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# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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**Published April 22, 2011**

Volume 35 Issue No. 4

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.

## **2011 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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## **PUBLIC INSPECTION OF DOCUMENTS**

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## **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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**TABLE OF CONTENTS**

**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY**

Status and Legislative Review Expiration Dates..... 1  
Committee List of Regulations Submitted to General Assembly..... 2

**NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**  
Certification of Need ..... 3  
Underground Storage Tanks..... 5

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
Safety Code for Elevators and Escalators, ASME A17.1-2010/CSA B44-10, 2010 Edition..... 6

**DRAFTING NOTICES**

**AUCTIONEERS’ COMMISSION**  
Continuing Education..... 7

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**  
Licensed Midwives..... 7  
Water Classifications and Standards; Classified Waters ..... 8

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
**Cosmetology, Board of**  
Update and Clarify Existing Regulations ..... 8

**PHARMACY, BOARD OF**  
Remote Medication Processing ..... 9

**PROPOSED REGULATIONS**

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
**Occupational Safety and Health, Office of**  
Document No. 4187      Jurisdiction of the Administrative Law Court to Review Citations  
(Enforcement of Violations)..... 10

# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. NO.	RAT. FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
4126		South Carolina Pesticide Control	5/11/11	Clemson University-State Crop Pest Comm.
4130		Air Pollution Control Regulations and Standards: Standards of Performance for Asbestos Projects	5/11/11	Department of Health and Envir Control
4132		Environmental Protection Fees (Radioactive Material Licenses Fees)	5/11/11	Department of Health and Envir Control
4153		SC Safe Home Program Wind Inspectors and Contractors	5/11/11	Department of Insurance
4139		Environmental Protection Fees (Drinking Water Fees)	5/12/11	Department of Health and Envir Control
4141		Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons	5/12/11	Department of Natural Resources
4135		Rehabilitation of Designated Historic Buildings	5/12/11	Department of Archives and History
4163		Board of Landscape Architectural Examiners	5/21/11	Board of Landscape Architectural Exam
4138		Regulation Governing Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds or Other Security Mechanisms	5/24/11	Public Service Commission
4156		Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	5/24/11	State Board of Education
4158		Requirements for Certification at the Advanced Level	5/24/11	State Board of Education
4145		South Carolina HOPE Scholarship	5/24/11	Commission on Higher Education
4146		LIFE Scholarship & LIFE Scholarship Enhancement	5/24/11	Commission on Higher Education
4147		Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions	5/24/11	Commission on Higher Education
4148		South Carolina Need-based Grants Program	5/24/11	Commission on Higher Education
4149		Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement	5/24/11	Commission on Higher Education
4137		Customer Deposits and Deposit Retention	5/24/11	Public Service Commission
4159		Sentencing Reform	5/26/11	Dept. of Probation, Parole and Pardon Ser
4169		Unemployment Insurance Reform (Updates to Article 1)	6/01/11	Department of Employment and Workforce
4170		Unemployment Insurance Reform (Updates to Article 2)	6/01/11	Department of Employment and Workforce
4171		Unemployment Insurance Reform (Updates to Article 3)	6/01/11	Department of Employment and Workforce
4168		Perpetual Care Cemetery Board	6/01/11	SC Perpetual Care Cemetery Board
4164		Child Labor	6/02/11	Division of Labor
4161		Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162		Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4157		Requirements for Additional Areas of Certification	1/30/12	State Board of Education
4174		Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175		Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176		Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180		Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
<b>Permanently Withdrawn</b>				
4154		Food and Cosmetics		Department of Agriculture

