

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2023 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

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.

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The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5116			Classified Waters	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5119			Water Classifications and Standards	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5124			Denial of Certification for Misconduct	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5125			Denial of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5126			Final Agency Decisions	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5127			Holding Contested Case Hearings	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5128			Withdrawal of Certification of Law Enforcement Officers	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5129			Withdrawal of Operator Certification	05/10/2023	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5118			Vital Statistics	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5130			Defined Program, Grades 9-12 and Graduation Requirements	05/10/2023	State Board of Education	Regs and Admin Procedures	Education
5134			Use of the State Aviation Fund; Procedure for Compliance with Land Use in the Vicinity of Airports	05/10/2023	South Carolina Aeronautics Commission	Regs and Admin Procedures	Transportation
5120			WIC Vendors	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Family and Veterans' Services
5131			Continuing Obligation to Update, Request for Hearing, and Answer	05/10/2023	Workers' Compensation Commission	Regs and Admin Procedures	Judiciary
5140			Check-Cashing Service	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5141			Check-Cashing Service: Purchase of Goods or Services	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5142			Check-Cashing Service: Record-Keeping Requirements	05/10/2023	State Board of Financial Institutions-Consumer Finance Division	Regs and Admin Procedures	Banking and Insurance
5145			Child Support Guidelines	05/10/2023	Department of Social Services	Regs and Admin Procedures	Judiciary
5136			Certification of Need for Health Facilities and Services	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5137			Water Pollution Control Permits	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5121			Definitions; Practice Standards for Licensed Veterinary Technicians and Unlicensed Veterinary Aides; Licensure and Examinations for Veterinarians	05/10/2023	LLR-Board of Veterinary Medical Exam.	Regs and Admin Procedures	Ag and Nat Resources
5138			X-Rays (Title B)	05/10/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5158			Optometrists' Offices and Code of Professional Ethics	05/10/2023	LLR-Board of Examiners in Optometry	Regs and Admin Procedures	Medical Affairs
5157			Fee Schedule for R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, and R.10-41	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5150			Establishing Continuing Education for Academic Licenses	05/10/2023	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5153			Code of Ethics	05/10/2023	LLR-State Athletic Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5152			Corporate Self-Representation at Hearings Before the Department's Professional and Occupational Licensing Board	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
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5149			Updating Regulations to Conform with the Enactment of S.812	05/10/2023	LLR-Board of Accountancy	Regs and Admin Procedures	Labor, Commerce and Industry
5155			Continuing Education, Licensing, Renewal, and Reinstatement	05/10/2023	LLR-Panel for Dietetics	Regs and Admin Procedures	Medical Affairs
5159			Commissioners of Pilotage	05/10/2023	LLR-Commissioners of Pilotage	Regs and Admin Procedures	Transportation
5133			Board of Landscape Architectural Examiners	05/10/2023	LLR-Board of Landscape Arch Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
5132			Updating Regulations to Conform with the Enactment of S.227	05/10/2023	LLR-Panel for Massage/Bodywork	Regs and Admin Procedures	Labor, Commerce and Industry

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5156	Board of Pharmacy	05/10/2023	LLR-Board of Pharmacy	Regs and Admin Procedures	Medical Affairs
5160	Fee Schedule for R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, and R.10-42	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
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5162	Filing Claims for Benefits and Registration for Work	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5163	Offers of Work	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5164	Representation before Appeal Tribunal and the Appellate Panel	05/10/2023	Department of Employment and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5170	Board of Accountancy	05/10/2023	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5171	South Carolina Board of Long Term Health Care Administrators	05/10/2023	LLR-South Carolina Board of Long Term Health Care Administrators	Regs and Admin Procedures	Medical Affairs
5172	Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5165	Wildlife Management Area Regulations; Bear Hunting Rules and Seasons	05/10/2023	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
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5109	Licensure of Residential Group Care Facilities for Children	05/10/2023	Department of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5167	Voting Systems	01/21/2024	State Election Commission	Regs and Admin Procedures	Judiciary
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5169	Motor Vehicle Closing Fees		Department of Consumer Affairs	Regs and Admin Procedures	Banking and Insurance

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 **March 24, 2023**, 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.

Affecting Berkeley County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Berkeley County at a total project cost of \$6,000.00.

Affecting Charleston County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Charleston County at a total project cost of \$6,000.00.

Affecting Colleton County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Colleton County at a total project cost of \$6,000.00.

