



**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**FY 2016 REGULATION DEVELOPMENT ANNUAL REPORT**  
(July 24, 2015 - June 24, 2016)

June 24, 2016

The Department of Health and Environmental Control (DHEC) promulgates regulations each fiscal year subject to the S.C. Administrative Procedures Act (APA), 1976 S.C. Code Section 1-23-10 *et seq.* The Department's regulatory activity for FY 2016 addressed 48 of its regulations for amendment or repeal, as well as proposals for three new regulations. At the end of the promulgation period on June 24, 2016, the Department was successful in amending 26 of its regulations, repealing 11 regulations, and adding one new regulation to Chapter 61 of the South Carolina Code of Regulations.

This report consists of four parts, as follows:

- Part I describes DHEC new, amended or repealed regulations taking legal effect in FY 2016 after publication as final regulations in the *South Carolina State Register*.
- Part II addresses tolled, permanently withdrawn, and/or Joint Resolutions to disapprove regulations at the legislative level.
- Part III lists proposed regulations not yet in effect, which the Department intends to carry over to the FY 2017/2018 for promulgation, amendment or repeal.
- Part IV updates the listing of Department Regulations current through June 24, 2016. This listing removes all regulations that were repealed during this promulgation period. Also, by amendment the title of R.61-13 was changed. .

# PART I

## FINAL REGULATIONS

The Department amended 27 regulations, repealed 11 regulations, and added one new regulation to Chapter 61 of the South Carolina Code of Regulations, as follows:

### DHEC Environmental & Coastal Regulations

#### *Air Quality*

##### **Amendment of R.61-62, Air Pollution Control Regulations and Standards**

This Regulation was amended by Document No. 4577 that took effect by publication in *South Carolina State Register* Volume 39 Issue 11 on November 27, 2015. These amendments revised R.61-62-60, South Carolina Designated Facility Plan and New Source Performance Standards; R.61-62.61, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories; and R.61-62.70, Title V Operating Permit Program. Amendments include clarification, guidance and technical revisions to the State Implementation Plan requirements promulgated pursuant to 42 U.S.C. 7410 and 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 43 U.S.C. 7414 to codify these federal standards promulgated from January 1, 2014 through December 31, 2014. These regulations were exempt from legislative review pursuant to 1976 S.C. Code Section 1-23-120(H) and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4577.docx>.

##### **Amendment of R.61-62, Air Pollution Control Regulations and Standards**

This Regulation was amended by Document No. 4590 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. R.61-62.1, Section I, Definitions, was amended to add a definition for “Emission.” R.61-62.1, Section II, Permit Requirements, was amended to remove the requirement of a revised air dispersion modeling analysis for permit renewals. R.61-62.5, Standard 4, Emissions from Process Industries, was amended to clarify this Regulation is not triggered for sources that the Department has removed Particulate Matter (“PM”) limits (from other sections of this Regulation)). R.61-62.5, Standard 5.2, Control of Oxides of Nitrogen (NO<sub>x</sub>) was amended to clarify applicability and exemptions, as well as corrections for internal consistency. R.61-62.70, Title V Operating Permit Program, was amended to remove appeals language as this is generally defined by statutory law at 1976 S.C. Code Section 44-1-60 and is redundant, and to clarify qualification language for administrative amendments. Stylistic corrections were made throughout these sections to improve the overall quality of the text. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4590.docx>.

#### *Environmental Health Services*

##### **Repeal of R.61-28, Horse Meat and Kangaroo Meat; R.61-38, Fairs, Camp Meetings, and Other Gatherings; R.61-39, Camps; R.61-40, Mobile/Manufactured Home Park; R.61-42, Sanitation of Schools, and R.61-46, Nuisances.**

These Regulations were repealed by Document No. 4552 that took effect by publication in *South Carolina State Register* Volume 40 Issue 4 on April 22, 2016. These repeals are the result of the Department’s five-year review of

regulations in which these regulations were determined obsolete and no longer needed. Under current statutes and other regulations there exists sufficient authority to address and control any major requirements related to environmental or public health issues. As such these regulations were repealed and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4552.docx>.

**Amendment of R.61-56, *Onsite Wastewater Systems***

This regulation was substantially amended and replaced in entirety by Document No. 4591 published in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. These amendments update and bring R.61-56 in line with current statutes and changes in the technologies of design, construction and installation of onsite wastewater systems since the previous revision in 2008. The amendments include updates in nomenclature and technology, as well as addition of definitions and clarifications of definitions, site requirements and system requirements. Stylistic changes were also made for improved clarity and consistency. The amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4591.docx>.

**Repeal of R.61-57, *Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems***

This Regulation was repealed by Document No. 4594 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. S.C. 1976 Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and R.61-56, *Onsite Wastewater Systems*, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems. This repeal can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4594.docx>.

