SOUTH CAROLINA STATE REGISTER DISCLAIMER

SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.
Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.
Proposed Regulations are those regulations pending permanent adoption by an agency.
Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.
Final Regulations have been permanently adopted by the agency and approved by the General Assembly.
Emergency Regulations have been adopted on an emergency basis by the agency.
Executive Orders are actions issued and taken by the Governor.

2020 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	1/10	2/14	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.
Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

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South Carolina General Assembly Home Page: http://www.scstatehouse.gov/regnsrch.php

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4981			Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	05/12/2021	State Board of Education		
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Executive Order No. 2020-66

WHEREAS, the undersigned has been notified of the passing of Sergeant William Conley Jumper, Jr. of the Greenville County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Sergeant Jumper dedicated his life to protecting and serving the people of the State of South Carolina and the residents of Greenville County, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that "[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff"; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Friday, October 23, 2020, in tribute to Sergeant Jumper and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 22nd DAY OF OCTOBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-67

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus ("COVID-19"), and in doing so, the State must remain flexible to account for new and distinct circumstances and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19, minimize the resulting strain on healthcare facilities and resources, facilitate the safe resumption or continuation of in-person classroom instruction, enhance testing capacity, and deploy the required vaccine distribution program; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee ("PHEPC"), activated the South Carolina Emergency Operations Plan ("Plan"), and regularly conferred with state and federal agencies, officials, and experts, to include the White House

Coronavirus Task Force, the South Carolina Department of Health and Environmental Control ("DHEC"), and the South Carolina Emergency Management Division ("EMD"); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 ("Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, and 2020-65; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 50 and amending and consolidating certain emergency measures to ensure that any remaining measures are targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

WHEREAS, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary

and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of October 24, 2020, DHEC has identified at least 161,836 confirmed cases of COVID-19 in the State of South Carolina, including 3,560 deaths due to COVID-19; and

WHEREAS, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical component in the fight against COVID-19, and the State must focus on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing; and

WHEREAS, as a result of South Carolina's testing and tracing initiatives, DHEC has also continued to identify additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, public health experts and officials have expressed concerns that the arrival of cooler weather will lead to more people staying indoors, where COVID-19 can spread more easily, and may increase community transmission of COVID-19; and

WHEREAS, in addition to the foregoing, the State of South Carolina must take additional proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

WHEREAS, in light of the foregoing, and due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that "[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists"; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to "declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation"; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a "public health emergency" exists when there is an "occurrence or imminent risk of a qualifying health condition," which includes "an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness"; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is "supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is "responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility," to include issuing, amending, and rescinding "emergency proclamations and regulations," which shall "have the force and effect of law as long as the emergency exists"; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to "suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to "transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable," and to "compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order"; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to "direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein"; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also "authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act"; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, "[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer"; and

WHEREAS, it is axiomatic that "[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and

protect the same are clearly contained in the police power inherent in the sovereign," 1980 S.C. Op. Att'y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned's prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, enhance existing testing capacity, deploy the requisite vaccine distribution program, and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—"require the exercise of extraordinary government functions . . . to respond, rapidly and effectively" to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the "occurrence" of a "qualifying health condition"—which includes "an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness"—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action and implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective "social distancing" practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and

evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division ("SLED") to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2020-63 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's September 11, 2020 Extension of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to

be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
2. Posted bridges may not be crossed.
3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who "refuse[s] to disperse upon order of a law enforcement officer," "wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer," or otherwise violates any provision of any Order

issued by the undersigned in connection with the State of Emergency "is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF OCTOBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-68

WHEREAS, on November 21, 2019, the undersigned issued Executive Order No. 2019-37, suspending Robert Anderson Strickland, Jr. from the office of Sheriff of Colleton County, pursuant to article VI, section 8 of the South Carolina Constitution, following his indictment by a Grand Jury convened in Colleton County with one count of Domestic Violence, Second Degree, in violation of section 16-25-20(C) of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order No. 2019-37 stated that the undersigned's suspension of Robert Anderson Strickland, Jr. was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, pursuant to section 23-11-40(C) of the South Carolina Code of Laws, as amended, the undersigned previously appointed Charles Lytle Ghent, of Edisto Beach, South Carolina, "to serve as Sheriff of Colleton County until Robert Anderson Strickland, Jr. is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first"; and