Affecting Greenville County**Prisma Ambulatory Surgery Centers-Upstate, LLC d/b/a Prisma Health Endoscopy Center Patewood**

Establishment of a 7,770 sf three (3) room endoscopy only ambulatory surgery facility, with renovations, at a total project cost of \$2,382,968.49.

Prisma Health-Upstate d/b/a Patewood Hospital

Renovation of 4,000 sf and expansion of 4,400 sf for a total of 8,400 sf for the establishment of two (2) Electrophysiology Labs at a total project cost of \$11,544,000.00.

Affecting Horry County**United Home Health, LLC.**

Establishment of a Home Health Agency in Horry County at a total project cost of \$11,000.00.

Affecting Kershaw County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Kershaw County at a total project cost of \$6,000.00.

Affecting Lexington County**Lexington Health, Inc. d/b/a Lexington Medical Center Irmo**

Transfer of one (1) Endoscopy Suite from Lexington Medical Center Lexington to Lexington Medical Center Irmo at a total project cost of \$82,500.00.

Quality of Life Care, LLC Home Health Agency

Establishment of a Home Health Agency in Lexington County at a total project cost of \$6,000.00.

Affecting Orangeburg County**Quality of Life Care, LLC Home Health Agency**

Establishment of a Home Health Agency in Orangeburg County at a total project cost of \$6,000.00.

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

4 NOTICES

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 **March 24, 2023**. "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.

Affecting Berkeley County

Roper St. Francis Hospital-Berkeley, Inc. d/b/a Roper St. Francis Berkeley

Construction for the addition of 12,840 sf to the existing obstetrics unit and addition of 2 labor delivery rooms for a total of 6 labor delivery rooms and 6 nursery bays while maintaining a total of 20 obstetrics beds at a total project cost of \$13,499,994.00.

Affecting Richland County

Medical University Hospital Authority d/b/a MUSC Health at Home Richland

Establishment of a Home Health Agency in Richland County at a total project cost of \$50,000.00.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than April 24, 2023 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class II

Pioneer Environmental Group

Attn: Steven K. Jones

2917 East state Street Ext.
Mercerville, NJ 08619

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD**

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Department of Labor, Licensing and Regulation and the South Carolina Real Estate Appraisers Board (Board) do hereby give notice under Section 40-60-38 of the South Carolina Code of Laws, as amended, that the Board is required to adopt the standards and amendments to the standards of professional appraisal practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation. All apprentice appraisers and state licensed and certified appraisers shall conform their professional conduct to the National Uniform Standards of Professional Appraisal Practice (USPAP) and its amendments, as promulgated by the Appraisal Standards Board. Pursuant to the aforementioned statute, the Board voted to adopt the 2020-2021 version of the USPAP on December 2, 2021. The effective date of this version was previously extended until December 31, 2022, and the Board voted on February 16, 2023, based on the Appraisal Standards Board's extension, to further extend this version to December 31, 2023.

6 DRAFTING NOTICES

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be public access to records relating to audits conducted by the State Election Commission.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be conduct guidelines for county boards of voter registration and elections.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be guidelines to limit the consolidation of polling places.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be the electronic transmission of filings to be made by candidates for public office.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be contingency plans for emergency procedures to be followed during elections by county boards of voter registration and elections.

Legislative review of these regulations will be required.

8 DRAFTING NOTICES

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be guidelines for poll watchers and poll observers.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be administrative processes relating to petitions by prospective candidates for public office, and measures for the electronic creation and filing of such petitions.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be: (a) public access to post election data and (b) voter registration conducted by private entities.

Legislative review of these regulations will be required.

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Sections 7-3-10 and 7-3-20

Notice of Drafting:

The State Election Commission intends to promulgate new regulations as authorized under Title 7 of the South Carolina Code of Laws. The new regulations will apply to the administration of elections by county boards of voter registration and elections and other elections-related matters. Interested persons may submit written comments to Howard M. Knapp, Executive Director, South Carolina State Election Commission, Post Office Box 5987, Columbia, South Carolina 29250-5987.

Synopsis:

The subject of regulations to be considered for promulgation will be administrative procedures relating to write-in candidates for public office.

Legislative review of these regulations will be required.

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.61-62, Air Pollution Control Regulations and Standards. Interested persons may submit comments on the proposed amendments to Holly Randolph of the Air Regulation and SIP Management Section, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; or via email at randolhk@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60, 63, and 97 include revisions to Standards of Performance for New Stationary Sources, revisions to National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and revisions to Cross-State Air Pollution Rule (CSAPR) Trading Programs.