*Land and Waste Management*

**Amendment of R. 61-79, *Hazardous Waste Management Regulations***

This Regulation was amended by Document No. 4646 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. Four final rules of the U.S. Environmental Protection Agency were adopted to comply with federal law and will bring R.61-79 into conformity with the federal regulation. Final Rules are: Adoption of the "Hazardous Waste Electronic Manifest System" published February 7, 2014 at 79 FR 7518-7563; adoption of the "Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule," published on June 26, 2014 at 79 FR 36220-36231; adoption of the "Revisions to the Definition of Solid Waste," published on January 13, 2015 at 80 FR 1694-1814; and adoption of the "Vacatur of the Comparable Fuels Rule and the Gasification Rule," published on April 8, 2015 at 80 FR 18777-18780. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4646.docx>.

**Amendment of R.61-92, *Underground Storage Tanks***

This Regulation was amended by Document No. 4565 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. This amendment revised R.61-92 Section 280.25. In the interest of supporting the Department's goal of protecting the health of the public and the environment, this amendment establishes new conditional requirements for existing facilities to remain in compliance with the provisions of the Regulation. Statutory authority for the Regulation was added. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4565.docx>.

**Amendment of R.61-107.12, *Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities***

This Regulation was amended by Document No. 4614 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These amendments reorganize the regulation, update the rules for public noticing incineration facilities, update the financial assurance provisions of the regulation, and clarify the timing aspects for making evaluations of consistency with state and local government solid waste management plans. The primary purpose of this amendment is to clarify the requirements for air curtain incinerators by creating a new section of the regulation explicitly for air curtain incineration facilities. This revision also provides exemptions from R.61-107.12 for law enforcement, customs and agricultural import inspection agencies that use

incinerators for the destruction of prohibited and illegal contraband; and conditional exemptions for small air curtain incinerators that store less than 400 cubic yards of land-clearing debris or yard trimmings. This amendment also updates the correct statutory reference for the issuance of a Department order, a civil enforcement action, or a criminal enforcement action. The amendment can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4614.docx>.

**Amendment of R.61-107.279. *Solid Waste Management: Used Oil***

This Regulation was amended by Document No. 4613 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. This amendment supports the Department's goal of protecting the health of the public and environment. It removes the requirement for used oil fuel marketers to obtain a permit, revises existing language for clarity, and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the Resource Conservation Recovery Act (RCRA) used oil standards and when it is not to conform to federal regulations. The revision clarifies violations and penalties. This amendment can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4613.docx>.

**New R.61-124, *Consumer Electronic Equipment Collection and Recovery***

This new Regulation was added to Chapter 61 regulations by Document 4539 that took effect by publication in *South Carolina State Register* Volume 40 Issue 2 on February 26, 2016. R.61-124 was promulgated pursuant to the S.C. Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act codified at 1976 S.C. Code Section 48-60-5 *et seq.* It establishes standards for labeling covered devices and for the registration of manufacturers of covered devices. The Regulation establishes procedures for banning covered devices from disposal in solid waste landfills and specifies annual registration fees for manufacturers of covered electronic devices. It also addresses responsibilities of manufacturers and retailers of covered electronic devices as defined by the Act. The new Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4539.docx>.

*Water*

**Repeal of R.61-47, *Crabmeat***

This Regulation was repealed by Document No. 4567 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. R.61-47 prescribes requirements for processors of crab meat and is intended to protect the health of consumers of crab meat. There are currently no crab meat processing facilities operating in South Carolina under this Regulation, and no facility has operated under this Regulation since 2001. This Regulation has been superseded by more up-to-date state and federal laws and regulations that address the storing, processing, and handling of seafood, including crab. As such, the Department repealed this Regulation because it has become obsolete and was no longer needed. The repeal can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4567.docx>.

**Amendment of R.61-50, *Natural Public Swimming Areas***

This Regulation was amended by Document No. 4570 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. This amendment of R.61-50 changed the bacteriological water quality standard from fecal coliform to E. coli so that R.61-50 is consistent with R.61-68, *Water Classification and Standards*, that was amended June 22, 2012 that changed the water quality standard from fecal coli form to E. coli. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4570.docx>.

**Amendment of R.61-71, *Well Standards***

This Regulation was amended by Document No. 4571 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. This amendment updated R.61-71 for consistency with R.61-56, *Onsite Wastewater Systems*, and clarified that R.61-71 applies to injection wells as specified in R.61-87, *Underground Injection Control Regulations*. Stylistic changes were also made for clarity and consistency to

improve the overall quality of the Regulation. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4571.docx>.

