8, 2016
Notice of Proposed Regulation published:	December 23, 2016
Proposed regulation comment period closed:	January 23, 2017
Public Hearings:	June 8, 2017 April 13, 2017 (cancelled) February 9, 2017 (cancelled)
General Assembly review period of Notice of Final Regulation begins:	January 2018

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R.61-78, Standards for Licensing Hospices

State Register Document 4800

Summary:

On May 19, 2017, Governor Henry McMaster signed into law Act No. 61 amending the Hospice Licensure Act. The Department proposes amending R.61-78 to incorporate the provisions of Act

No. 61 into its oversight of hospices. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation. Legislative review is required.

Link to Notice of Proposed Regulation: <http://www.scstatehouse.gov/regs/4800.docx>

History and Status:

Notice of Drafting published:	June 23, 2017
Drafting comment period closed:	July 24, 2017
Board approval to publish Notice of Proposed Regulation:	November 9, 2017
Notice of Proposed Regulation published:	November 24, 2017
Proposed regulation comment period will close:	December 27, 2017
Public Hearing:	February 8, 2018 (scheduled)

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R.61-TBD, Proposed New Regulation for Crisis Stabilization Unit Facilities

State Register Document TBD

Summary:

On April 24, 2017, Governor Henry McMaster signed into effect Act No. 10 amending Article 3 of Chapter 7, Title 44, to require the Department to license and regulate Crisis Stabilization Unit Facilities. These facilities provide a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week. Legislative review is required.

History and Status:

Notice of Drafting published:	May 26, 2017
Drafting comment period closed:	June 26, 2017

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RADIOLOGICAL HEALTH – Proposed Amendment

R.61-63, Radioactive Materials (Title A)

State Register Document 4791

Summary:

The federal Atomic Energy Act of 1954 enables the United States Nuclear Regulatory Commission (“Commission”) to enter into agreements with state governors allowing for state regulation of byproduct, source, and special nuclear materials. 42 U.S.C. Section 2121. The Commission enters into such agreements if it finds the state regulatory program complies with applicable federal regulations. Id. To renew South Carolina’s ongoing agreement with the Commission, the Department of Health and Environmental Control (“DHEC”) proposes amendments to Regulation 61-63 for compliance with the Commission’s federal regulatory updates. The proposed amendments add clarification or corrections to Parts II, V, VII, and XII of the regulation. Additionally, for Part II, the proposed amendments enable specific licensees to install and service generally licensed devices. For Part XII, Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material, the proposed amendments enable individuals receiving security-related information to protect it from public disclosure. DHEC proposes these amendments for compliance with federal regulations 10 CFR Parts 19, 20, 30, 31, 32, 34, 37, 40, 61 and 71.

In accordance with S.C. Code Section 1-23-120(H), the proposed amendments do not require legislative review as DHEC promulgates the amendments to comply with federal law indicated above.

Link to Notice of Proposed Regulation: <http://www.scstatehouse.gov/reg/4791.docx>

History and Status:

Notice of Drafting published:	April 28, 2017
Drafting comment period closed:	May 29, 2017
Board approval to publish Notice of Proposed Regulation:	October 12, 2017
Notice of Proposed Regulation published:	October 27, 2017
Proposed Regulation comment period closed:	November 27, 2017
Public Hearings:	February 8, 2018 (rescheduled) December 7, 2017 (cancelled)

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