WHEREAS, on February 13, 2020, the State Grand Jury returned two indictments charging Robert Anderson Strickland, Jr. with seven counts of Misconduct in Office, in violation of the Common Law of South Carolina; two counts of Use of Official Position or Office for Financial Gain (Ethics Act Violation), in violation of section 8-13-700 of the South Carolina Code of Laws, as amended; three counts of Embezzlement, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; one count of Use of Public Funds, Property, or Time to Influence Election (Ethics Act Violation), in violation of section 8-13-1346 of the South Carolina Code of Laws, as amended; one count of Distribution of a Schedule II Controlled Substance, in violation of section 44-53-370 of the South Carolina Code of Laws, as amended; and one count of Distribution of a Schedule IV Controlled Substance, in violation of section 44-53-370 of the South Carolina Code of Laws; and

WHEREAS, on October 23, 2020, Robert Anderson Strickland, Jr. pleaded guilty to one count of Assault and Battery, Third Degree, as a lesser included offense of Domestic Violence, Second Degree; one count of Misconduct in Office; and one count of Breach of Trust with Fraudulent Intent, in violation of section 16-13-230 of the South Carolina Code of Laws, as amended, having waived presentment of an indictment to the State Grand Jury charging the latter offense; and

WHEREAS, as part of the aforementioned resolution of the charges against him, Robert Anderson Strickland, Jr. executed an "Agreement to Permanently Relinquish South Carolina Law Enforcement Certification," in which he agreed to, *inter alia*, "hereby resign as Sheriff of Colleton County"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, "the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted," and "[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution further provides, in relevant part, that "[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted" and "[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly requires that upon indictment and conviction of any officer who has the custody of

public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, "the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, section 8-1-100 of the South Carolina Code of Laws, as amended, also provides that "any state or county officer who is indicted in any court for any crime may, in the discretion of the Governor, be suspended by the Governor, who in event of suspension shall appoint another in his stead until he shall be acquitted" and "[i]n case of conviction, the office shall be declared vacant by the Governor and the vacancy filled as provided by law"; and

WHEREAS, one or more of the aforementioned counts and offenses to which Robert Anderson Strickland, Jr. pleaded guilty charged him with "embezzlement or the appropriation of public or trust funds to private use," "a crime involving moral turpitude," or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution and sections 8-1-100 and 8-1-110 of the South Carolina Code of Laws, the office of Sheriff of Colleton County shall be declared vacant and the vacancy shall be filled as provided by law; and

WHEREAS, with regard to such vacancies in office, section 23-11-40(A) of the South Carolina Code of Laws provides that "[i]f any vacancy occurs in the office of sheriff in any county of this State less than one year prior to the next general election for county sheriffs, the Governor may appoint some suitable person who must be an elector of the county and who, upon qualifying, according to law, is entitled to enter upon and hold the office until a sheriff is elected and qualifies in the election and is subject to all the duties and liabilities incident to the officer during the term of his service in the office"; and

WHEREAS, the next general election for the office of Sheriff of Colleton County is scheduled to be held on or about November 3, 2020, and Charles Lytle Ghent is a fit and proper person to continue serving as Sheriff of Colleton County "until a sheriff is elected and qualifies in the election," pursuant to section 23-11-40(A) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office of Sheriff of Colleton County and appoint Charles Lytle Ghent to serve as Sheriff of Colleton County until a sheriff is elected and qualifies in the next general election, in accordance with section 23-11-40(A) of the South Carolina Code of Laws. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF OCTOBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-69

WHEREAS, on November 5, 2020, a Grand Jury convened in Bamberg County returned multiple Indictments charging Kerry Trent Kinard, a member of Bamberg County Council, with one count of Assault and Battery, First Degree, in violation of section 16-3-600 of the South Carolina Code of Laws, as amended; one count of Attempted Criminal Sexual Conduct with a Minor, Second Degree, in violation of section 16-3-655 of the South Carolina Code of Laws, as amended; two counts of Criminal Solicitation of a Minor, in violation of section 16-15-342 of the South Carolina Code of Laws, as amended; one count of Lewd Act on a Child, in violation of section 16-15-140 of the South Carolina Code of Laws, as amended; and two counts of

