



**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
2016-2017 REGULATION DEVELOPMENT ANNUAL REPORT**

**June 23, 2017**

**INTRODUCTION**

The Department of Health and Environmental Control (“DHEC or Department”) promulgates regulations each year in accordance with the S.C Administrative Procedures Act, 1976 S.C. Code Section 1-23-10 *et seq.* (2005 and Supp. 2016). A promulgation year runs with the July to June fiscal year. The 2017 promulgation year yielded three emergency regulations, including one re-file, and amendments to six existing regulations. Promulgation of two new regulations and amendments to eight existing regulations remain pending and must carryover to 2018 in order to take legal effect.

The Department also completed its statutorily-mandated five-year review during the 2017 promulgation year.

Contents:

Part I: Amended Permanent Regulations .....Page 2  
Part II: Emergency Regulations.....Page 4  
Part III: Proposed Pending Regulations.....Page 4  
Part IV: Listing of Department Permanent Regulations through June 23, 2017.....Page 5

## PART I

### AMENDED PERMANENT REGULATIONS

The below DHEC regulatory amendments took legal effect during the 2017 promulgation year.

#### Environmental Affairs

##### *Air*

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

(61-62; 61-62.1; 61-62.5, 61-62.5, Standards 1, 2, 3, 3.1 and 4; 61-62.60; 61-62.63)

This Regulation was amended by Document No. 4650 that took effect by publication in *South Carolina State Register* Volume 40 Issue 9 on September 23, 2016. Amendments revised R.61-62.1, Section III, Emissions Inventory and Emissions Statements; Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards; and the SIP, to codify federal amendments to these standards promulgated from January 1, 2015, through December 31, 2015. Changes were also made to: Regulation 61-62.1, Section II, Permit Requirements; Regulation 61-62.5, Standard No.1, Emissions from Fuel Burning Operations; and Regulation 61-62.5, Standard No. 4, Emissions from Process Industries, to address periods of excess emissions during startup, shutdown, or malfunction (SSM) events as required by the EPA in response to a national petition for rulemaking and to address a finding of substantial inadequacy (referred to as a 'SIP call') (80 FR 33840, June 12, 2015). Other changes were made to Regulation 61-62 that included corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. These regulations were exempt from legislative review pursuant to 1976 S.C. Code Section 1-23-120(H) and are available on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4577.docx>.

##### *Land and Waste Management*

#### **Amendment of Regulation 61-33, *Drycleanng Facility Restoration***

This Regulation was amended by Document 4705 that took effect by publication in *South Carolina State Register* Volume 41 Issue 5 on May 26, 2017. R.61-33 has not been updated since 1997. Revisions of Article 4 of the South Carolina Hazardous Waste Management Act, 1976 Code Section 44-56-410 et seq., on May 21, 2013 removed certain requirements of drycleaning facility and site owners to participate in the Drycleaning Restoration Trust Fund. As such, many of the procedures, practices, and terms of Regulation 61-33 are outdated and/or no longer applicable. These amendments revised and clarified criteria, procedures and standards for eligibility, moratorium, financial responsibility, facility prioritization, and restoration investigation and clean-up goals of drycleaning facilities and sites participating in the Drycleaning Facility Restoration Trust Fund. These amendments provided updates to the definitions, removed requirements and procedures for documenting existing contamination, and removed requirements and procedures for certifying contractors. Additional changes included revising the regulation title to R.61-33, *Drycleaning Facility Restoration Trust Fund*, stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and other changes necessary to improve the overall quality of the regulation. This amendment replaced R.61-33 in its entirety and supersedes any former versions. This amendment renamed the Regulation to "**61-33, *Drycleaning Facility Restoration Trust Fund***." The revised regulation is available on line on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4705.docx>.