Pursuant to the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10 et seq., the Department is authorized to adopt emission control regulations, standards, and limitations, and take all actions necessary or appropriate to secure to the state the benefits of federal air pollution control laws. The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and

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R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2022, through December 31, 2022.

The Department further proposes amending R.61-62.97, Cross-State Air Pollution Rule (CSAPR) Trading Program, to incorporate by reference recently promulgated federal amendments to the CSAPR NO_x Annual Trading Program (found in 40 CFR Part 97, Subpart AAAAA) and the CSAPR SO₂ Group 2 Trading Program (found in 40 CFR Part 97, Subpart DDDDD) as necessary to maintain compliance with federal law.

The Department may also propose other changes to R.61-62, Air Pollution Control Regulations and Standards, as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-41-70(a), 44-37-40, 44-37-50, and 63-7-40

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional Infirmaries. Interested persons may submit written comments to the Office of Policy and Communications, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov; or the Healthcare Quality Public Comment Form (forms.office.com/g/9VMEXLWtq0). To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-7-260(A)(1), the Department proposes amending R.61-16, Minimum Standards for Licensing Hospitals and Institutional Infirmaries, to revise requirements and/or procedures for: policies and procedures and quality patient care; nursing ratios; bed locations and types; reporting; disaster management; designation of inpatient perinatal care; and maintenance, design, and construction.

The proposed amendments 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.

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: 2022 Act No. 119, Section 5, effective January 27, 2022

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes drafting a new regulation for the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects in excess of thirteen acres. Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

This notice supersedes the Notice of Drafting that was published in the South Carolina State Register, Volume 46, Issue 2, on February 25, 2022.

Synopsis:

Pursuant to Section 5 of 2022 Act No. 119 (the “Act”), the Department was directed to submit regulations which develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects. Regulations submitted may pertain to the decommissioning of solar projects in excess of thirteen acres. The Department proposes promulgating a new regulation as directed in the Act. The new regulation will establish rules for the responsible management and disposal of materials and equipment used in utility-scale solar projects, including local government approval of a site plan and the submission of a nonbinding management plan. The rules may also include a decommissioning plan, financial assurance, registration requirements, reporting requirements, and stewardship.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of the proposed new regulation.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-35-20 through 44-35-40

Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-45, South Carolina Central Cancer Registry. Interested persons may submit comment(s) on the proposed amendments to Stephanie Chiodini of the Bureau of Chronic Disease and Injury Prevention; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; cancer.registry@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 24, 2023, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Sections 44-35-20 through 44-35-40, the Department collects, processes, and analyzes newly diagnosed cancer cases among South Carolina residents that are reported from various medical facilities. The Department proposes amending R.61-45 to address several updates since the regulation was originally promulgated in 1998. These proposed changes may include updating the definition of reportable cases, updating the name of entities that have changed, and updating language to reflect electronic reporting advances.

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Additional clarification may be added for data items that are required to be reported, and which entities are responsible for reporting cases in the instance of facility mergers or acquisitions.

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.

Document No. 5186

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
 BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
 AND FAMILY THERAPISTS, ADDICTION COUNSELORS AND PSYCHO-EDUCATIONAL
 SPECIALISTS
 CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

36-15. Reinstatement of Lapsed Licenses.

Preamble:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform the language to statute.

Section-by-Section Discussion:

- 36-15(1). Add “or addiction counselor supervisor.” Strike “at least three (3) months, but fewer than.”
- 36-15(2). No change.
- 36-15(3). No change.

A Notice of Drafting was published in the *State Register* on October 28, 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 10:00 a.m. on June 22, 2023. Written comments may be directed to Pam Dunkin, Administrator, Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., April 24, 2023. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary to amend R.36-15 to conform requirements for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D). Section 250(C) provides that licenses must be renewed every two years. Section 250(D) provides that a licensee who allows a license to lapse by failing to renew the license may be reinstated by the board upon payment of a reinstatement fee and the current renewal fee. There is no grace period for late renewal established in statute. The regulation, however, allowed a grace period up to three months during which time a licensee was not required to reinstate and could, instead, renew late. Therefore, the regulation must be amended to conform to statute until such time as the statute is amended to allow for late renewal should that be the will of the General Assembly. Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

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DESCRIPTION OF REGULATION:

Purpose: The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D). Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

