



FY 2014 REGULATION DEVELOPMENT ANNUAL REPORT

(For Period July 26, 2013 - June 27, 2014)

June 27, 2014

The Department of Health and Environmental Control (DHEC) promulgates regulations subject to the S.C. Administrative Procedures Act, S.C. Code Sections 1-23-10 et seq., each year and publishes an annual report of regulations that take effect during that reporting period. The current reporting period covers regulation development from July 26, 2013 through June 27, 2014. For this reporting period, DHEC amended nine of its regulations and added two new health regulations to Chapter 61 of the S.C. Code of Regulations, as listed below. To learn more about DHEC's proposed and final regulations after June 27, 2014, interested persons are invited to view the Department's monthly *Regulation Development Update* on line at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>. The next reporting period begins July 25, 2014 and runs through June 28, 2015.

Environmental

R.61-9, Water Pollution Control Permits

Amended by State Register Doc. No. 4444, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4444.docx>. This amendment strengthens and improves the existing regulation and makes appropriate revisions to sections 61-9.503 and 504 to address land application of sludge with PCBs.

R.61-25, Retail Food Establishments

Amended by State Register Document No. 4424, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4660.docx>. This regulation was rewritten in its entirety to meet the current standards of the most recent edition of the U.S. Federal and Drug Administration (FDA) Food Code.

R.61-30, Environmental Protection Fees

Amended by State Register Document No. 4460, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4460.docx>. This amendment complies with federal law by revising Section 61-30.G(3), Schedule of Air Quality Fees, to increase fees in order to cover the cost of its Title V Permitting Program pursuant S.C. Code Section 48-2-50 (2008 & Supp. 2012) et seq. and the Clean Air Act, 42 U.S.C. Section 7401 et seq.

R.61-51, Public Swimming Pools

Amended by State Register Doc. No. 4431, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4431.docx>. These amendments address new lifeguard standards found in S.C. Code Section 44-55-2390 enacted in 2012. Revisions were necessary to conform to statutory authority and allow for safe and healthy recreation for citizens and visitors when they choose to swim in public pools throughout the State.

R.61-62, Air Pollution Control Regulations and Standards (61-62, 61-62.1, 61-62.5, Standards 1 and 4, 61-62.63)

Amended by State Register Doc. No. 4388, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4388.docx>. These amendments support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting and testing

requirements; and provide internal consistency and clarification of references, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62.

R.61-62, Air Pollution Control Regulations and Standards (61-62, 61-62.1, 61-62.5, Standards 1 and 7, 61-62-60, 61-62.63)

Amended by State Register Doc. No. 4387, effective Dec. 27, 2013, at <http://www.scstatehouse.gov/regs/4387.docx>. The U.S. Environmental Protection Agency promulgates amendments to 40 CFR Parts 51, 52, 60 and 63 throughout each calendar year. Federal amendments in 2012 included new and revised NSPS rules, NESHAPs for Source Categories, and VOC definition revisions. States are mandated by law to adopt these federal amendments. Amendments of R.61-62 include revision of R.61-62.1 to revise the definition of Volatile Organic Compounds promulgated by the federal rule "Revision to Definition of Volatile Organic Compounds-Exclusion of trans-1, 3, 3, 3-tetrafluoropropene (77 FR 37610, June 22, 2012). R.61-62.5, Standard No. 7 was revised to incorporate a provision in the definition of "Regulated NSR Pollutant," as required by the federal rule: "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}): Amendment to the Definition of "Regulated NSR Pollutant" Concerning Condensable Particulate Matter"(77 FR 65107, October 25, 2012). Regulations 61-62.60 and 61-62.63 were amended to incorporate by reference recent federal amendments promulgated during the period from January 1, 2012, through December 31, 2012. These amendments promote consistency and ensure compliance with both state and federal regulations.

R.61-68, Water Classifications and Standards

Amended by State Register Doc. No. 4425, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4424.docx>. These amendments revised the State's water quality standards in accordance with Section 303(c)(2)(B) of the federal Clean Water Act (CWA) Revisions clarify the use of flow and resolve potential inconsistencies with R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. A methylmercury standard was adopted to reflect the most current final published criteria in accordance with Sections 304(a) and 307(b) of the CWA.

R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost Amended by State Register Doc. No. 4432, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4432.docx>. This amendment changed the title to R.61-107.4, Compost and Mulch Production from Land-clearing Debris, Yard Trimmings, and Organic Residuals. These amendments will promote the recycling of land-clearing debris, yard trash and food residuals, and will ensure that compost and ground mulch material are produced and used in a manner that is protective of health and the environment.

Health

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

Amended by State Register Document No. 4430, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4430.docx>.

Since 1992, numerous improvements in healthcare practices and technology have enhanced the healthcare industry. This amendment updates the regulation and incorporates improvements in health care practice.

R.61-122, Standards for Licensing In-Home Care Providers

Added to Chapter 61 of the S.C. Code of Regulations by State Register Document No. 4433, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4433.docx>. This regulation was promulgated pursuant to The Licensure of In-Home Care Providers Act (0018 Acts 2011), S.C. Code Section 44-70-10 et seq., to address the minimum standards for licensing in-home care providers.

R.61-123, Critical Congenital Heart Defects Screening on Newborns

Added to Chapter 61 of the S.C. Code of Regulations by State Register Document No. 4429, effective June 27, 2014, at <http://www.scstatehouse.gov/regs/4429.docx>. This regulation will comply with the Emerson Rose Act (0064 Acts 2013), S.C. Code Section 44-37-70, by mandating congenital heart defect screening on newborns.

R.61-8, Vaccination, Screening, and Immunization Regarding Contagious Diseases

Amended by State Register Document No. 4434, effective June 27, 2014, at

<http://www.scstatehouse.gov/regs/4434.docx>. This amendment changed the title of the regulation to R.61-8, *Immunization Requirements for School Children and Childcare Attendance*. Revisions update language regarding religious exemption criteria, clarifies compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); facilitates compliance with the McKinney-Vento Homeless Assistance Act; reflects the use of electronic forms in addition to paper copies provided by the Department, and makes general editorial revisions to clarify and improve the regulation to more accurately reflect subject matter.