#### **Amendment of Regulation 61-92, *Underground Storage Tank Control Regulations***

This Regulation was amended by Document No. 4706 and took effect by publication in *South Carolina State Register* Volume 41 Issue 5 on May 26, 2017. These amendments adopt federal underground storage tank requirements of 40 CFR Section 280 effective October 13, 2015, and revise portions of R.61-92, Part 280 pertaining to compliance requirements of the UST Control Regulations. The amendments reorganize the regulations for clarity and consistency with the format of the revised federal regulation effective October 13, 2015, along with other stylistic changes to improve the overall quality of the Regulation. This amendment replaced R.61-92 in its entirety and supersedes any former versions. The revised Regulation is available on line on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4706.docx>.

### *Water*

#### **Amendment of Regulation 61-47, Shellfish**

Regulation 61-47 was amended by Document No. 4736 that took effect by publication in *South Carolina State Register* Volume 41 Issue 4 on April 28, 2017. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. This amendment provides specific technical requirements regarding the harvesting and handling of clams and maricultured triploid oysters during the summer months (*i.e.*, months that require additional temperature controls) in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of shellfish. The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The amendment includes a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and the safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment updates several documents referenced in the regulation to the latest versions and adds a definition for “mariculture” and “triploid oyster.” The amendment also includes stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation. This amendment replaced Regulation 61-47 in its entirety and supersedes any former versions. The revised regulation is available on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4736.docx>.

## **Public Health**

### *Communicable Disease and Prevention Control*

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

This Regulation was amended by Document 4704 that took effect by publication in *South Carolina State Register* Volume 41 Issue 5 on May 26, 2017. The Department conducted a review of Regulation 61-22 pertaining to the evaluation and screening for tuberculosis for those working in schools and child care centers. As a result of the review, the Department has substantially amended R.61-22 in order to simplify and clarify the tuberculosis screening and evaluation requirements for schools and child care centers and to significantly reduce the financial and human resources burden on schools and child care centers created in prior revisions to R. 61-22, all while affording children greater protection against exposure to tuberculosis in these settings. The amendments herein include the Department’s effort to incorporate current tuberculosis evaluation and preventive treatment guidelines, update the screening and evaluation requirements for those working and volunteering in schools and child care centers, clarify language relating to the issuance of evaluation certificates, and provide for consistency with applicable state and federal laws. The title of the Regulation was also renamed to “61-22, ***The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis.***” This amendment replaced R.61-22 in its entirety and supersedes any former versions. The revised Regulation is

available on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4704.docx>.

### *Maternal and Child Health*

#### **Amendment of Regulation 61-94, WIC Vendors**

Regulation 61-94 was amended by Document No. 4671 and took effect by publication in *South Carolina State Register* Volume 41 Issue 5 on May 26, 2017. This amendment incorporates provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L.108-265) and the final rule published by the U.S. Department of Agriculture (USDA) in 2014 that revised the WIC food packages. The final rule also contained WIC vendor provisions and amendments to ensure adequate and appropriate monitoring of the Program's food delivery system. Stylistic changes to the regulation are also included. This amendment replaces R.61-94 in its entirety and supersedes any former versions. The revised Regulation is available on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4671.docx>.

## **PART II**

### **EMERGENCY REGULATIONS**

During the 2017 promulgation year, the Department issued three emergency regulations involving Regulation 61-22, *The Evaluation of School Employees for Tuberculosis*, as presented below. One of these emergency regulations was a re-file.

Document 4654, effective August 3, 2016 – <http://www.scstatehouse.gov/regs/4654.docx>

Document 4726, effective October 31, 2016 – <http://www.scstatehouse.gov/regs/4726.docx>

Document 4743, effective February 3, 2017 – <http://www.scstatehouse.gov/regs/4743.docx>

## **PART III**

### **PROPOSED PENDING REGULATIONS**

By the end of the 2017 promulgation year, promulgation of the below new regulations and amendments to existing regulations remain pending. To take legal effect, promulgation of these items must continue to the 2018 year.