*Ocean and Coastal Resource Management*

**Coastal Regulations: 30-1, Statement of Policy; 30-5, Exceptions; 30-13, Specific Project Standards for Beaches and Dunes; 30-14, Administrative Procedures; and 30-15, Activities Allowed Seaward of the Baseline**

The above-named Regulations were amended by Document No. 4615 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These regulatory changes amend certain Coastal Division regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. The changes will amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions and administrative procedures for issuance of emergency orders within the State's beachfront jurisdiction. The amendments provide more clarification to these Regulations, enabling Department staff to administer more effectively the regulatory program of the Coastal Division. The amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4615.docx>.

## **DHEC Health Regulations**

*Emergency Medical Services; Trauma; Athletic Trainers*

**Amendment of R.61-7, Emergency Medical Services**

This Regulation was amended and replaced in its entirety by Document No. 4610 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These amendments incorporate statutory requirements for EMT certification and training, update the vehicle equipment list to current accepted industry standards, modify the ground ambulance requirements to effect the most current standards, change the air ambulance requirements to reflect the latest statutory amendments, incorporate requirements for ambulance drivers, modify the name of first responder agencies to rapid response vehicles, add and amend definitions, and rewrite the certification and training requirements. The Department also made corrections for clarity and readability, grammar, punctuation, and codification for overall improvement of the text of the Regulation. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4610.docx>.

**Amendment of R.61-116, South Carolina Trauma Systems**

This Regulation was substantially amended and replaced in its entirety by Document No. 4578 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. This amendment includes the Department's effort to incorporate updates and clarification relating to designation criteria as published by the American College of Surgeons, reporting requirements, standards of care, enforcement provisions, staffing requirements, and facility design and construction. Additionally, corrections were made for clarity, readability, grammar, references, and codification, and overall improvement of the text of the Regulation. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4578.docx>.

*Health Facilities & Services*

**Amendment of R.61-13, Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions.**

This Regulation was substantially amended and replaced in entirety by Document No. 4564 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. This amendment changed the

name of the Regulation to R.61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*. These amendments include the Department's effort to incorporate updates and clarification relating to facility licensure requirements, accident and/or incident reports, client and medical record maintenance, emergency procedures and disaster preparedness, client care, treatment, and services, design and construction, and fire and life safety. Corrections were also made for clarity, readability, grammar, references, codification, for overall improvement of the text of the Regulation. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4564.docx>.

**Amendment of R.61-17, *Standards for Licensing Nursing Homes***

This Regulation was substantially amended and replaced in its entirety by Document No.4543 that took effect by publication in *South Carolina State Register* Volume 40 Issue3 on March 25, 2016. This amendment establishes more specific accident and incident reporting procedures, makes technical corrections and corrects typographical errors, brings meal service and dietary service requirements into compliance with R.61-25, *Retail Food Establishments*, and updates design, construction, and fire protection/prevention standards in compliance with provisions of the codes officially adopted by the South Carolina Building Codes Council and South Carolina Fire Marshal. The revised Regulation can be reviewed on the S.C. Legislature Online website at [hHttp://www.scstatehouse.gov/regs/4543.docx](http://www.scstatehouse.gov/regs/4543.docx).

**Amendment of R.61-78, *Standards for Licensing Hospitals***

This Regulation was substantially amended and replaced in its entirety by Document No. 4553 that took effect by publication in *South Carolina State Register* Volume 40 Issue 4 on April 22, 2016. These amendments include the Department's effort to incorporate updates and clarification relating to hospice licensure requirements, accident and/or incident reports, patient and medical record maintenance, emergency procedures and disaster preparedness, patient care, treatment, and services, design and construction, and fire and life safety. Corrections were also made for clarity, readability, grammar, references, codification, and overall improvement to the text of the Regulation. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4553.docx>.

**Amendment of R.61-103, *Standards for Licensing Residential Treatment Facilities for Children and Adolescents*.**

This Regulation was substantially amended and replaced in its entirety by Document No. 4596 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These amendments include the Department's effort to incorporate updates and clarification relating to licensing requirements, accident and incident reporting, admission and intake requirements, resident rights, program activities, in-service training, infection control and medication management, fire and life safety requirements, and construction design requirements. Also, current provide-wide exceptions and memoranda applicable to residential treatment facilities for children and adolescents have been incorporated. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4596.docx>.

**Amendment of R.61-109, *Standards for Permitting Body Piercing Facilities***

This Regulation was substantially amended and replaced in its entirety by Document No. 4569 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5, on May 27, 2016. This amendment aligns the Regulation with current statutory authority and current industry standards. Amendments include the Department's effort to incorporate updates and clarification relating to client rights, infection control and sterilization, regulation enforcement, emergency procedures fire and life safety requirements, and construction design requirements. Corrections were also made for clarity, readability, grammar, references, and codification for overall improvement of the text of the Regulation. The revised Regulation can be reviewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4569.docx>.

