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The South Carolina Department of Health and Environmental Control ("DHEC" or "Department") develops regulations in accordance with the South Carolina Administrative Procedures Act ("APA"), S.C. Code Section 1-23-10 et seq. Regulation Development actions include promulgating new regulations, amending existing regulations, and repealing existing regulations. The Department does not promulgate regulations conflicting with or exceeding its authority as prescribed by governing law.

**Initiation of Regulation Development Action**

The South Carolina Department of Health and Environmental Control ("DHEC" or "Department") initiates Regulation Development actions pursuant to governing law, public comment, internal analysis, or other relevant circumstances.

**Notice of Drafting**

The Department files a Notice of Drafting ("NOD") providing an overview of the proposed Regulation Development action for publication in the *South Carolina State Register*. The NOD sets a thirty-day period in which DHEC receives public comments on the proposal.

**Notice of Proposed Regulation**

After considering public comments and conducting stakeholder outreach as necessary, DHEC seeks approval from the S.C. Board of Health and Environmental Control ("Board") to publish a Notice of Proposed Regulation ("NPR") in the *South Carolina State Register*. The NPR specifies new regulatory text and/or changes to existing text resulting from the proposed Regulation Development action. The NPR also sets the time and date of a Public Hearing and another thirty-day period for public comments.
Notice of Final Regulation and Public Hearing

After considering public comments and conducting stakeholder outreach as necessary, DHEC submits a Notice of Final Regulation ("NFR") to the Board for final determination of need and reasonableness of the proposed Regulation Development action. The Public Hearing allows the public to provide comments on the proposed action directly to the Board. After considering the DHEC staff presentation and public comments, the Board renders a decision as to whether the proposed action should advance.

Legislative review is required unless the Department promulgates a regulation to maintain compliance with federal law or the regulation is an emergency regulation.

Legislative Review Not Required
Following Board approval at the Public Hearing, DHEC files the NFR for publication in the South Carolina State Register. The new regulation, amendment, or repeal takes effect upon the date of this publication.

Legislative Review Required
Following Board approval at the Public Hearing, DHEC submits the NFR to the South Carolina General Assembly. In accordance with the APA, the General Assembly has one hundred twenty days of the legislative session to approve or disapprove the NFR. Upon legislative approval or completion of the one hundred twenty days, the Legislative Council publishes the NFR in the South Carolina State Register. The new regulation, amendment, or repeal takes effect upon the date of this publication.
2019 Overview

By close of Fiscal Year 2019:

1. New Regulation Completed
2. Amendments to Existing Regulations Completed
3. Repeals of Existing Regulations Completed
4. Amendments and Repeals of Existing Regulations Pending
2019 Final Regulation Development Actions

1 New Regulation

**R.61-125 Standards for Licensing Crisis Stabilization Unit Facilities**

*Health Regulation*

**Summary:**
Sets licensing standards for short-term residential programs offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen (18) years of age or older, twenty-four (24) hours a day, seven (7) days a week.

**Effective Date:** May 24, 2019

**Publication:** State Register Document No. 4809 (Volume 43, Issue 5)

**Link to Final Regulation:** [www.scstatehouse.gov/regs/4809.docx](http://www.scstatehouse.gov/regs/4809.docx)

5 Amendments

**R.61-25 Retail Food Establishments**

*Environmental Affairs*

**Summary:**
Updates standards to incorporate the 2017 United States Food and Drug Administration Food Code.

Revises selected sections to reflect the current business models of the food service industry.

Revises and incorporates fee schedules of R.61-37, *Retail Food Establishment Inspection Fees*, which the Department repealed (see page 7). The fee increases support the cost of conducting pre-operational and permit inspections. Fee revisions include:

- increase of the base annual inspection fee from $60.00 to $100.00,
- increase of the annual inspection fee from $30.00 increments per tier with $270.00 maximum to $50.00 increments per tier with $450.00 maximum, and
- increase of the initial permitting fee to include a one-time fee of $100.00 in addition to the applicable tiered annual inspection fee.

**Effective Date:** May 24, 2019

**Publication:** State Register Document No. 4842 (Volume 43, Issue 5)

**Link to Final Regulation:** [www.scstatehouse.gov/regs/4842.docx](http://www.scstatehouse.gov/regs/4842.docx)
**R.61-62**

**Air Pollution Control Regulations and Standards**

**Environmental Affairs**

**Summary:**
Promulgated to maintain compliance with federal law and exempted from General Assembly review.

Adopts federal Environmental Protection Agency (“EPA”) amendments to 40 CFR Parts 60, 61, and 63, which include revisions to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.