## 2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4126	South Carolina Pesticide Control	Agriculture and Natural Resources	Agriculture and Natural Resources
4130	Air Pollution Control Regulations and Standards; Standards of Performance for Asbestos Projects	Agriculture and Natural Resources	Agriculture and Natural Resources
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4153	SC Safe Home Program Wind Inspectors and Contractors	Labor, Commerce and Industry	Banking and Insurance
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4141	Seasons, Limits, Methods of Take and Special Use Restrictions on WMA's; Turkey Hunting Rules and Seasons	Agriculture and Natural Resources	Fish, Game and Forestry
4135	Rehabilitation of Designated Historic Buildings	Medical, Military, Pub & Mun Affairs	Judiciary
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4138	Regulation Governing Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds or Other Security Mechanisms	Labor, Commerce and Industry	Judiciary
4156	Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)	Education and Public Works	Education
4158	Requirements for Certification at the Advanced Level	Education and Public Works	Education
4145	South Carolina HOPE Scholarship	Education and Public Works	Education
4146	LIFE Scholarship & LIFE Scholarship Enhancement	Education and Public Works	Education
4147	Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions	Education and Public Works	Education
4148	South Carolina Need-based Grants Program	Education and Public Works	Education
4149	Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement	Education and Public Works	Education
4137	Customer Deposits and Deposit Retention	Labor, Commerce and Industry	Judiciary
4159	Sentencing Reform	Judiciary	Corrections and Penology
4169	Unemployment Insurance Reform (Updates to Article 1)	Labor, Commerce and Industry	Labor, Commerce and Industry
4170	Unemployment Insurance Reform (Updates to Article 2)	Labor, Commerce and Industry	Labor, Commerce and Industry
4171	Unemployment Insurance Reform (Updates to Article 3)	Labor, Commerce and Industry	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4157	Requirements for Additional Areas of Certification	Education and Public Works	Education
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
<b>Permanently Withdrawn</b>			
4154	Food and Cosmetics	Medical, Military, Pub & Mun Affairs	Agriculture and Natural Resources



## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE

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 April 22, 2011, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

## Affecting Beaufort County

Establishment of a home health agency restricted to serve Beaufort County  
Gentiva Home Health  
Okatie, South Carolina  
Project Cost: \$ 500,382

Establishment of a home health agency restricted to serve Beaufort County  
Liberty Homecare VI – Beaufort County  
Bluffton, South Carolina  
Project Cost: \$ 189,324

Establishment of a home health agency restricted to serve Beaufort County  
Tri-County Home Health Care & Services, Inc.  
Port Royal, South Carolina; Hilton Head, South Carolina; St. Helena Island/Lady's Island (to be determined),  
South Carolina  
Project Cost: \$ 70,800

## Affecting Charleston County

Addition of three (3) comprehensive rehabilitation beds for a total of forty-nine (49) comprehensive rehabilitation beds  
HealthSouth Rehabilitation Hospital of Charleston  
Charleston, South Carolina  
Project Cost: \$600,000

## Affecting Greenville County

Initiation of mobile Positron Emission Tomography/Computed Tomography (PET/CT) services two (2) days per week at 125 Commonwealth Drive, Greenville, SC  
Bon Secours St. Francis Hospital – Eastside  
Greenville, South Carolina  
Project Cost: \$808,855

Addition of thirty (30) community nursing home beds by the conversion of twenty-two (22) existing assisted living beds to nursing home beds and the addition of eight (8) nursing home beds; conversion of thirty-four (34) existing institutional nursing home beds to community nursing home beds for a total of seventy-four (74) community nursing home beds  
Rolling Green Village Health & Rehabilitation Center  
Greenville, South Carolina  
Project Cost: \$11,186,983.24

## 4 NOTICES

### Affecting Horry County

Purchase and installation of a linear accelerator for a new cancer treatment center to be established in an existing medical office building located in Conway, SC  
Carolina Regional Cancer Center, LLC - Conway  
Conway, South Carolina  
Project Cost: \$5,107,613

Renovation of existing space for the replacement of an open 0.3T Magnetic Resonance Imaging (MRI) unit with a fixed 1.5T MRI unit  
Loris Community Hospital District d/b/a Seacoast Medical Center  
Little River, South Carolina  
Project Cost: \$1,813,789

Purchase and installation of a linear accelerator to be located within a newly constructed free-standing radiation therapy center  
North Strand Radiation Oncology Center  
Little River, South Carolina  
Project Cost: \$9,522,745

### Affecting Spartanburg County

Construction for the addition of six (6) rehabilitation beds to its existing program for a total of twenty-four (24) rehabilitation beds  
Mary Black Memorial Hospital  
Spartanburg, South Carolina  
Project Cost: \$113,929

### Affecting York County

Addition of four (4) comprehensive rehabilitation beds for a total of fifty (50) comprehensive rehabilitation beds  
Piedmont HealthSouth Rehabilitation, Inc. d/b/a HealthSouth Rehabilitation Hospital of Rock Hill  
Rock Hill, South Carolina  
Project Cost: \$150,000

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 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 April 22, 2011. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 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.

