

A stack of four books titled "SOUTH CAROLINA CODE OF STATE REGULATIONS" is shown. The spines of the books are visible, with some text from the adjacent pages also visible. The books are stacked on a reflective surface.

Regulation Development Annual Report

Fiscal Year 2020

June 30, 2020



S.C. Department of Health and
Environmental Control

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Regulation Development Process |

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 Sections 1-23-10 et seq. Regulation Development Actions include promulgation of new regulations and amendment and repeal of 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 Regulation Development Action is for maintaining compliance with federal law or 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.

OR

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.

- Regulation Development Actions by the Numbers -

13
Amendments

4
Repeals

Approved in 2020

14
Amendments

3
Repeals

1
New
Regulation

Pending Actions

2020 Final Regulation Development Actions |

- 13 Amendments -

Environmental Affairs

R.30-1 > Statement of Policy

R.30-14 > Administrative Procedures

Summary:

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

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4897
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4897.docx

R.61-9 > Water Pollution Control Permits

Summary:

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

Adopts 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.

Effective Date:

November 22, 2019

Publication:

State Register Document No. 4888
(Volume 43, Issue 11)

Link to Final Regulation:

www.scstatehouse.gov/regs/4888.docx

R.61-32 > Wholesale Bottled Water, Soft Drink, and Ice Manufacturing

Summary:

Adopts relevant requirements of 21 CFR Part 117, Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Food.

Revises and incorporates provisions of R.61-54, *Wholesale Commercial Ice Manufacturing*, which the Department repealed (see page 11).

Revises to include other changes not required by federal law, including additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4903
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4903.docx

R.61-36 > Manufactured Grade Dairy Products

Summary:

Adopts relevant requirements of 21 CFR Part 117, Current Good Manufacturing Practice, Hazard Analysis, and Risk-based Preventive Controls for Human Food.

Revises and incorporates provisions of R.61-35, *Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products*, which the Department repealed (see page 11).

Revises to include other changes not required by federal law, including updates from the current Pasteurized Milk Ordinance (“PMO”) and additions, updates, and clarifications to administrative requirements, enforcement requirements, and definitions, as well as other changes deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include stylistic changes such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4902
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4902.docx

R.61-43 > Standards for the Permitting of Agricultural Animal Facilities

Summary:

This promulgation was permanently withdrawn during the 2020 session of the General Assembly.

Incorporates 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.

Revises to correct typographical errors, citation errors, and other errors and omissions that have come to the Department's attention. These include correcting form references and regulation references, updating definitions, adding and/or omitting language and punctuation, clarification, reorganizing sections for consistency, and other such changes.

Withdraw Date:

May 5, 2020

State Register Document No. 4886

R.61-62 > Air Pollution Control Regulation and Standards

Summary:

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

Adopts 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* and
- 61 62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*

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

Effective Date:

August 23, 2019

Publication:

State Register Document No. 4881
(Volume 43, Issue 8)

Link to Final Regulation:

www.scstatehouse.gov/regs/4881.docx

R.61-62 > Air Pollution Control Regulation and Standards

Summary:

Revises to update applicability and exemptions, make corrections for internal consistency, punctuation, codification, and spelling, and update 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 (NO_x)*,
- 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, and
- 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR)*
- 61-62.70, *Title V Operating Permit Program*

Effective Date:

April 24, 2020

Publication:

State Register Document No. 4873
(Volume 44, Issue 4)

Link to Final Regulation:

www.scstatehouse.gov/regs/4873.docx

R.61-68 > Water Classifications and Standards

Summary:

Adopts the EPA's revised standard for aquatic life ambient water quality criteria for cadmium, a revised recreational water quality criteria for enterococci, a standard for aquatic life ambient water quality criteria for carbaryl, and a standard for human health recreational ambient water quality criteria for microcystins and cylindrospermopsin 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).

Revises to makes stylistic changes for overall improvement of the text of the regulation.

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4887
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4887.docx

R.61-69 > Classified Waters

Summary:

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

Revises to include stylistic changes for overall improvement of the text of the regulation.