Eliminates the Clean Air Interstate Rule trading program provisions of R.61-62.96, *Nitrogen Oxides (NOX) Budget Program*, and reinstates applicable portions of the EPA’s “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone” (NOX SIP Call), with amendments as necessary.

**Effective Date:** January 25, 2019

**Publication:** State Register Document No. 4870 (Volume 43, Issue 1)

**Link to Final Regulation:** [www.scstatehouse.gov/regs/4870.docx](http://www.scstatehouse.gov/regs/4870.docx)

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**R.61-79**

**Hazardous Waste Management Regulations**

**Environmental Affairs**

**Summary:**
Promulgated to maintain compliance with federal law and exempted from General Assembly review. Adopts the EPA’s “Imports and Exports of Hazardous Waste Rule,” which:

- makes existing import- and export-related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development,
- enables electronic submittal to the EPA of all import- and export-related documents, and
- enables electronic validation of consent in the Automated Export System for export shipments subject to the Resource Conservation and Recovery Act export consent requirements prior to exit.

**Effective Date:** December 12, 2018

**Publication:** State Register Document No. 4840 (Volume 42, Issue 12)

**Link to Final Regulation:** [www.scstatehouse.gov/regs/4840.docx](http://www.scstatehouse.gov/regs/4840.docx)
Hazardous Waste Management Regulations

Environmental Affairs

Summary:
Adopts the EPA’s “Hazardous Waste Generator Improvements Rule,” which:

- reorganizes the hazardous waste generator regulations to improve their usability by the regulated community,
- provides better understanding of how the RCRA hazardous waste generator regulatory program works,
- addresses gaps in existing regulations to strengthen environmental protections,
- provides greater flexibility for hazardous waste generators to manage waste in a cost-effective and protective manner, and
- makes technical corrections to address inadvertent errors and remove obsolete references.

Effective Date: May 24, 2019
Publication: State Register Document No. 4841 (Volume 43, Issue 5)
Link to Final Regulation: www.scstatehouse.gov/regs/4841.docx

South Carolina Immunization Registry

Public Health

Summary:
Enables the Department to measure performance on important dimensions of care and service, including immunization data. Details the availability and use of a patient portal allowing patient access to his or her personal immunization records. Removes obsolete language and makes general improvements and clarifications to the text.

Effective Date: May 24, 2019
Publication: State Register Document No. 4837 (Volume 43, Issue 5)
Link to Final Regulation: www.scstatehouse.gov/regs/4837.docx
2 Repeals

**Retail Food Establishment Inspection Fees**

*R.61-37*

**Summary:**
Fee schedule incorporated into R.61-25, *Retail Food Establishments*, to provide retail food industry with one, streamlined regulation (see page 4).

**Effective Date:**
May 24, 2019

**Publication:**
State Register Document No. 4842 (Volume 43, Issue 5)

**Link to Final Regulation:**
[www.scstatehouse.gov/regs/4842.docx](http://www.scstatehouse.gov/regs/4842.docx)

**Requirements for State Water Pollution Control Revolving Fund Loan Assistance**

*R.61-67.1*

**Summary:**
General Assembly repealed and replaced the original statutory authority for implementing the fund. The South Carolina Water Quality Revolving Fund Authority Act now governs the fund, making R.61-67.1 obsolete.

**Effective Date:**
May 24, 2019

**Publication:**
State Register Document No. 4838 (Volume 43, Issue 5)

**Link to Final Regulation:**
[www.scstatehouse.gov/regs/4838.docx](http://www.scstatehouse.gov/regs/4838.docx)
2019 Pending Regulation Development Actions

14 Amendments

Statement of Policy
Administrative Procedures

R.30-1
R.30-14
Environmental Affairs

Summary:
Proposes amendments to incorporate statutory changes enacted by Act 173 of 2018, the Beachfront Management Reform Act, and Act 197 of 2016, Coastal Zone Critical Areas. These changes include:

- establishing the position of baselines and setback lines based upon the best available data,
- promulgating regulations the Department will use to locate a primary oceanfront sand dune, and
- modifying specific procedures related to appeals and movement of jurisdictional lines.

Current Status:
Notice of Drafting published April 26, 2019

Water Pollution Control Permits

R.61-9
Environmental Affairs

Summary:
Promulgated to maintain compliance with federal law and exempted from General Assembly review.