Disseminating Obscene Material to a Person Under Eighteen (18) Years of Age, in violation of section 16-15-345 of the South Carolina Code of Laws, as amended; and

WHEREAS, Kerry Trent Kinard, as a member of Bamberg County Council, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that "[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted" and "[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, under South Carolina law, moral turpitude "implies something immoral in itself," *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and "involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man," *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); *see also State v. McFarlane*, 279 S.C. 327, 332, 306 S.E.2d 611, 614 (1983) ("[W]e are of the opinion criminal sexual conduct with a minor in any degree is a crime of moral turpitude."); and

WHEREAS, one or more of the aforementioned Indictments charge Kerry Trent Kinard with "a crime involving moral turpitude" for purposes of article VI, section 8 of the South Carolina Constitution.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Kerry Trent Kinard from office as a member of Bamberg County Council until such time as he shall be formally acquitted or convicted. This action in no manner addresses the guilt or innocence of Kerry Trent Kinard and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF NOVEMBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-70

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus ("COVID-19"), and in doing so, the State must remain flexible to account for new and distinct circumstances and focus on implementing narrowly tailored emergency measures and expanding interagency coordination and targeted mitigation efforts designed to, *inter alia*, reduce community spread and transmission of COVID-19, minimize the resulting strain on healthcare facilities and resources, address emerging and amplifying issues associated with influenza season, facilitate the safe resumption or continuation of in-person classroom instruction, enhance testing capacity, and deploy the required vaccine distribution program; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee ("PHEPC"), activated the South Carolina Emergency Operations Plan ("Plan"), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control ("DHEC"), and the South Carolina Emergency Management Division ("EMD"); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 ("Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, 2020-62, 2020-65, and 2020-67; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, on September 24, 2020, the undersigned issued Executive Order No. 2020-63, superseding, rescinding, and replacing Executive Order No. 50 and amending and consolidating certain emergency measures to ensure that any remaining measures are targeted and narrowly tailored to address and mitigate the public health and other threats associated with COVID-19 in the least restrictive manner possible; and

WHEREAS, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of November 8, 2020, DHEC has identified at least 175,730 confirmed cases of COVID-19 in the State of South Carolina, including 3,776 deaths due to COVID-19; and

WHEREAS, DHEC has noted that increased testing of both symptomatic and asymptomatic individuals is a critical component in the fight against COVID-19, and the State must focus on maximizing interagency coordination, cooperation, and collaboration to enhance existing capacity and the availability of, and access to, COVID-19 testing; and

WHEREAS, as a result of South Carolina's testing and tracing initiatives, DHEC has also continued to identify additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, public health experts and officials have expressed concerns that the arrival of cooler weather will lead to more people staying indoors, where COVID-19 can spread more easily, and may increase community transmission of COVID-19; and

WHEREAS, state and federal public health experts and officials have similarly cautioned that influenza season poses new public health concerns and amplifies existing threats in the context of COVID-19, as influenza is anticipated to lead to additional hospitalizations, which could further burden healthcare facilities and resources, and it is possible that individuals could contract influenza and COVID-19 at the same time, which would likely cause more complications than if influenza were the sole source of infection; and

WHEREAS, in addition to the foregoing, the State of South Carolina must take additional proactive action to utilize, maximize, and coordinate intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina continue to reopen, in whole or in part, for in-person instruction, it is critically important that the State remain vigilant in addressing COVID-19 by maximizing interagency coordination to facilitate the safe resumption or continuation of classroom instruction while simultaneously implementing measures to minimize the risk of community spread and transmission of COVID-19 in schools and other settings; and