### Affecting Greenville County

Conversion of twenty-two (22) existing institutional nursing home beds to community nursing home beds for a total of forty-four (44) community nursing home beds, which will not participate in the Medicaid (Title XIX) Program  
Banyan Greenville Nursing Services, LLC d/b/a Linville Courts at the Cascades Verdae  
Greenville, South Carolina  
Project Cost: \$25,000

Affecting Horry County

Addition of one (1) dedicated electrophysiology (EP) laboratory to be housed in shell space, to be upfitted as a part of this project, approved in CON SC-07-45  
Grand Strand Regional Medical Center, LLC d/b/a Grand Strand Regional Medical Center  
Myrtle Beach, South Carolina  
Project Cost: \$3,065,231

Affecting Oconee County

Renovation and replacement of one existing open 0.23T Magnetic Resonance Imaging (MRI) unit and one existing 1.0T MRI unit with one fixed 1.5T MRI unit  
HHD Enterprises, LLC d/b/a Mountainview Medical Imaging  
Seneca, South Carolina  
Project Cost: \$1,785,525

Affecting Richland County

Renovation and addition of four (4) nursing homes beds, which will not participate in the Medicaid (Title XIX) Program, for a total of thirty-six (36) nursing home beds  
Lutheran Homes of South Carolina, Inc. d/b/a Rice Estate Rehabilitation and Healthcare  
Columbia, South Carolina  
Project Cost: \$50,000

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**PUBLIC NOTICE**

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 May 23, 2011 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

## 6 NOTICES

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

### Class II

Bradburne, Briller & Johnson, LLC  
Attn: Audi Johnson  
1061 Cambridge Square, Ste B  
Alpharetta, GA 30004

## DEPARTMENT OF LABOR, LICENSING AND REGULATION

### NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation intends to adopt the latest edition of the following nationally recognized code.

1. Safety Code for Elevators and Escalators, ASME A17.1-2010/CSA B44-10, 2010 Edition
2. The original promulgating authority for this code is:  
The American Society of Mechanical Engineers  
22 Law Drive / Box 2300  
Fairfield, New Jersey 07007-2300
3. This code is referenced by:  
South Carolina Code of Laws, Sections 41-16-10 et seq.  
Elevator Safety Regulations (SCRR) 71-5100 (1.)

The Department of Labor, Licensing and Regulation specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Duane Scott at 110 Centerview Drive, Columbia, SC 29210, by fax at 803-896-7650, or by e-mail to [duane.scott@llr.sc.gov](mailto:duane.scott@llr.sc.gov).

If no comments are received within sixty (60) days of publication of this notice, the Department of Labor, Licensing and Regulation will promulgate this latest edition without amendment.

**AUCTIONEERS' COMMISSION**

**CHAPTER 14**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-40

**Notice of Drafting:**

The South Carolina Auctioneers' Commission proposes to update and clarify the existing regulation, Regulation 14-2, regarding continuing education. The Commission specifically requests comments on whether older and more experienced auctioneers should be required to prove the same amounts of continuing education as those with less experience in the field. Interested persons may submit comments to Lenora Addison-Miles, Administrator, South Carolina Department of Labor, Licensing and Regulation, Office of Board Services, South Carolina Auctioneers' Commission, 110 Centerview Drive, Columbia, South Carolina 29210.

**Synopsis:**

The South Carolina Auctioneers' Commission proposes to update and clarify the existing regulation.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**CHAPTER 61**

Statutory Authority: 1976 Code Sections 40-33-30 (2011), 44-1-140 (2002) and 44-89-10 et seq. (2002)

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-24, Licensed Midwives. Interested persons may submit written comments to Nancy Maertens, Director, Division of Health Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., May 23, 2011, the close of the drafting comment period.