**Amendment of R.61-111, *Standards for Licensing Tattoo Facilities***

This Regulation was substantially amended and replaced in its entirety by Document No. 4568 that took effect by publication in *South Carolina State Register* Volume 40 Issue 5 on May 27, 2016. These amendments update

definitions, references, and codification. Amendments also include updates to provisions relating to reporting requirements, licensing requirements, infection control and sterilization, design and construction, and fire and life safety. Amendments also incorporate provider-wide exceptions applicable to tattoo facilities. Additionally, corrections were made for clarity, readability, grammar, references, codification for overall improvement to the text of the Regulation. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4568.docx>.

### *Radiological Health*

#### **Amendment of R.61-64, X-Rays**

This Regulation was substantially amended and replaced in its entirety by Document No. 4595 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These amendments are the result of the 2012 statutory five-year review of this Regulation and advancing technologies. These revisions of R.61-64 will strengthen equipment performance standards. Language changes were made to clarify many sections of the Regulation by making them more specific, better organized, and the intent of the Regulation more clear. The regulations increase the registration fees to allow for the hiring of six additional inspectors. The fee increase will provide funding for the hiring of additional inspectors to increase the frequency of inspections. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4595.docx>.

## **DHEC Health Services Regulations**

### *Disease Control*

#### **Amendment of R.61-20, Communicable Diseases**

This Regulation was substantially amended and replaced in its entirety by Document No. 4609 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. Sections 1-17 of this Regulation were substantially reorganized. Amendments also incorporate stylistic changes, which include corrections for clarity, readability, grammar, punctuation and overall improvement of the text of the Regulation; the addition of definitions for improving precision; and reference changes necessitated by changes in related statutes, as well as Department organization and structure. The changes also align the Department with advancements and best practices in disease investigation and prevention. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4609.docx>.

#### **Amendment of R.61-21, Sexually Transmitted Diseases**

This Regulation was amended by Document No. 4612 that took effect by publication in *South Carolina State Register* Volume 40 issue 6 on June 24, 2016. In the interest of promoting the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner, these amendments update the language for consistency with medically accurate terms and disease prevention methods. These amendments can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4612.docx>.

#### **Amendment of R.61-22, The Evaluation of School Employees for Tuberculosis**

This Regulation was substantially amended and replaced in its entirety by Document No. 4616 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. These amendments incorporate current tuberculosis evaluation and preventive treatment guidelines, update the screening and evaluation requirements for school employees, clarify language relating to the issuance of certificates, and provide for consistency with applicable state and federal laws. Stylistic changes were also made. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4616.docx>.

**Repeal of R.61-52, *Psittacine Birds***

This Regulation was repealed by Document No. 4611 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24 2016. This Regulation describes psittacine birds and restricts individuals and businesses from selling birds known to be ill with Avian Chlamydiosis (also called Psittacosis, in humans) in South Carolina. The Regulation requires documentation of any purchase, sale, trade, or exchange of psittacine birds in this State; such documentation is required to be presented for inspection by the Board of Health. Regulation 61-52 has been repealed because it places an unnecessary financial burden on individuals and business owners in this State to have every psittacine bird sold, traded, or exchanged tested for Avian Chlamydiosis, as well as documentation retained. In the current era of medicine, Psittacosis is effectively treated with antibiotics, and fewer than 50 human cases have been reported annually to the Center for Disease Control (CDC) in the USA in recent years. As such, this Regulation was repealed. The repeal can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4611.docx>.

*Maternal and Child Health*

**Repeal of R.61-88, *Charges for Maternal and Child Health Services***

This Regulation was repealed by Document No. 4608 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. This Regulation is not necessary because the regulated items therein are currently governed by state statute and federal regulations, and the Department no longer provides maternity services. As such, in the interest of effective and efficient government administration, the Department repealed this Regulation. This repeal can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4608.docx>.

**Repeal of R.61-89, *Charges for Family Planning Services***

This Regulation was repealed by Document No. 4607 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. R.61-89 was promulgated pursuant to Title 44, Chapter 1, "Department may establish charges for health care." R.61-89 is not necessary because the items it regulates are currently addressed in federal law. The Department, as a condition of receiving funds under Title X of the Public Service Act, must follow federal regulations with respect to the subject matter covered by R.61-89. As such, in the interest of good government and efficiency, the Department repealed this Regulation. This repeal can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4607.docx>.

*Vital Statistics & Cancer Registry*

**Amendment of R.61-19, *Vital Statistics***

This Regulation was substantially amended and replaced in entirety by Document No. 4580 that took effect by publication in *South Carolina State Register* Volume 40 Issue 6 on June 24, 2016. Sections 1-17 of this Regulation were substantially revised and reorganized. Section 43, Fees, was not changed except for codification consistency. These amendments improve the quality, security and fraud prevention, protection of confidential information and uniformity of State data by implementing standards reporting requirements, and definitions and procedures for registering vital events as described in the 2011 Model State Vital Statistics Act and Regulations issued by the Centers for Disease Control and Prevention (CDC) National Center for Health Statistics (NCHS). Other changes were made to improve the overall quality of the regulation text to meet drafting guidelines. The revised Regulation can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4580.docx>.