WHEREAS, in light of the foregoing, and due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the additional public health concerns associated with influenza season, including the anticipated increase in hospitalizations and the possibility of simultaneous infections, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that "[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists"; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to "declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation"; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a "public health emergency" exists when there is an "occurrence or imminent risk of a qualifying health condition," which includes "an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness"; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is "supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is "responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility," to include issuing, amending, and rescinding "emergency proclamations and regulations," which shall "have the force and effect of law as long as the emergency exists"; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to "suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to "transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable," and to "compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order"; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to "direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein"; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also "authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act"; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, "[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including,

but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer"; and

WHEREAS, it is axiomatic that "[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign," 1980 S.C. Op. Att'y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned's prior emergency declarations have since evolved and now present different and additional threats, which must be dealt with on their own terms and by maximizing interagency coordination, cooperation, and collaboration; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19—as well as the need to, *inter alia*, address emerging and amplifying issues associated with influenza season, enhance existing testing capacity, deploy the requisite vaccine distribution program, and implement and expand other mitigation efforts designed to reduce community transmission and minimize the resulting strain on healthcare facilities and resources—"require the exercise of extraordinary government functions . . . to respond, rapidly and effectively" to the evolving emergency currently facing the entire State; and

WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status of community spread and transmission of COVID-19 in the State represents the "occurrence" of a "qualifying health condition"—which includes "an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness"—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, particularly as public and private K–12 schools and higher education institutions in the State of South Carolina seek to resume or continue, in whole or in part, in-person classroom instruction, the State must take additional proactive action and implement certain mitigation efforts designed to reduce and control the spread of COVID-19 and to minimize the impacts associated with the same; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize targeted extraordinary measures and deploy substantial resources to meet the unprecedented threats posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective

"social distancing" practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, new facts and data, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the COVID-19 pandemic, including the different, additional, and evolving threats and risks cited herein, represents and requires the declaration of a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the new and distinct public health threats posed by COVID-19 and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and enhance mitigation efforts to reduce community transmission of COVID-19 and implement narrowly tailored extraordinary measures to prepare for, respond to, and address the evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts to facilitate the deployment of the required vaccine distribution program and the expansion of testing capacity.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

D. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

E. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the

Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

F. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division ("SLED") to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

G. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

H. I hereby declare that the provisions of Executive Order No. 2020-63 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must continue to undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's preparation for and response to the new and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety

Administration's September 11, 2020 Extension of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who "refuse[s] to disperse upon order of a law enforcement officer," "wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer," or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency "is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days."

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF NOVEMBER, 2020.

HENRY MCMASTER
Governor

Executive Order No. 2020-71

WHEREAS, as a result of Tropical Storm Zeta, certain portions of the State of South Carolina experienced severe weather, including damaging winds, significant rainfall, localized flooding, and other dangerous conditions, beginning on October 29, 2020; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in one or more counties throughout the State were closed or operated on an abbreviated schedule to ensure the safety of state employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that "whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions."

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties and on the following dates:

October 29, 2020:
Closed: Oconee County
October 30, 2020:
Abbreviated Schedule: Oconee County (opened at 12:00 p.m.)

Section 2. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures.

This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF NOVEMBER, 2020.

HENRY MCMASTER
Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **November 27, 2020** for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Abbeville County
Interim Healthcare of the Upstate, LLC
Establishment of home health services in Abbeville County at a total project cost of $35,000.

Affecting Anderson County
Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Anderson County at a total project cost of $69,686.

Affecting Charleston County
Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Charleston County at a total project cost of $69,686.

Medical University Hospital Authority d/b/a MUSC Shawn Jenkins Children's Hospital and Pearl Tourville Women's Pavilion
Addition of 3 intermediate bassinets (totaling 39 Intermediate bassinets) and 6 Intensive bassinets (totaling 52 Intensive bassinets) for a total of 91 NICU bassinets at a total project cost of $2,786,450.

Affecting Greenville County
Greenville Endoscopy Center, Inc. d/b/a Greenville Endoscopy Center at Halton
Construction of a new 10,142 sq. ft. Ambulatory Surgical Facility restricted to endoscopic procedures, with four endoscopy rooms for the replacement of Greenville Endoscopy Center at a total project cost of $4,297,399.

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Greenville County at a total project cost of $69,686.

Affecting Horry County
Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Horry County at a total project cost of $69,686.