Proposes amendments to adopt portions of the following federal Clean Water Act rules issued by the EPA:

- National Pollutant Discharge Elimination System ("NPDES"): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting,
- NPDES Electronic Reporting Rule, and
- NPDES: Applications and Program Updates.

Current Status:
Notice of Drafting published April 26, 2019
**Summary:**
Proposes amendments to adopt relevant requirements of 21 CFR Part 117, Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Food.

Proposes amending for additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions.

Proposes amendments revising and incorporating provisions of R.61-54, *Wholesale Commercial Ice Manufacturing*, which the Department proposes to repeal (see page 15).

**Current Status:**
Notice of Drafting published April 26, 2019

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**Summary:**
Proposes amendments to adopt relevant requirements of 21 CFR Part 117, Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Food.


Proposes amending to add requirements for manufacturing cheese, butter, and other non-grade “A” milk products.

Proposes amendments to adopt updates from the current Pasteurized Milk Ordinance (“PMO”).

Proposes amending for additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions.

**Current Status:**
Notice of Drafting published April 26, 2019
Summary:
Proposes amending to incorporate statutory changes enacted through Act No. 139 of 2018, which include:

- establishing specific requirements for the review and appeal of decisions by DHEC regarding the permitting, licensing, certification, or other approval of poultry and other animal facilities (except swine facilities);
- revising and clarifying procedures for reviewing permits for poultry and other animal facilities (except swine facilities); and
- prohibiting DHEC from requiring additional setback distances if established distances are achieved, and to allow waiver of the established setback distances in certain circumstances.

Current Status:
Notice of Drafting published February 22, 2019

Summary:
Proposes amending to update applicability and exemptions, making corrections for internal consistency, punctuation, codification, and spelling, and updating public participation procedures for the following sub-regulations:

- 61-62.1, Definitions and General Requirements
- 61-62.5, Standard No. 2, Ambient Air Quality Standards
- 61-62.5, Standard No. 5.2, Control of Oxides of Nitrogen (NOₓ)
- 61-62.5, Standard No. 7, Prevention of Significant Deterioration
- 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR)
- 61-62.70, Title V Operating Permit Program

Current Status:
Notice of Final Regulation (Pending)
Submitted to legislature March 14, 2019

Link to Final Regulation:
www.scstatehouse.gov/regs/4873.docx
**R.61-62**  
**Air Pollution Control Regulations and Standards**  
**Environmental Affairs**

**Summary:**  
Exempt from General Assembly review due to being promulgated to maintain compliance with federal law.

Proposes amending to adopt federal amendments to associated standards for the following sub-regulations promulgated from January 1, 2018, through December 31, 2018:

- 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*
- 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*

Proposes amending to clarify applicability and scope of the EPA’s emission guidelines provisions incorporated by the Department to maintain compliance with federal law.

**Current Status:**  
Notice of Proposed Regulation published May 24, 2019  
[Link to Proposed Regulation:](www.scstatehouse.gov/regs/4881.docx)

**R.61-68**  
**Water Classifications and Standards**  
**Environmental Affairs**

**Summary:**  
Proposes amending to adopt, where appropriate, the EPA’s updated numeric and narrative criteria of the Clean Water Act (“CWA”) Sections 304(a) and 307(a). This constitutes the Department’s triennial review pursuant to CWA Section 303(c)(2)(B).

**Current Status:**  
Notice of Drafting published February 22, 2019

**R.61-69**  
**Classified Waters**  
**Environmental Affairs**

**Summary:**  
Proposes amending to clarify and correct, as needed, waterbody names, counties, classes, and descriptions according to Section 303(c)(2)(B) of the CWA.

**Current Status:**  
Notice of Drafting published February 22, 2019
Summary:
Promulgated to maintain compliance with federal law and exempted from General Assembly review.

Proposes amending to adopt the following EPA rules to maintain compliance with federal law:

- “Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule,” which revises several recycling-related provisions associated with the definition of solid waste under Subtitle C of the Resource Conservation and Recovery Act and portions of the original rule that were vacated by the United States Court of Appeals for the D.C. Circuit;
- “Confidentiality Determinations for Hazardous Waste Export and Import Documents;” which amends existing export and import hazardous waste regulations by applying a confidentiality determination for documents related to the export, import, and transit of hazardous waste, and export of excluded cathode ray tubes; and
- “Hazardous Waste Electronic Manifest System User Fee; Final Rule,” which establishes the methodology the EPA uses to determine and revise user fees applicable to the electronic and paper manifest to be submitted to the national Hazardous Waste Electronic Manifest System that became operational nationwide on June 30, 2018.