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4885
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4885.docx

R.61-79 > Hazardous Waste Management Regulations

Summary:

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

Adopts the following EPA rules:

- "Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule,"
- "Confidentiality Determinations for Hazardous Waste Export and Import Documents," and
- "Hazardous Waste Electronic Manifest System User Fee; Final Rule."

Effective Date:

November 22, 2019

Publication:

State Register Document No. 4882
(Volume 43, Issue 11)

Link to Final Regulation:

www.scstatehouse.gov/regs/4882.docx

R.61-79 > Hazardous Waste Management Regulations

Summary:

Adopts 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.

Revises 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.

Effective Date:

June 26, 2020

Publication:State Register Document No. 4883
(Volume 44, Issue 6)**Link to Final Regulation:**www.scstatehouse.gov/regs/4883.docx

Healthcare Quality**R.61-93 > Standards for Licensing Facilities for Chemically Dependent or Addicted Persons****Summary:**

Updates provisions in accordance with current practices and standards.

Incorporates and revises provisions relating to statutory mandates, updates terminology to conform to the terminology widely used and understood within the provider community, and revises requirements for incident reporting, staffing and training requirements, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure.

Revises to change the name of the regulation and facility type to “Facility for Chemically Dependent or Addicted Persons,” to parallel the statutory term for this facility type. The facility type may also be referred to as “Substance Use Disorder Facilities” based on current terminology within the provider community.

Revises for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

Effective Date:

June 26, 2020

Publication:State Register Document No. 4954
(Volume 44, Issue 6)**Link to Final Regulation:**www.scstatehouse.gov/regs/4954.docx

R.61-97 > Standards for Licensing Renal Dialysis Facilities**Summary:**

Updates provisions in accordance with current practices and standards.

Incorporates and revises provisions relating to statutory mandates, updates terminology to conform to the terminology widely used and understood within the provider community, and revises requirements for incident reporting, staffing and training requirements, medication

management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure.

Revises for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

Effective Date: June 26, 2020	Publication: State Register Document No. 4953 (Volume 44, Issue 6)	Link to Final Regulation: www.scstatehouse.gov/regs/4953.docx
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- 4 Repeals -

Finance

R.61-1 > Medical and Dental Scholarship Fund

Summary:

Repealed, as the Medical and Dental Scholarship/Loan Fund, established by S.C. Code Sections 59-111-510 through 59-111-580. The Fund was intended to provide financial assistance for medical and dental school educations to recipients who would agree to practice in a rural area of the state for a specified period of time. The General Assembly last funded the program in the 1988 Appropriations Act for the 1988-1989 fiscal year. The new program is administered by the South Carolina Area Health Education Consortium and fiscally managed by the Medical University of South Carolina.

Effective Date: June 26, 2020	Publication: State Register Document No. 4898 (Volume 44, Issue 6)	Link to Final Regulation: www.scstatehouse.gov/regs/4898.docx
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Public Health

R.61-23 > Control of Anthrax

Summary:

Repealed, as the regulation is obsolete and the federal government established Select Agent Regulations, at Code of Federal Regulations Title 7, Part 331 and Title 9, Part 121, effective February 7, 2003, setting forth requirements for possession, use, and transfer of select agents and toxins. The Federal Select Agent Program oversees and regulates the possession, use, and transfer of biological agents.

Effective Date: June 26, 2020	Publication: State Register Document No. 4880 (Volume 44, Issue 6)	Link to Final Regulation: www.scstatehouse.gov/regs/4880.docx
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Environmental Affairs

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

Summary:

Repealed, as the provisions were revised and incorporated in R.61-36, *Manufactured Grade Dairy Products*, to provide a more streamlined and functional regulation (see page 5).

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4902
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4902.docx

R.61-54 > Wholesale Commercial Ice Manufacturing

Summary:

Repealed, as the provisions were revised and incorporated in R.61-32, *Wholesale Bottled Water, Soft Drink, and Ice Manufacturing*, to provide a more streamlined and functional regulation (see page 5).