## PART II

### TOLLED, PERMANENTLY WITHDRAWN, AND JOINT RESOLUTIONS TO DISAPPROVE REGULATIONS AT THE LEGISLATIVE LEVEL

**House Medical, Military, Public and Municipal Affairs Committee Joint Resolution 3750 to Disapprove Regulation:** *South Carolina State Register* Document No. 4551, proposed amendment of R.61-15, *Certification of Health Facilities and Services*, was tolled pursuant to Joint Resolution 3750 to disapprove it. This Resolution was introduced in the House of Representatives on March 3, 2015, was read a third time in the House on March 6, 2015, and was sent to the Senate (House Journal-page 2). The Resolution was introduced in the Senate on March 10, 2015, was read a first time, and sent to the Committee on Medical Affairs (Senate Journal-page 15). There being no further action taken on this proposed amendment during the 2015 and 2016 legislative sessions, Document 4551 was deemed permanently withdrawn at the close of the 2016 session pursuant to 1976 S.C. Code Section 1-23-120(G).

**Senate Medical Affairs Committee Joint Resolution 811 to Disapprove Regulation:** *South Carolina State Register* Document No. 4538, proposed amendment of R.61-15, *Certification of Health Facilities and Services*, was tolled pursuant to Joint Resolution 811 to disapprove it. The Resolution was introduced on May 21, 2015 in the Senate, read a first time, and placed on the calendar without reference (Senate Journal-page 3). There being no further action taken on this proposed amendment during the 2015 and 2016 legislative sessions, Document 4538 was deemed permanently withdrawn at the close of the 2016 session pursuant to 1976 S.C. Code Section 1-23-120(G).

**Regulation Permanently Withdrawn by DHEC:**

The Department permanently withdrew *South Carolina State Register* Document No. 4584, proposed amendment of R.61-94, *WIC Vendors*, and plans to reinstate the statutory process to amend this Regulation in the near future.

## PART III

### PENDING PROPOSED REGULATIONS

As of June 24, 2016, below listed are the Department's proposed regulations yet to take effect, which the Department intends to carry over into FY 2017/2018 for promulgation of new or amended regulations. Additional detail regarding the status of each proposed regulation, as well as the status of any new proposals that may be added after June 24, 2016, will be published in the monthly *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. The FY 2017 regulation development promulgation period will run from July 24, 2016 through June 23, 2017.

#### Proposed New Regulations

Proposed new regulation for the manufacture of butter and cheese

Proposed new solid waste regulation for storage locations of coal combustion residuals prior to delivery to the location of beneficial reuse

#### Proposed Amendments

Proposed Amendment of R.61-3, *Hearing Aids*

Proposed Amendment of R.61-24, *Licensed Midwives*

Proposed Amendment of R.61-33, *Drycleaning Facility Restoration*

Proposed Amendment of R.61-62, *Air Pollution Control Regulations and Standards*

Proposed Amendment of R.61-68, *Water Classification and Standards*

Proposed Amendment of R.61-69, *Classified Waters*

Proposed Amendment of R.61-79, *Hazardous Waste Management Regulations*

Proposed Amendment of R.61-92, *Underground Storage Tanks*

Proposed Amendment of R.61-94, *WIC Vendors*

Proposed Amendment of R.61-102, *Standards for Licensing Birthing Centers for Deliveries by Midwives*

Proposed Amendment of R.61-105, *Infectious Waste Management Regulations*

## **PART IV**

### **LISTING OF DEPARTMENT REGULATIONS EFFECTIVE JUNE 24, 2016**

Part IV provides a listing of the Department's regulations current through June 24, 2016. Regulations which were repealed this current promulgation year were removed.

This listing replaces and supersedes any previous listing. However, regulations can be changed any time of year by amendment or repeal or by promulgation of a new regulation, subject to the provisions of the Administrative Procedures Act (APA) at 1976 S.C. Code Section 1-23-10 *et seq.* The most current version of a regulation is the valid version and would supersede any previous version. Each regulation in this listing includes an effective date. Every effort has been made to maintain the accuracy of this listing; however, the Department reserves the right to correct a date if an error is discovered.

For information on changes in Department regulations after June 24, 2016, be sure to check the *DHEC Regulation Development Update* each month at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. The *Update* is published monthly on the fourth Friday, concurrently with the publication of the *South Carolina State Register*, and provides information on updates to regulations each year.