Affecting Lexington County
Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Lexington County at a total project cost of $69,686.

Affecting Richland County
Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions
Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Richland County at a total project cost of $69,686.

Affecting Spartanburg County

White Oak Manor-Spartanburg, Inc. d/b/a White Oak Anderson Mill

Construction of a new 65,000 sq. ft. nursing home for the replacement of the current White Oak Manor - Spartanburg Nursing Home and the addition of 40 skilled nursing beds for a total of 100 skilled nursing beds at a total project cost of $24,087,818.

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 **November 27, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Anderson County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Anderson County at a total project cost of $69,686.

Affecting Charleston County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Charleston County at a total project cost of $69,686.

Affecting Greenville County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Greenville County at a total project cost of $69,686.

Affecting Horry County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Horry County at a total project cost of $69,686.

McLeod Loris Seacoast Hospital d/b/a McLeod Health Carolina Forest

Construction of a 48-bed acute care hospital to include MRI scanner at a total project cost of $56,251,076.

Tidelands Health Carolina Bays Hospital

Construction for the establishment of a 36-bed acute care hospital in Horry County with CT and MRI services at a total project cost of $79,285,133.

Affecting Lexington County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Lexington County at a total project cost of $69,686.

Affecting Richland County

Intrathecal Care Solutions, LLC d/b/a Advanced Nursing Solutions

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Richland County at a total project cost of $69,686.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC COMMENT PERIOD FOR AN ADDENDUM TO THE SOUTH CAROLINA 2020-2021 ANNUAL MONITORING NETWORK PLAN

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

The South Carolina Department of Health and Environmental Control (Department) is publishing this Notice of General Public Interest to provide opportunity to comment on a proposed addendum to the 2020-2021 South Carolina Annual Ambient Air Monitoring Network Plan (Network Plan) to meet obligations to the U.S. Environmental Protection Agency (EPA) and provide documentation of the establishment and maintenance of an air quality surveillance system. This surveillance system consists of a network of state or local air monitoring stations (SLAMS) that includes federal reference method (FRM) and federal equivalent method (FEM) monitors that are part of SLAMS, national core multipollutant monitoring stations (NCore), chemical speciation network (CSN), and special purpose monitor (SPM) stations. The proposed addendum to the Network Plan is available for public inspection and comment for 30 days prior to submission to the EPA to include any received comments. To be considered, the Department must receive comments no later than 5:00 p.m. on December 29, 2020, the close of the comment period.

The Department is also providing the interested public with the opportunity to request a public hearing on the issue. If requested, the Department will hold a public hearing on January 6, 2021, at 10:00 a.m., in Room 2151 of the Sims Building, 2600 Bull Street, Columbia, South Carolina. In the event that a requested public hearing cannot be held in person due to the COVID-19 guidelines restricting in-person meetings, the public hearing will be held using an alternative method that provides the public the ability to participate remotely.

Pursuant to 40 CFR 51.102, if the Department does not receive a request for a public hearing by the close of the comment period, 5:00 p.m. on December 29, 2020, the Department will cancel the public hearing. If the public hearing will be held remotely using an alternative method, or if the Department cancels the public hearing, then the Department will notify the public and provide instructions for accessing any remote public hearing (if a hearing is requested) at least one week prior to the scheduled hearing via the Department's Public Notices webpage: http://www.scdhec.gov/PublicNotices/. Interested persons may also contact G. Renee' Madden, Air Data Analysis and Support Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; via phone at (803) 898-3822; or email at maddengr@dhec.sc.gov for more information or to find out if the Department will hold the public hearing. A copy of the proposed addendum to the 2020-2021 South Carolina Annual Ambient Air Monitoring Network Plan is also located on the Department's Public Notices webpage: https://apps.dhec.sc.gov/Environment/PublicNotices/SearchAndDisplay/Display/11603.

Synopsis:

In October 2006 and in April 2016, the EPA published requirements for an annual monitoring network plan (Network Plan). This Network Plan must contain the information, as required and described in 40 CFR Part 58.10, Annual Monitoring Network Plan and Periodic Network Assessment, for each monitoring station in the network.