Legal Authority: 1976 Code Sections 40-1-70 and 40-75-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

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

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists has determined it is necessary to amend R.36-15 to conform requirements for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D). Section 250(C) provides that licenses must be renewed every two years. Section 250(D) provides that a licensee who allows a license to lapse by failing to renew the license may be reinstated by the board upon payment of a reinstatement fee and the current renewal fee. There is no grace period for late renewal established in statute. The regulation, however, allowed a grace period up to three months during which time a licensee was not required to reinstate and could, instead, renew late. Therefore, the regulation must be amended to conform to statute until such time as the statute is amended to allow for late renewal should that be the will of the General Assembly. Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend R.36-15 to conform requirements

for reinstatement of a license with the parameters established in S.C. Code Section 40-75-250(D). Additionally, reference is added in the same section to addiction counselor supervisors, a licensure category that was inadvertently omitted when the regulations were updated following passage of the law requiring the Board to license and regulate addiction counselors.

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. 5187
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF REGISTRATION FOR FORESTERS

CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70, 48-27-80, 48-27-140, and 48-27-190

53-4. Quorum.

Preamble:

The South Carolina Board of Registration for Foresters proposes to amend the definition of “quorum” in R.53-4 to be consistent with the definition appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(e).

Section-by-Section Discussion:

R.53-4. Strike “Four (4) members of the Board shall constitute a.” Add “A” to modify “quorum.” Add “means a simple majority of the constituent membership of a public body.” Strike “but no action may be taken without a majority vote in accord.”

A Notice of Drafting was published in the *State Register* on February 24, 2023.

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 10:00 A.M. on June 21, 2023. Written comments may be directed to Pam Dunkin, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., April 24, 2023. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Board of Registration for Foresters proposes to amend R.53.4 regarding a quorum of the Board. Presently, the regulation states that four (4) members of the Board shall constitute a “quorum” but no action may be taken without a majority vote in accord. This definition differs from the definition of “quorum” under FOIA, which is “a simple majority of the constituent membership of a public body.” Presently, four (4)

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members of the Board would constitute a quorum under both the regulation and under FOIA because there are seven (7) statutorily-created seats on the Board. However, it would prove to be problematic if the Board, in the future, has fewer sitting members. Therefore, the Board proposes to amend the definition to be consistent with the definition of quorum under FOIA.

DESCRIPTION OF REGULATION:

Purpose: This regulation will be amended to conform to be consistent with the definition of “quorum” appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(e).

Legal Authority: 1976 Code Sections 40-1-70, 48-27-80, 48-27-140, and 48-27-190.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulation on the agency’s website.

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

This regulation is reasonable in that it conforms to the definition of “quorum” appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(e).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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:

This regulation will be amended to be consistent with the definition of “quorum” appearing in the Freedom of Information Act (FOIA), S.C. Code Section 30-4-20(e).

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. 5185
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF EXAMINERS IN OPTICIANRY
 CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

- 96-104. General Licensing Provisions.
- 96-108. Continuing Education.
- 96-109. Fees.

Preamble:

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active.

Section-by-Section Discussion:

- 96-104. Repeal.
- 96-108(A)-(B). No change.
- 96-108(C). Strike existing language and replace with language explaining criteria necessary for Board-approval of continuing education courses.
- 96-108(D). Strike existing language and replace with language granting licensees living outside the US a temporary waiver for continuing education and requiring them to obtain the continuing education for each twelve-month period they were overseas once they return to the US.
- 96-108(E). Strike existing language.
- 96-109. Strike outdated reference to website.

A Notice of Drafting was published in the *State Register* on October 28, 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 10:00 A.M. on June 20, 2023. Written comments may be directed to Tracy Adams, Administrator, Board of Examiners in Opticianry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., April 24, 2023. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are necessary to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further states it is necessary to amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the Board states it is necessary to amend R.96-109 to delete the reference to a Board web address that is no longer active.

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DESCRIPTION OF REGULATION:

Purpose: The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the Board proposes to amend R.96-109 to delete the reference to a Board web address that is no longer active.

Legal Authority: 1976 Code Sections 40-1-70 and 40-38-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations 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 will repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The proposed regulations will amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the proposed regulations will amend R.96-109 to delete the reference to a Board web address that is no longer active.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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:

The updated regulations will repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The updated regulations will amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the updated regulations amend R.96-109 to delete the reference to a Board web address that is no longer active.

