

R.61-34, Raw Milk for Human Consumption – Proposed Amendment

R.61-34.1, Pasteurized Milk and Milk Products – Proposed Amendment

State Register Document No. 5033

General Assembly review required

Link to published Notice of Final Regulation (“NFR”) for legislative review: www.scstatehouse.gov/regs/5033.docx

Status |

Legislative review of NFR will begin: March 2021

Contact Information |

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Summary |

Pursuant to R.61-34, Raw Milk for Human Consumption, the Department provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, specifically, cream and buttermilk, and to add additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing. The proposed revisions would also update raw milk standards as needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Pursuant to R.61-34.1, Pasteurized Milk and Milk Products, the Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes adopting requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department also proposes changes for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvements. Proposed amendments to both regulations also include updates to administrative and enforcement provisions. The Administrative Procedures Act, S.C. Code Section 1 23 120(A), requires General Assembly review of these proposed amendments.

History |

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| NOD published; comment period started: | March 27, 2020 |
| NOD comment period closed: | April 27, 2020 |
| Board approval to publish NPR: | January 7, 2021 |
| NPR published; comment period started: | January 22, 2021 |
| NPR comment period closed: | February 22, 2021 |
| Public Hearing: | March 11, 2021 |

Environmental Health Services | Environmental Affairs

R.61-55, Septic Tank Site Evaluation Fees – Proposed Repeal

R.61-56, Onsite Wastewater Systems – Proposed Amendment

R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets – Proposed Repeal

R.61-56.2, Licensing of Onsite Wastewater System Master Contractors – Proposed Repeal

State Register Document No. 4979

General Assembly review required

Link to Notice of Final Regulation (“NFR”) for legislative review: www.scstatehouse.gov/regs/4979.docx

Status |

Legislative review of NFR will begin: January 2021

Contact Information |

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Summary |

Pursuant to R.61-56, the Department provides oversight for safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-55, R.61-56, R.61-56.1, and R.61-56.2, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department amends R.61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department also amends provisions of R.61-56.1 and R.61-56.2 and merges R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for regulated entities and the public. This entails repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The amendments include changes to licensing requirements for pumpers and haulers currently under R.61-56.1. The amendments revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination and continuing education. In addition, because R.61-56.1 and R.61-56.2 are being combined with R.61-56, previously separate enforcement provisions are also consolidated and updated for clarity and to improve administration of the Onsite Wastewater program.

The revisions expand existing site evaluation options and allow more streamlined permit processing by allowing an applicant to submit a proposed system layout from a licensed Professional Soil Classifier (“PSC”) or other licensed person qualified by statute to practice professional soil classifying. Under this regulation, applicants desiring to install systems for a subdivision will be required to submit third-party soils work from a PSC or other licensed person qualified by statute to practice professional soil classifying. That person would then have the option to either submit a proposed system layout under one of the system standards established within R.61-56 or give the soils report to a

Registered Professional Engineer to design a specialized septic system through the 610 Standard. Subdivision permit applicants may incur additional costs for the third-party work performed under this process. Outside of the subdivision context, applicants for conventional systems will retain the option to use a qualified third party or allow the Department to conduct a soil evaluation and prepare a system layout. The expanded options and enhanced involvement of third-party contractors serve to streamline and expedite the permit process for the Department and the regulated community.

In the interest of efficiency, the Department is also repealing R.61-55 and adding its provisions to R.61-56. The amendments related to R.61-55 include amendments to definitions and other changes as necessary to facilitate merging this regulation into R.61-56.

The Department has also made other corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement.

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

History |

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| NOD published; comment period started: | March 27, 2020 |
| NOD comment period closed: | April 27, 2020 |
| Board approval to publish NPR: | August 13, 2020 |
| NPR published; comment period started: | August 28, 2020 |
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