Any network modifications to SLAMS networks are subject to the approval of the EPA Regional Administrator, who shall approve or disapprove the plan within 120 days of submission of a complete plan to the EPA. The 2020-2021 South Carolina Annual Ambient Air Monitoring Network Plan that covers the eighteen-month period from July 1, 2020, through December 31, 2021, was submitted to the EPA on July 1, 2020. The Department received the EPA response on October 19, 2020, with a request for an addendum to include notifications of termination for the State Hospital Site and PM_{10} monitoring at the Chesterfield Site, and the renewal of the waiver for the Congaree Bluff Site. In addition to those revisions, the Department is including a request to

relocate the Irmo site and terminate the Georgetown High School #3 Site, discontinuation of monitoring of precipitation and precipitation chemistry at Congaree Bluff Site, and several minor clarifications to the Network Plan.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

November 27, 2020

This errata notice makes the following non-substantive corrections to prior published amendments of Regulation 61-63, Radioactive Materials (Title A).

No Document Number (Volume 1, Issue 10) – September 9, 1977

In 1.3.3.1 and 1.3.3.2, dashes mistakenly appear after each "x." The items should read as follows:

1.3.3.1 A dose of 1 R due to x or gamma radiation;

1.3.3.2 A dose of 1 rad due to x, gamma, or beta radiation;

In 1.4.2, ending punctuation is mistakenly omitted from the paragraph. The item should read as follows:

1.4.2 For purposes of these regulations, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of 10^{-7} microcuries of Radon 222 per milliliter of air in equilibrium with the daughters RaA, RaB, RaC, and RaC[1]:

Document Number 1646 (Volume 17, Issue 7) – July 23, 1993

In 2.30.3.8, "the" is incorrectly lowercased in the last sentence of the paragraph. The item should read as follows:

2.30.3.8 Notification and coordination. A commitment to and a brief description of the means to promptly notify offsite response organizations and request offsite assistance, including medical assistance for the treatment of contaminated injured onsite workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the Department immediately after notification of the appropriate offsite response organizations and not later than one hour after the licensee declares an emergency.[1]

In 2.32.3.2, "these" and "Columbia" are incorrectly lowercased in the third sentence of the paragraph. The item should read as follows:

2.32.3.2 Written report. Each licensee who makes a report required by RHA 2.32.1. or 2.32.2 of this section shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and appropriate distribution is made. These written reports must be sent to the S.C. Department of Health & Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, S.C. 29201. The reports must include the following.

In 3.2.4.i), ellipses are mistakenly inserted as ending punctuation. The item should read as follows:

i) In excess of the derived air concentrations (DACs) specified in Appendix B, RHA 3.53, or

Document Number 1924 (Volume 20, Issue 4) – April 26, 1996

In 11.7.1.1, is incorrectly punctuated, as the period should be a semicolon. The item should read as follows:

11.7.1.1 Must have a certificate of registration issued under 10 CFR 32.210 or RHA 2.29;

In 11.7.2, there are extra spaces between the listed temperatures and degree designations. The item should read as follows:

11.7.2 Temperature. The test source must be held at -40°C for 20 minutes, 600°C for 1 hour, and then be subjected to a thermal shock test with a temperature drop from 600°C to 20°C within 15 seconds.

In 11.16.1, the "17" is incorrectly formatted and should be corrected to superscript. The item should read as follows:

11.16.1 Shielding. For panoramic irradiators, the licensee shall design shielding walls to meet generally accepted building code requirements for reinforced concrete and design the walls, wall penetrations, and entryways to meet the radiation shielding requirements of RHA 11.9. If the irradiator will use more than 5 million curies (2×10^{17} becquerels) of activity, the licensee shall evaluate the effects of heating of the shielding walls by the irradiator sources.

In 11.27.2, the degree symbol is incorrectly formatted. The item should read as follows:

11.27.2 Irradiation of more than small quantities of flammable material (flash point below 140°F) is prohibited in panoramic irradiators unless the licensee has received prior written authorization from the Department. Authorization will not be granted unless the licensee can demonstrate that a fire in the radiation room could be controlled without damage to sealed sources or safety systems and without radiation overexposures of personnel.