Regulations are listed by area of administration/subject matter, as follows:

#### **Chief Operations Officer**

##### ***Budgets & Financial Management***

61-1 Medical and Dental Scholarship Fund [eff. 5/25/1974]

##### ***Public Health Preparedness***

61-23 Control of Anthrax [eff. 7/1/1960]

61-112 Implementation of Emergency Health Powers Act [eff. 3/24/2006]

## **General Counsel**

61-117 Access to Restricted Information [eff. 5/25/2012]

### **Environmental Quality Control and Ocean and Coastal Resources**

#### ***EQC Administration***

61-30 Environmental Protection Fees [eff. 6/27/2014]

61-115 Environmental Electronic Reporting Requirements [eff. 5/23/2008]

#### ***Air Quality***

61-62 Air Pollution Control Regulations and Standards

61-62.1 Definitions and General Requirements [eff. 6/24/2016]

61-62.2 Prohibition of Open burning [eff. 12/27/2013]

61-62.3 Air Pollution Episodes [eff. 4/26/2013]

61-62.4 Hazardous Air Pollution Conditions [eff. 9/28/2012]

61-62.5 Air Pollution Control Standards

Standard No. 1 - Emissions from Fuel Burning Operations [eff. 6/26/2015]

Standard No. 2 - Ambient Air Quality Standards [eff. 6/26/2015]

Standard No. 3 - Waste Combustion and Reduction [eff. 4/26/2013]

Standard No. 3.1 - Hospital, Medical, Infectious Waste Incinerators (HMIWI) [eff. 12/27/2013]

Standard No. 4 - Emissions from Process Industries [eff. 6/24/2016]

Standard No. 5 - Volatile Organic Compounds [eff. 11/27/2015]

Standard No. 5.1 - [Reserved]

Standard No. 5.2 - Control of Oxides of Nitrogen (NO<sub>x</sub>) [eff. 6/24/2016]

Standard No. 6 - [Reserved]

Standard No. 7 - Prevention of Significant Deterioration [eff. 6/26/2015]

Standard No. 7.1 - Nonattainment New Source Review [eff. 11/27/2015]

Standard No. 8 - Toxic Air Pollutants [eff. 6/26/2015]

61-62.6 Control of Fugitive Particulate Matter [eff. 11/27/2015]

61-62.7 Good Engineering Practice Stack Height [eff. 5/23/1986]

61-62.60 South Carolina Designated Facility Plan and New Source Performance Standards [eff. 1/27/2015]

61-62.61 National Emission Standards for Hazardous Air Pollutants (NESHAP) [eff. 11/27/2015]

61-62.63 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories [eff. 11/27/2015]

61-62.68 Chemical Accident Prevention Provisions [eff. 9/24/2004]

61-62.70 Title V Operating Permit Program [eff. 6/24/2016]

61-62.72 Acid Rain [eff. 4/26/2013]

61-62.96 Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxide (SO<sub>2</sub>) Budget Trading Program [eff. 4/26/2013]

61-62.99 Nitrogen Oxides (NO<sub>x</sub>) and Budget Program Requirements for Stationary Sources Not in the Trading Program [eff. 6/22/2012]

61-86.1 Standards of Performance for Asbestos Projects [eff. 5/27/2011]

### ***Environmental Health Services***

61-25 Retail Food Establishments [eff.6/27/2014]

61-29 Environmental Health Inspections and Fees [eff.6/26/1992]

61-32 Soft Drink and Water Bottling Plants [eff. 5/28/2004]

61-34 Raw Milk for Human Consumption [6/26/2009]

61-34.1 Pasteurized Milk and Milk Products [eff. 6/26/2015]

61-35 Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products [eff. 7/27/1976]

61-36 Frozen Desserts [eff. 5/28/2004]

61-37 Retail Food Establishment Inspection Fees [6/28/2002]

61-54 Wholesale Commercial Ice Manufacturing [eff. /23/2008]

61-55 Septic Tank Site Evaluation Fees [eff. 6/22/2007]

61-56 Onsite Wastewater Systems [eff. 5/27/2016]

61-56.1 License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets [eff. 5/27/1994]

61-56.2 Licensure of Onsite Wastewater System Contractors [eff.6/26/2009]

61-81 State Environmental Laboratory Certification Program [eff. 4/11/1980]

### ***Land and Waste Management***

61-33 Drycleaning Facility Restoration [eff. 6/27/1997]

61-63 Radioactive Materials (Title A) [eff.10-24-2014 - *This regulation is co-managed by Land and Waste Management and Radiological Health*]

61-79 Hazardous Waste Management Regulations [eff. 5/27/2016]

61-83 Transportation of Radioactive Waste Into or Within South Carolina [eff.10/27/2006]

61-92 Underground Storage Tank Regulations [eff. 5/27/2016]

61-98 State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation [eff. 5/23/1997]

61-104 Hazardous Waste Management Location Standards [eff. 2/22/1991]