Current Status:
Notice of Proposed Regulation published May 24, 2019

Link to Proposed Regulation: www.scstatehouse.gov/regs/4882.docx

Summary:
Proposes amendments to adopt the “Revisions to the Definition of Solid Waste Rule,” which revises several recycling-related provisions issued under the authority of Subtitle C of the Resource Conservation and Recovery Act to encourage recycling of hazardous waste.

Proposes amending to correct typographical errors, citation errors, and other errors and omissions that have come to the Department’s attention, such as correcting form references, adding language that was erroneously omitted during adoption of previous rules, and other such changes.
Current Status:
Notice of Proposed Regulation published May 24, 2019

Link to Proposed Regulation:
www.scstatehouse.gov/regs/4883.docx

**Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence**

**Health Regulation**

**Summary:**
Proposes amendments to update and revise definitions and requirements for obtaining licensure, inspections and violations, personnel and inservice training, accident and incident reporting, client records and care, infection control, meal service, record maintenance and retention, fire and life safety, construction design, and licensure standards throughout. Proposes incorporating current provider-wide exceptions and memoranda applicable to facilities that treat individuals for psychoactive substance abuse or dependence.

**Current Status:**
Notice of Drafting published March 22, 2019

**Standards for Licensing Renal Dialysis Facilities**

**Health Regulation**

**Summary:**
Proposes amendments to update and revise definitions and requirements for obtaining licensure, inspections and violations, personnel and inservice training, accident and incident reporting, client records and care, infection control, meal service, record maintenance and retention, fire and life safety, construction design, and licensure standards throughout. Proposes incorporating current provider-wide exceptions and memoranda applicable to renal dialysis facilities.

**Current Status:**
Notice of Drafting published March 22, 2019
**R.61-107.6 Solid Waste Processing Facilities**

**Health Regulation**

**Summary:**
Proposes amendments to execute statutory requirements established by Act 170 of 2018, Solid Waste Emergency Fund and revising existing standards regarding solid waste processing facilities.

Proposes amendments to create standards for facilities that process construction and demolition debris, and to update, clarify, and amend standards for facilities that process solid waste that is not construction and demolition debris. Standards may include permit application and registration requirements, consistency with state and local solid waste management plans, design criteria, location requirements, operating criteria, financial assurance requirements, monitoring and reporting requirements, closure and post-closure procedures, personnel training requirements, corrective action requirements, violations and penalties, permit review, permit revocation, and other requirements pursuant to applicable statutory authority.

Clarifies exemptions as allowed or prescribed by S.C. Code Ann. Section 44-96-360(D)(4) and (5).

**Current Status:**
Notice of Drafting published May 24, 2019

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**R.61-1 Medical and Dental Scholarship Fund**

**Finance**

**Summary:**
Funds to administer the Medical and Dental Scholarship/Loan program have not been appropriated and the program has been dormant since 1989.

**Current Status:**
Notice of Drafting published May 24, 2019
R.61-23  Control of Anthrax
Public Health

Summary:
The Federal Select Agent Program oversees and regulates the possession, use, and transfer of biological agents, rendering R.61-23 obsolete. The federal government established Select Agent Regulations February 7, 2003, at Code of Federal Regulations Title 7, Part 331 and Title 9, Part 121.

Current Status:
Notice of Proposed Regulation published May 24, 2019

Link to Proposed Regulation: www.scstatehouse.gov/regs/4880.docx

R.61-35  Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products
Environmental Health

Summary:
Proposes revision and incorporation into R.61-36, Frozen Desserts, for efficiency (see page 9).

Current Status:
Notice of Drafting published April 26, 2019

R.61-54  Wholesale Commercial Ice Manufacturing
Environmental Affairs

Summary:
Proposes revision and incorporation into R.61-32, Soft Drink and Water Bottling Plants, for efficiency (see page 9).

Current Status:
Notice of Drafting published April 26, 2019

For status updates on any of the above pending actions, visit DHEC’s Regulation Development Update webpage at: www.scdhec.gov/Agency/RegulationsandUpdates/RegulationDevelopmentUpdate/.
The below list presents all DHEC regulations and dates of initial legal effect or, if applicable, last amendment/errata.
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### Public Health

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<td>61-23</td>
<td>Control of Anthrax</td>
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