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. 5183
PUBLIC SERVICE COMMISSION
 CHAPTER 103
 Statutory Authority: 1976 Code Sections 58-3-140 and 58-5-210

- 103-502. Definitions.
- 103-510. Location of Records and Reports.
- 103-512. Data to be Filed with the Commission and Provided to the ORS.
- 103-531. Customer Deposits.
- 103-532. Customer Billing.
- 103-533. Adjustment of Bills.
- 103-535. Denial or Discontinuance of Service.
- 103-538. Customer Complaints.
- 103-552. Minimum Pipe Size.

Preamble:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission’s Article 5, Sewerage Utilities Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

Section	Type of Change	Purpose
103-502.	Amendment/Revision	Amended to add definitions for local office or business office and for mail and amended to reflect proposed amended Regulation 103-823.
103-510.	Amendment/Revision	Amended to require all records be maintained by a utility under Chapter 103, Article 5 shall be available for inspection in South Carolina, unless otherwise authorized by the commission.
103-512.	Amendment/Revision	Amended to require utilities to advise the Commission and the ORS of authorized utility representatives’ email addresses and amended to delete the filing requirements for rate applications and amended to include gender neutral references.

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103-531.	Amendment/Revision	Amended to allow utilities, at the utilities' option, to require a deposit from any customer or prospective customer if the customer has had service terminated for fraudulent use; to include a gender-neutral reference; and to clarify when interest on deposits ceases and the mode to communicate to the customer the cessation of interest on the deposit.
103-532.	Amendment/Revision	Amended to require the utility to render a receipt of payment to the customer upon request; to state the utility bill form shall show the Office of Regulatory Staff's telephone number and email address; to include gender neutral references; and to add permissive language.
103-533.	Amendment/Revision	Amended to require interest to be paid when a customer is willfully overcharged as provided in S.C. Code Ann. Section 34-31-20(A) and to replace "consumer" with "customer".
103-535.	Amendment/Revision	Amended to include references to the local Bureau of Environmental Health Services; to provide the type of communication the utility shall use prior to terminating a customer's service; and to direct the utility to provide a copy of a termination notice to any third party with the customer's consent.
103-538.	Amendment/Revision	Amended to delete the word "oral".
103-552.	Amendment/Revision	Amended to change the title of this regulation and to provide each utility shall use the guidelines of the Department of Health and Environmental Control as minimum standards of good engineering practices.

The Notice of Drafting was published in the *State Register* on December 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments by using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2022-390-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on April 28, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on May 31, 2023, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 5, Sewerage Utilities.

Purpose: The purpose of the proposed changes to the Commission's Article 5, Sewerage Utilities Regulations can be described generally as: adding definitions for local office or business office and for mail due to references to these terms in Article 5, Sewerage Utilities; providing the location for records maintained by utilities; deleting the filing requirements for rate applications; and addressing the cessation of interest on customer deposits and the mode to notify customers of such cessation. The proposed changes also include requiring the publication of the Office of Regulatory Staff's telephone number and email address on customers' bills; providing interest will be paid to customers who are willfully overcharged by the utility pursuant to S.C. Code Ann. Section 34-31-20(A); updating procedures for customer notification prior to discontinuance of sewerage utility services; and including gender neutral references.

Legal Authority: 1976 Code Sections 58-3-140 and 58-5-210.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2022-390-A.

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

The purpose of the proposed changes to Article 5, Sewerage Utilities Regulations is to recommend amendments which reflect current utility operations, to increase efficiency and transparency; and to include gender neutral references.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the public, and the regulated community will benefit from the proposed changes to the Article 5, Sewerage Utilities Regulations due to updated regulations which reflect current utility operations and practices, increase efficiency and transparency, and incorporate gender neutral references.

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UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Changes to Article 5, Sewerage Utilities Regulations are needed to update current utility operations and practices, increase efficiency and transparency, and to incorporate gender neutral references.

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. 5184
PUBLIC SERVICE COMMISSION
CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140 and 58-5-210

- 103-702. Definitions.
- 103-710. Location of Records and Reports.
- 103-712. Data to be Filed with the Commission and Provided to the ORS.
- 103-730. Customer Information.
- 103-731. Customer Deposits.
- 103-732. Customer Billing.
- 103-733. Adjustments of Bills.
- 103-735.1. Procedures for Termination of Service.
- 103-738. Customer Complaints.
- 103-750. Requirement for Good Engineering Practice.
- 103-752. Acceptable References.
- 103-761. Commission Inspection and Tests.