Effective Date:

June 26, 2020

Publication:

State Register Document No. 4903
(Volume 44, Issue 6)

Link to Final Regulation:

www.scstatehouse.gov/regs/4903.docx

2020-2021 Pending Regulation Development Actions |

- 1 New Regulation -

Environmental Affairs

R.61-107.20 > New Solid Waste Management Regulation (Name Pending)

Summary:

During the 2018 legislative session, the General Assembly passed Act 170 ("Act"), which revised the South Carolina Solid Waste Policy and Management Act of 1991. The Act codified language at S.C. Code Ann. Section 44-96-360 et seq., which establishes conditions for facilities that process or recycle construction and demolition debris.

Proposes a new regulation to address and implement provisions of the Act to regulate facilities that process or recycle construction and demolition debris. This proposed new regulation will establish requirements including registration, permitting, location, operation, and reporting requirements for construction and demolition debris processing and recycling facilities. The regulation will also address the applicability of the regulation and will clarify exemption requirements. For facilities that fail to adhere to proper procedures, the regulation will address penalties and establish procedures for the revocation or suspension of a permit.

Current Status:

Notice of Drafting published May 22, 2020

Link to Published Notice:

[State Register Volume 44, Issue 5 – page 66](#)

- 14 Amendments -

Environmental Affairs

R.30-1 > Statement of Policy

R.30-12 > Specific Project Standards for Tidelands and Coastal Waters

Summary:

Proposes amending R.30-12.C and adding new sections R.30-1.D(31) and R.30-12.Q to provide a definition and add project standards for living shorelines. Coastal property owners in South Carolina have expressed an increased interest in the use of living shorelines as an alternative to hardened erosion control structures within the estuarine environment. Coastal Division regulations currently do not provide guidance specific for living shoreline installations. The lack of a regulatory definition or specific project standards for living shorelines has resulted in longer permitting review times and uncertainties about project performance. The proposed amendments will allow for a more efficient authorization process by defining which projects qualify as a living shoreline and establishing specific standards for living shoreline installations. This will help ensure a project's design will accomplish intended goals.

The proposed amendments will be developed using scientific data and monitoring results from existing living shoreline installations in South Carolina and input from state and federal agencies, stakeholder working groups, and other interested parties. By providing living shorelines as an alternative method of estuarine shoreline stabilization, additional benefits to water quality and oyster stock may also be realized.

Proposed amendments may also include stylistic changes, such as corrections for clarity and readability, grammar, punctuation, references, codification, and overall improvement of the text of the regulation.

Current Status:

Notice of Drafting published April 24, 2020

Link to Published Notice:

[State Register Volume 44, Issue 4 – page 84](#)

R.61-34 > Raw Milk for Human Consumption

R.61-34.1 > Pasteurized Milk and Milk Products

Summary:

Proposes amending R.61-34 to address the further processing and sale of raw milk products, such as cream and buttermilk, and any additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing (if allowed). The proposed revisions would also update raw milk standards if needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Proposes incorporating requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. Proposes further clarification of requirements for potable water sources.

Proposed revisions may also include changes to both regulations for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvement.

Amendments to both regulations may also include updates to administrative and enforcement provisions.

Current Status:

Notice of Drafting published March 27, 2020

Link to Published Notice:

[State Register Volume 44, Issue 3 – page 17](#)

R.61-43 > Standards for the Permitting of Agricultural Animal Facilities

Summary:

Proposes amending to incorporate the following statutory changes made by the General Assembly through passage of Act No. 139, which took effect March 12, 2018: the General Assembly amended Section 44-1-65 to establish 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); the General Assembly amended Section 44-1-60 to revise and clarify procedures for reviewing permits for poultry and other animal facilities (except swine facilities); and the General Assembly amended Section 46-45-80 regarding setback distances for poultry and other animal facilities (except swine facilities) to prohibit DHEC from requiring additional setback distances if established distances are achieved, to allow waiver of the established setback distances in certain circumstances, and other purposes.

Proposed revisions may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Current Status:

Notice of Drafting published June 26, 2020

Link to Published Notice:

[State Register Volume 44, Issue 6 – page 62](#)

R.61-56 > Onsite Wastewater Systems

Summary:

Proposes amending to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

Proposes amending provisions of R.61-56.1 and R.61-56.2, and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for regulated entities and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56 (See page 19). The proposed amendments will include: changes to licensing requirements for pumpers and haulers currently under R.61-56.1; revising provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination and continuing education; and consolidating and updating previously separate enforcement provisions for clarity and to improve administration of the Onsite Wastewater program.