Amendment of Regulation 61-62, *Air Pollution Control Regulations and Standards* (State Register Document 4750)

Amendment of Regulation 61-56.1, *License to Construct or clean Onsite Sewage treatment and Disposal systems and Self-Contained Toilets*

Amendment of Regulation 61-56.2, *Licensing of Onsite Wastewater Systems Master Contractors*

Amendment of Regulation 61-55, *Septic Tank Evaluation Fees*

Amendment of Regulation 61-15, *Certification of Need*

Amendment of Regulation 61-16, *Minimum Standards for Licensing Hospitals and Institutional General Infirmaries* (State Register Document No. 4740)

Amendment of Regulation 61-63, *Radioactive Materials (Title A)*

Amendment of Regulation 61-78, *Standards for Licensing Hospices*

New Regulation to address the Stroke System of Care Act of 2011

New Regulation for Crisis Stabilization Unit Facilities

## PART IV

### LISTING OF DEPARTMENT REGULATIONS AND EFFECTIVE DATES

June 23, 2017

Listed below by area of administration are regulations of the South Carolina Department of Health and Environmental Control (DHEC).

This listing of regulations below with effective dates and area of administration is **current through June 23, 2017**, the close of the promulgation year July 22, 2016 through June 23, 2017 and supersedes any previous listing. However, regulations can be changed any time of year by an amendment or repeal of an existing regulation, or by adding a new regulation, subject to the provisions of the Administrative Procedures Act. The most current version of a final regulation, as published in the *South Carolina State Register*, is the legal version and supersedes any previous version. 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 23, 2017**, be sure to check the ***DHEC Regulations Development Update*** that is published monthly on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>.

#### **Chief Financial Officer**

##### **Budgets & Financial Planning**

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

#### **General Counsel**

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

#### **Environmental Affairs**

##### *Administration, EA*

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

(61-1 through 61-62.99) [9/23/2016]

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 Trust Fund [eff. 5/26/2017]  
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. 5/26/2017]  
61-63 Radioactive Materials (Title A) [eff.10-24-2014 - *This regulation is co-managed by Land and Waste Management and Radiological Health*]  
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. 6/24/2016]  
(61-107.1 through 61-107.19; 61-107.279)  
  
61-124 Consumer Electronic Equipment Collection and Recovery [eff. 2/26/2016]  
  
89-10 thru 89-350 Office of the Governor - Mining Council of South Carolina [eff.6/27/2003]  
121-8.0 thru 8.28 Oil and Gas Exploration, Drilling and Production [eff. 9/28/1984]

### *Ocean and Coastal Resource Management*

DHEC - Coastal Division Regulations 30-1 through 30-18; 30-21 [6/24/2016]

### *Water*

19-450 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 4/28/2017]]  
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 through 72-9 Dams and Reservoirs Safety Act Regulations [eff. 7/25/1997]  
72-101 through 72-108 Erosion and Sediment Reduction and Stormwater Management Regulations [eff. 6/28/1985]  
72-300 through 316 Standards for Stormwater Management and sediment Reduction [ 6/28/2002]  
72-405 through 72-445 Standards for Stormwater Management and Sediment Reduction [eff. 5/28/1993]

## **Health Regulation**

### *Certificate of Need*

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

### *Drug Control*

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

### *Emergency Medical Services and Trauma*

61-7 Emergency Medical Services [eff. 6/24/2016]  
61-96 Athletic Trainers [6/26/2015]  
61-116 South Carolina Trauma System [eff. 5/27/2016]

### *Health Facility Licensing*

61-3 The Practice of Selling and Fitting Hearing Aids eeff.1 /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]  
61-97 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]
- 61-123 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]

**Public Health**

*Communicable Disease Prevention and 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. 6/27/2014]
- 61-22 The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis [eff. 5/26/2017]
- 61-120 South Carolina Immunization Registry [6/27/2014]

*Maternal and Child Health*

- 61-80 Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies [eff.6/27/2003]
- 61-94 WIC Vendors [eff. 5/26/2017]
- 61-114 South Carolina Birth Defects Program [eff. 5/23/2008]

*Public Health Preparedness*

- 61-23 Control of Anthrax [eff. 7/1/1960]
- 61-112 Implementation of Emergency Health Powers Act [eff. 3/24/2006]

*Public Health Statistics and Information Services*

- 61-19 Vital Statistics [eff. 7/1/2016]
- 61-45 South Carolina Central Cancer Registry [eff. 6/26/1998]