**Synopsis:**

The Department proposes to amend the regulation to include, but not limited to, utilization of certification credentials from a nationally recognized credentialing organization approved by the Department to satisfy certain requirements for licensing and to allow for reciprocity of currently credentialed midwives. The Department seeks to address the requirements for licensure, educational requirements, revocation criteria, the provision of intrapartum care, and record keeping and reporting. Previous caesarean section will be added to prohibitions in the practice of midwifery. The Department intends to add language to incorporate provider wide exceptions for tuberculosis screening and reportable accidents/incidents. The Department will also include stylistic changes, which may include corrections for: clarity and readability; grammar; punctuation; definitions; references; and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

## 8 DRAFTING NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

#### Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend specific sections of R.61-68, Water Classifications and Standards and R.61-69, Classified Waters. Interested persons are invited to submit their comments and recommendations in writing to Gina Kirkland, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via email at [kirklagl@dhec.sc.gov](mailto:kirklagl@dhec.sc.gov). To be considered, written comments must be received no later than 5:00 p.m. on May 23, 2011, the close of the drafting comment period.

#### Synopsis:

The Department proposes to replace the fecal coliform bacteriological indicator used for the protection of recreational uses in freshwaters with *E. coli*. The Department issued a notice last year concerning this effort; however, the effort was tabled due to time constraints and the Department is now ready to move forward with this initiative. The Department also proposes, where appropriate, to clarify implementation details with respect to the freshwater bacteriological indicator for National Pollutant Discharge Elimination System (NPDES) permits, ambient water quality assessment, and Total Maximum Daily Load (TMDL) development. The Department is also considering clarifying the enterococci bacteriological indicator for the protection of recreational uses in Class SA, Class SB, and Shellfish Harvesting (SFH) waters and, where appropriate, to clarify implementation details for NPDES permits, ambient water quality assessment, and TMDL development. The Freshwaters (FW) classification may be revised to include subclasses of recreational uses based on the frequency of use. All subclasses will continue to support recreational uses for both primary and secondary contact.

The Department proposes to amend R.61-69 to include any changes made to the FW classification found in R.61-68 to be consistent in both regulations. The Department also plans to reformat R.61-69 in order to modify language to make it consistent throughout and easier to read. We also plan to make corrections to the text to make the document more accurately reflect the waters of the State and this includes adding waters that have not been previously listed in the regulation. The Department will be replacing R.61-69 in its entirety.

Legislative review will be required.

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF COSMETOLOGY

#### CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

#### Notice of Drafting:

The Department of Labor, Licensing, and Regulation, State Board of Cosmetology proposes to make technical and substantive amendments to its regulations to address concerns that have arisen since publication in June 2010. Interested persons may submit comments to Eddie L. Jones, Administrator, South Carolina Department of Labor, Licensing and Regulation, Office of Board Services, State Board of Cosmetology, 110 Centerview Drive, Columbia, South Carolina 29210.

**Synopsis:**

The State Board of Cosmetology proposes to update and clarify the existing regulations and to make the current regulations agree with current statutory language.

**BOARD OF PHARMACY**

**CHAPTER 99**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-43-60

**Notice of Drafting:**

The State Board of Pharmacy proposes to add Regulation 99-44 to clarify permitting requirements for pharmacies, particularly as they relate to procedures for an entity holding a South Carolina pharmacy permit to utilize remote medication processing or to engage in remote order entry. This regulation is also added in conformance with current statutes and regulations. Interested persons may submit comments to Lee Ann F. Bundrick, Administrator, State Board of Pharmacy, Post Office Box 11927, Columbia, S.C. 29211-1927 or at [bundrick@llr.sc.gov](mailto:bundrick@llr.sc.gov).

**Synopsis:**

The State Board of Pharmacy proposes to add Regulation 99-44 to clarify permitting requirements for pharmacies in regards to remote medication processing or remote order entry.