Further proposes repealing R.61-55 and adding its provisions to R.61-56 for efficiency (see page 19). The proposed amendments related to R.61-55 will include amendments to definitions and other changes as necessary to facilitate merging this regulation into R.61-56.

Proposed revisions may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement.

Current Status:

Notice of Drafting published March 27, 2020

Link to Published Notice:

[State Register Volume 44, Issue 3 – page 17](#)

R.61-62 > Air Pollution Control Regulations and Standards

Summary:

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

Proposes amending the following to incorporate, by reference, federal amendments promulgated from January 1, 2019, through December 31, 2019:

- R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*,
- R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, and
- R.61-62.68, *Chemical Accident Prevention Provisions*.

Proposes further amending R.61-62.60 to add Subpart UUUUa, which will include provisions for facilitating implementation of the EPA’s “Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units,” also known as the Affordable Clean Energy rule (ACE), as published in the Federal Register on July 8, 2019 (84 FR 32520).

Proposes deleting R.61-62.60, Subpart B - “Adoption and Submittal of State Plans for Designated Facilities.” This subpart incorporates by reference EPA implementing regulations found at 40 C.F.R. Part 60, Subpart B, which is directly applicable to EPA and states. These implementing regulations have been updated through EPA’s promulgation of 40 C.F.R. Part 60, Subpart Ba, which is also directly applicable to EPA and states and need not be incorporated by reference by the Department.

Proposed revisions may also include other changes to include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement of the text as necessary to maintain compliance with federal law.

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

[State Register Volume 44, Issue 2 – page 12](#)

R.61-63 > Radioactive Materials (Title A)

Summary:

Promulgated to maintain compliance with federal law and, therefore, exempt from General Assembly review.

Proposes amendments for compliance with the United States Nuclear Regulatory Commission's federal regulatory updates pursuant to agreements between the Commission and state governors allowing for state regulation of byproduct, source, and special nuclear material defined in the federal Atomic Energy Act of 1954.

Proposes amendments for clarifications or corrections to Part II, as well as authorizing the Department to review general licensees' quality assurance program for the use of Commission-approved Type B packaging for transportation of radioactive material as required in NRC Regulation Title 10, Code of Federal Regulation ("CFR") Part 71.

Current Status:

Notice of Proposed Regulation published February 28, 2020 (Document No. 4958)

Link to Published Notice:

www.scstatehouse.gov/reggs/4958.docx

R.61-79 > Hazardous Waste Management Regulations

Summary:

Promulgated to maintain compliance with federal law and, therefore, exempt from General Assembly review.

Proposes adopting the "Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine" rule published on February 22, 2019, at 84 FR 5816-5950. This rule, published in the Federal Register by the Environmental Protection Agency ("EPA"), creates new standards for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the generator regulations in Part 262 of R.61-79. To better protect drinking and surface water, this rule establishes prohibitions on facilities from disposing of hazardous waste pharmaceuticals down the drain. This regulation also maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. In addition, under this new rule, U.S. Food and Drug Administration-approved, over-the-counter nicotine replacement therapies (i.e., nicotine patches, gums and lozenges) will no longer be considered hazardous waste when discarded. This final rule also establishes a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics.

Current Status:

Notice of Drafting published April 24, 2020

Link to Published Notice:

[State Register Volume 44, Issue 4 – page 83](#)

R.61-79 > Hazardous Waste Management Regulations**Summary:**

Proposes adopting two final rules published by the United States Environmental Protection Agency ("EPA"). Because these two rules make standards less stringent than the standards authorized states have been enforcing, the EPA has made adoption optional.