Preamble:

The Public Service Commission of South Carolina Staff began conducting its formal review of all its regulations under S.C. Code Ann. Section 1-23-120(J) when it opened Docket No. 2020-247-A on Wednesday, October 14, 2020. The Commission Staff, after it opened Docket No. 2020-247-A, provided the opportunity for interested stakeholders to recommend changes to the Commission's Article 7, Water Utilities Regulations via written comments and oral comments at its publicly noticed workshops.

Section-by-Section Discussion:

Section	Type of Change	Purpose
103-702.	Amendment/Revision	Amended to add definitions for local office or business office and for mail; amended to reflect proposed amended Regulation 103-823; and amended to include a gender-neutral reference.
103-710.	Amendment/Revision	Amended to require all records be maintained by a utility under Chapter 103, Article 7 shall be available for inspection in South Carolina, unless otherwise authorized by the commission.
103-712.	Amendment/Revision	Amended to require utilities to advise the Commission and the ORS of authorized utility representatives' email addresses and amended to delete the filing requirements for rate applications.
103-730.	Amendment/Revision	Amended to delete the following: "that remains unresolved after seven days".
103-731.	Amendment/Revision	Amended to allow utilities, at the utilities' option, to require a deposit from any customer or prospective customer if the customer has had service terminated for fraudulent use; to include a gender neutral reference; and to clarify when interest on deposits ceases and the mode to communicate to the customer the cessation of interest on the deposit.
103-732.	Amendment/Revision	Amended to require the utility to render a receipt of payment to the customer upon request and to state the utility bill form shall show the Office of Regulatory Staff's telephone number and email address and amended to include gender neutral references.
103-733.	Amendment/Revision	Amended to require interest to be paid when a customer is willfully overcharged as provided in S.C. Code Ann. Section 34-31-20(A).
103-735.1.	Amendment/Revision	Amended to include the mode to notify customers of

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		discontinuance of service; to provide the type of communication the utility shall use prior to terminating a customer's service; and to direct the utility to provide a copy of a termination notice to any third party with the customer's consent; and amended to include gender neutral references.
103-738.	Amendment/Revision	Amended to delete the word "oral".
103-750.	Amendment/Revision	Amended to delete information related to mains.
103-752.	Amendment/Revision	Amended to include the conjunction "and" and to modify punctuation.
103-761.	Amendment/Revision	Amended to change the title of this regulation to "ORS Inspection and Tests" and amended to include gender neutral references.

The Notice of Drafting was published in the *State Register* on December 23, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to the Public Service Commission of South Carolina, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments by using the methods outlined in Commission Order No. 2019-748. Please reference Docket No. 2022-389-A in written comments. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on May 5, 2023.

The Public Service Commission will conduct a public hearing on the proposed amendments to its regulations on June 28, 2023, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulations at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Article 7, Water Utilities.

Purpose: The purpose of the proposed changes to the Commission's Article 7, Water Utilities Regulations can be described generally as: adding definitions for local office or business office and for mail due to references to these terms in Article 7, Water Utilities; providing the location for records maintained by utilities; deleting the filing requirements for rate applications; and addressing the cessation of interest on customer deposits and the

mode to notify customers of such cessation. The proposed changes also include requiring the publication of the Office of Regulatory Staff's telephone number and email address on customers' bills; providing interest will be paid to customers who are willfully overcharged by the utility pursuant to S.C. Code Ann. Section 34-31-20(A); updating procedures for customer notification prior to discontinuance of water utility services; referencing the Office of Regulatory Staff's inspection and tests; deleting specific guidelines for mains; and including gender neutral references.

Legal Authority: 1976 Code Sections 58-3-140 and 58-5-210.

Plan for Implementation: The proposed changes will take effect upon approval by the General Assembly and publication in the State Register. The Commission's Clerk's Office will also publish a copy of the final regulations on the Commission's Docket Management System in Docket No. 2022-389-A.

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

The purpose of the proposed changes to Article 7, Water Utilities Regulations is to recommend amendments which reflect current utility operations, to increase efficiency and transparency; and to include gender neutral references.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the public, and the regulated community will benefit from the proposed changes to the Article 7, Water Utilities Regulations due to updated regulations which reflect current utility operations and practices, increase efficiency and transparency, and incorporate gender neutral references.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Changes to Article 7, Water Utilities Regulations are needed to update current utility operations and practices, increase efficiency and transparency, and to incorporate gender neutral references.

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.