61-105 Infectious Waste Management [eff. 6/25/2010]

61-107 Solid Waste Management [eff. 6/26/2009]

61-107.1 Solid Waste Management: Solid Waste Management Grants, Recycling Education Grants, and Waste Tire Grants [eff. 4/23/1993]

61-107.2 Solid Waste Management: Full Cost Disclosure [eff .4/23/1993]

61-107.3 Solid Waste Management: Waste Tires [eff. 6/26/2015]

61-107.4 Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals [eff. 6/27/2014]

- 61-107.5. Solid Waste Management: Collection, Temporary Storage and Transportation of Municipal Solid Waste [eff.5/28/1993]
- 61-107.6 Solid Waste Management: Solid Waste Processing Facilities [eff. 6/23/1995]
- 61-107.7 Solid Waste Management: Transfer of Solid Waste [eff. 5/28/1993]
- 61-107.8 Solid Waste Management: Lead-Acid Batteries [eff. 6/23/1995]
- 61-109.9 Solid Waste Management: White Goods [eff. 6/23/1993]
- 61-107.10 Solid Waste Management: Research, Development, and Demonstration Permit Criteria [eff. 6/23/1993]
- 61-107.12 Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities [eff. 6/24/2016]
- 61-107.14 Solid Waste Management: Municipal Solid Waste Landfill Operator's Certification [eff. 5/27/1994]
- 61-107.15 Solid Waste Management: Land Application of Solid Waste [eff. 7/26/1996]
- 61-107.17 Solid Waste Management: Solid Waste Management: Demonstration of Need [eff. 6/26/2009]
- 61-107.18 Solid Waste Management: Off-site Treatment of Contaminated Soil [eff.5/25/2001]
- 61-107.19 Solid Waste Management: Solid Waste Landfills and Structural Fill [eff. 5/23/2008]
- 61-107.279 Solid Waste Management: Used Oil [eff. 6/24/2016]
- 61-124 Consumer Electronic Equipment Collection and Recovery [eff. 2/26/2016]
- 89-10 thru 89-350 (GR) Office of the Governor - Mining Council of South Carolina [eff.6/27/2003]
- 121-8.0 thru 8.28 (GR) Oil and Gas Exploration, Drilling and Production [eff. 9/28/1984]

## ***Water***

- 19-450 (GR) Permits for Construction in Navigable Waters [eff. 6/23/1995]
- 61-9 Water Pollution Control Permits [6/27/2014]
- 61-43 Standards for the Permitting of Agricultural Animal Facilities [eff. 6/28/2002]
- 61-44 Permitting of Individual Residential Wells and Irrigation Wells [eff.6 /25/1999]
- 61-47 Shellfish [eff. 6/26/2015]
- 61-50 Natural Public Swimming Areas [eff.5/27/2016]
- 61-51 Public Swimming Pools [eff.6/27/2014]
- 61-58 State Primary Drinking Water Regulations [eff. 9/26/2014]
- 61-67 Standards for Wastewater Facility Construction [eff. 5/24/2002]
- 61-67.1 State Water Pollution Control Revolving Fund Loan Assistance [eff. 6/24/1988]
- 61-68 Water Classification and Standards [eff. 6/27/2014]
- 61-69 Classified Waters [eff. 6/22/2012]
- 61-71 Well Standards [eff. 5/27/2016]
- 61-82 Proper Closeout of Wastewater Treatment Facilities [eff. /11/1980]
- 61-87 Underground Injection Control Regulations [eff. 11/24/2000]
- 61-101 Water Quality Certification [eff. 6/23/1995]
- 61-110 Total Maximum Daily Loads (TMDLs) for Pollutants in Water [eff. 5/27/2005]
- 61-113 Groundwater Use and Reporting [eff. 6/23/2006]
- 61-119 Surface Water Withdrawal, Permitting, Use and Reporting [eff. 6/22/2012]
- 72-1 thru 72.9 Dams and Reservoirs Safety Act Regulations [eff. 7/25/1997]

- 72-101 thru 72.108 Erosion and Sediment Reduction and Stormwater Management Regulations [eff. 6/28/1985] (*Applicable to state-controlled land*)
- 72-300 thru -72.316 Standards for Stormwater Management and Sediment Reduction [eff. 6/28/2002]
- 72-405 thru - 72.445 Standards for Stormwater Management and Sediment Reduction (*Applicable to SCDOT*) [eff. 5/28/1993]