## 10 PROPOSED REGULATIONS

Document No. 4187

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH  
CHAPTER 71**

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

- 71-400. Definitions.
- 71-401. Citations; Notice of De Minimis Violation.
- 71-402. Proposed Penalty.
- 71-403. Posting of Citation.
- 71-404. Failure to Correct Violation for Which Citation Has Been Issued.
- 71-405. Petition for Modification of Abatement.
- 71-406. Informal Conference.
- 71-407. Employer or Employee Contest.
- 71-408. Service and Notice.
- 71-409. Failure to Contest.
- 71-410. Withdrawal, Modification or Amendment to Citation and Proposed Penalty.
- 71-411. Abatement Verification.

### **Preamble:**

The South Carolina Department of Labor, Licensing and Regulation, Office of Occupational Safety and Health proposes to amend Regulations 71-400 through 71-407, add Regulation 71-408, and amend Regulations 71-409 through 71-411 to reflect recent amendments made to the South Carolina Occupational Safety and Health Act.

A Notice of Drafting was published in the *State Register* on February 25, 2011.

### Section-by-Section Discussion:

- R.71-400. Definitions.
  - A.-F. No substantive change.
  - G. Changes “Department of Labor” to “Department of Labor, Licensing and Regulation”.
  - H.-S. No substantive change.
- R.71-401. Citation; Notice of De Minimus Violation.
  - No substantive change.
- R.71-402. Proposed Penalty.
  - A. No substantive change.
  - B. Changes “Compliance Manager or his representative” to “Administrator or his authorized representative”.
  - C. No substantive change.
  - D. No substantive change.
- R.71-403. Posting of Citation.
  - A. No substantive change.
  - B. Adds 408 reference; Changes “this section” to “these sections”.
  - C. No substantive change.
- R.71-404. Failure to Correct Violation for Which Citation Has Been Issued.
  - A. Changes “Compliance Manager” to “Administrator or his authorized representative”.
  - B. No substantive change.



C. Deletes “twenty” and adds “thirty” for days to contest the notification of proposed additional penalty.

R.71-405. Petition for Modification of Abatement.

- A.-E. Changes “Compliance Manager” to “Administrator or his authorized representative”\_throughout.
- E. Deletes “twenty” and adds “thirty” for days to contest the citation.

R.71-406. Informal Conference.

Changes “Compliance Manager or his designated representative” to “Administrator or his authorized representative” throughout; changes “protest” to “contest” throughout; deletes “twenty” and adds “thirty” throughout.

R.71-407. Employer or Employee Protest.

No substantive change.

R.71-408. Service and Notice.

New section; adds provisions for notice of contest, notice of hearing, notice of proposed settlement agreement, other documents, and proof of service.

R.71-409. Failure to Contest.

Renumbers section; no substantive change.

R.71-410. Withdrawal, Modification or Amendment to Citation and Proposed Penalty.

Renumbers Section; Changes “Protest” to “Contest” throughout; deletes “twenty” and adds “thirty” throughout.

R.71-411. Abatement Verification.

Renumbers section; changes “cited” to “cited” in B.(3); no other substantive changes.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 1:00 p.m. on June 6, 2011. Written comments may be directed to Dottie Ison, Administrator, South Carolina Office of Occupational Safety and Health, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. on May 23, 2011.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

These regulations are needed to reflect recent amendments made to the South Carolina Occupational Safety and Health Act.

**DESCRIPTION OF REGULATION:**

Purpose: The Agency is updating the regulations to the Occupational Safety and Health Act.

Legal Authority: 1976 Code Sections 41-3-40 and 41-15-210.

## **12 PROPOSED REGULATIONS**

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. The Department will notify parties to contested cases of the revised regulation at the time their case is docketed and post the revised regulation on the agency's web site.

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

The proposed regulations will implement recent amendments made to the Occupational Safety and Health Act.

### **DETERMINATION OF COSTS AND BENEFITS:**

No additional costs will result from 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. These regulations contribute to the Board's function of protecting public health in the state of South Carolina.

### **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 reflect recent amendments made to the Occupational Safety and Health Act.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.htm>. Full text may also be obtained from the promulgating agency.