- The "Safe Management of Recalled Airbags" rule, published on November 30, 2018, at 83 FR 61552-61563, provides a conditional exemption from the Resource Conservation and Recovery Act ("RCRA") hazardous waste requirements for entities, including automobile dealerships, automotive salvage and scrap yards, independent repair facilities and collision centers, that collect airbag modules and inflators from automobiles as long as certain conditions are met. This rule will help facilitate a more expedited removal of defective airbag inflators.
- The "Universal Waste Regulations: Addition of Aerosol Cans" rule, published on December 9, 2019, at 84 FR 67202-67220, adds hazardous waste aerosol cans to the universal waste program under the RCRA regulations. This change is expected to reduce regulatory burdens for retail stores and other establishments that generate, manage and dispose of aerosol cans by providing a clear, protective system for handling waste aerosol cans. This will promote the collection and recycling of aerosol cans and encourage the development of municipal and commercial programs to reduce the amount of aerosol can waste going to municipal solid waste landfills or combustors.

Proposed revisions may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Current Status:

Notice of Drafting published April 24, 2020

Link to Published Notice:

[State Register Volume 44, Issue 4 – page 83](#)

R.61-107.4 > Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals**Summary:**

Proposes amending to more effectively regulate composting facilities, and better protect human and environmental health.

Proposed amendments will address issues including: quality assurance and testing requirements; acceptance of unauthorized wastes; permitting requirements; operating requirements, including material management, equipment maintenance, fire preparedness, and prevention of vectors, odors, dust, and litter; and the financial assurance requirements for permitted composting facilities to ensure the requirements are adequate for closure, post-closure, and corrective action activities, but do not create an undue burden for composters.

Proposed revisions may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Current Status:

Notice of Drafting published May 22, 2020

Link to Published Notice:

[State Register Volume 44, Issue 5 – page 66](#)

Healthcare Quality

R.61-7 > Emergency Medical Services

Summary:

Proposes amending to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, enforcement, ambulance permits, training, vehicles, medical equipment, patient care, Do Not Resuscitate (“DNR”) Orders, record maintenance and retention, and licensure standards. Further proposed amendments may add language to incorporate current provider-wide exceptions applicable to emergency management services.

Proposed revisions may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

[State Register Volume 44, Issue 2 – page 13](#)

R.61-24 > Licensed Midwives

Summary:

Proposes amending to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, responses to medical emergencies, required physician approvals, client records and care, record maintenance and retention, and licensure standards. Further proposed amendments may add language to incorporate current provider-wide exceptions applicable to midwifery.

Proposed revisions may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

[State Register Volume 44, Issue 2 – Page 14](#)

R.61-75 > Standards for Licensing Day Care Facilities for Adults**Summary:**

Proposes amending to update and revise definitions and requirements regarding obtaining licensure, inspections, violations, training, construction, client records and care, record maintenance and retention, and licensure standards.

Proposed revisions may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

[State Register Volume 44, Issue 2 – Page 14](#)

R.61-96 > Athletic Trainers**Summary:**

Proposes amending to update and revise definitions and requirements regarding obtaining licensure, inspections, personnel, training, record maintenance and retention, the incorporation of statutory changes allowing for monetary penalties, and licensure standards. Further proposed amendments may add language to incorporate current provider-wide exceptions to athletic training services.

Proposed revisions may also include stylistic changes, which may include corrections for clarity, readability, grammar, punctuation, codification, and overall improvement of the text.

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

[State Register Volume 44, Issue 2 – Page 13](#)

Public Health**R.61-19 > Vital Statistics****Summary:**

Proposes amending to remove obsolete sections, add and update definitions, provide for consistency with anticipated advancements in the Department's vital statistics system, address advancements in processes for the creation and amendment of vital records, and bring the

regulation into conformity with changes in South Carolina law. Additionally, the Department may consider revisions to the current fee schedule.

Proposed revisions may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement.

Current Status:

Notice of Drafting published March 27, 2020

Link to Published Notice:

[State Register Volume 44, Issue 3 – Page 18](#)

– 3 Repeals –

Environmental Affairs

R.61-55 > Septic Tank Site Evaluation Fees

R.61-56.1 > License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets

R.61-56.2 > Licensing of Onsite Wastewater System Master Contractors

Summary:

Proposes amending the provisions of these regulations and merging them with R.61-56, *Onsite Wastewater Systems*, to update and streamline processes (see page 14).

Current Status:

Notice of Drafting published February 28, 2020

Link to Published Notice:

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General Counsel

General Counsel

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61-81	State Environmental Laboratory Certification Program	04/11/1980

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