### ***Coastal Division Regulations***

- 30-1 Statement of Policy [eff. 6-24-2016]
- 30-2 Applying for a Permit [eff. 6/28/2002]
- 30-3 Public Hearings [6/25/1999]
- 30-4 Decisions on a Permit [eff. 3/26/2004]
- 30-5 Exceptions [eff. 6/24/2016]
- 30-6 Appeals of Permit Decisions [eff. /25/2008]
- 30-8 Enforcement [4/25/2008]
- 30-9 Other Provisions [6/24/2016]
- 30-10 Critical Area Boundaries [6/25/1999]
- 30-11 General Guidelines for All Critical Areas [eff. 6/25/1999]
- 30-12 Specific Project Standards for Tidelands and Coastal Waters [eff. 4/25/2008]
- 30-13 Specific Project Standards for Beaches ad the Beach/Dune System [eff. 6/24/2016]
- 30-14 Administrative Procedures [eff. 6/24/2016]
- 30-15 Activities Allowed Seaward of Baseline [eff.6/24/2016]
- 30-16 Documentation Requirements before Commencing Activities Between Setback Line and Baseline [6/25/1999]
- 30-17 Application Procedures for General Permits Pursuant to Section 48-39-290(B)(4) [eff. 6/25/1999]
- 30-18 Beachfront Restoration Fund [eff.6/25/1999]
  
- 30-21 Beachfront Management Plan [eff.5 /28/1993]

## **Health Regulations**

### ***Certification of Need for Health Facilities and Services***

- 61-15 Certification of Need for Health Facilities and Services [eff.5/25/2012]
- 61-95 Medicaid Nursing Home Permits [eff. 5/26/1989]
- 61-31 Health Care Cooperative Agreements [eff. 3/27/1992]

### ***Drug Control***

- 61-4 Controlled Substances [eff.6/24/2013]

### ***Emergency Medical Services and Trauma; Athletic Trainers***

- 61-7 Emergency Medical Services [eff.6/24/2016]
- 61-96 Athletic Trainers
- 61-116 South Carolina Trauma System [eff.5/27/2016]

### ***Health Facilities Licensing***

- 61-3 The Practice of Selling and Fitting Hearing Aids [eff. /22/1988]
- 61-12 Standards for Licensing Abortion Clinics [eff. 6/28/1996]
- 61-13 Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities [eff. 5/27/2016]
- 61-16 Minimum Standards for Licensing Hospitals and Institutional General Infirmaries [eff.6/26/2015]
- 61-17 Standards for Licensing Nursing Homes [eff. 3/25/2016]
- 61-24 Licensed Midwives [eff.6/28/2013]
- 61-75 Standards for Licensing Day Care Facilities for Adults [eff. 6/26/2015]
- 61-77 Standards for Licensing Home Health Agencies [eff. 5/28/1999]
- 61-78 Standards for Licensing Hospices [eff.4/22/2016]
- 61-84 Standards for Licensing Community Residential Care Facilities [eff. 9/25/2015]
- 61-91 Ambulatory Surgical Facility [eff. June 26, 2015]
- 61-93 Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence [eff. 6/26/2015]
- 61-96 Standards for Licensing Renal Dialysis Facilities [eff. 2/26/1993]
- 61-102 Standards for Licensing Birthing Centers for Deliveries by Midwives [eff. 5/24/1991]
- 61-103 Residential Treatment Facilities for Children and Adolescents [eff. 6/24/2016]
- 61-108 Standards for Licensing Freestanding or Mobile Technology [eff. 5/28/2004]
- 61-109 Standards for Permitting Body Piercing Facilities [eff. 5/27/2016]
- 61-111 Standards for Licensing Tattoo Facilities [eff.5/27/2016]
- 61-122 Standards for Licensing In-home Care Providers [eff. 6/27/2014]
- 61-122 Critical Congenital Heart Defects Screening on Newborns [eff. 6/27/2014]

## ***Radiological Health***

61-63 Radioactive Materials (Title A) [eff. 10/24/2014]

*[This regulation is co-managed by the Bureau of Land and Waste Management and the Bureau of Radiological Health]*

61-64 X-rays (Title B) [eff.6/24/2016]

61-65 Particle Accelerators (Title C) [eff. 6/26/2015] 61-106 Tanning Facilities [eff. 5/23/2008]

## **Health Services Regulations**

### ***Disease Control***

61-8 Immunization Requirements for School and Childcare Attendance [eff. 6/27/2014]

61-20 Communicable Diseases [eff. 6/24/2016]

61-21 Sexually Transmitted Diseases [eff.6/24//2016]

61-22 The Evaluation of School Employees for Tuberculosis [eff. 6/24/2016]

61-120 South Carolina Immunization Registry [eff. 5/24/2013]

### ***Maternal and Child Health***

61-80 Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies [eff.6/27/2003]

61-94 WIC Vendors [eff. 10/27/2000]

61-114 South Carolina Birth Defects Program [eff. 5/23/2008]

### ***Vital Statistics & Cancer Registry***

61-19 Vital Statistics [eff.6/24/2016]

61-45 South Carolina Central Cancer Registry [eff. 6/26/1998]