Document Number 2519 (Volume 24, Issue 5) – May 26, 2000

In 5.3.13, extra spaces appear between "J" and "tube." The item should read as follows:

5.3.13 Guide tube (Projection sheath) means a flexible or rigid tube (i.e., J tube) for guiding the source assembly and the attached control cable from the exposure device to the exposure head. The guide tube may also include the connections necessary for attachment to the exposure device and to the exposure head.

Document Number 2647 (Volume 25, Issue 10) – October 26, 2001

In 8.9.1, punctuation is mistakenly omitted from the end of the last sentence. The item should read as follows:

8.9.1 The licensee shall keep a calibrated and operable radiation survey instrument capable of detecting beta and gamma radiation at each field station and temporary jobsite to make the radiation surveys required by this Part and by Part III of these regulations. To satisfy this requirement, the radiation survey instrument must be capable of measuring 0.001 mSv (0.1 mrem) per hour through at least 0.5 mSv (50 mrem) per hour.

Document Number 2804 (Volume 26, Issue 12) – December 27, 2002

In 3.52 [Appendix A] Protection Factors for Respirators, item I., the entry for "Filtering facepiece disposabled" is incorrectly formatted, as the "d" at the end of "disposabled" should be corrected to superscript. In item III., "Combination Respirators" is incorrectly punctuated, as the semicolon should be removed. The table should read as follows:

APPENDIX A-RHA 3.52 PROTECTION FACTORS FOR RESPIRATORS[a]		
	Operating Mode	Assigned Protection Factors
I. Air Purifying Respirators (Particulate[b] only)[c]		
Filtering facepiece disposable[d]	Negative Pressure	([d])
Facepiece, half[e]	Negative Pressure	10
Facepiece, full	Negative Pressure	100
Facepiece, half	Powered air-purifying respirators	50
Facepiece, full	Powered air-purifying respirators	1000
Helmet/hood	Powered air-purifying respirators	1000
Facepiece, loose-fitting	Powered air-purifying respirators	25
II. Atmosphere supplying respirators (particulate, gases and vapors[f])		
1. Air-line respirator:		
Facepiece, half	Demand	10
Facepiece, half	Continuous Flow	50
Facepiece, half	Pressure Demand	50
Facepiece, full	Demand	100
Facepiece, full	Continuous Flow	1000
Facepiece, full	Pressure Demand	1000
Helmet/hood	Continuous Flow	1000
Facepiece, loose-fitting	Continuous Flow	25
Suit	Continuous Flow	([g])
2. Self-contained breathing Apparatus (SCBA):		
Facepiece, full	Demand	[h]100
Facepiece, full	Pressure Demand	[i]10,000
Facepiece, full Demand,	Recirculating	[h]100
Facepiece, full	Positive Pressure Recirculating	[i]10,000
III. Combination Respirators		
Any combination of air-purifying and atmosphere-supplying respirators	(1) Assigned protection factor for type and mode of operation as listed above.	

Document Number 2963 (Volume 29, Issue 5) – May 27, 2005

In 4.13.1.2, an underscore mistakenly appears under the letter “d” in “and.” The item should read as follows:

4.13.1.2 Any individual before allowing that individual to work as an authorized user, authorized nuclear pharmacist, or other authorized medical physicist; and

In 4.32.1, an underscore mistakenly appears between “total” and “effective.” The item should read as follows:

4.32.1 A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem).[1]

Document Number 3136 (Volume 31, Issue 10) – October 26, 2007

In 4.22.1.3 and 4.22.1.4, the codification is incorrectly spaced. The items should be tabbed once from the left margin to match the section's codification formatting.

4.22.1.3 Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and

4.22.1.4 Pass an examination in nuclear pharmacy administered by diplomats of the specialty board, that assesses knowledge and competency in procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, research and development; or

In 4.39.3, double hyphens mistakenly appear at the end of "at a minimum." The item should read as follows:

4.39.3 Has completed 700 hours of training and experience, including a minimum of 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience must include, at a minimum,

Document Number 4123 (Volume 34, Issue 3) – March 26, 2010

In 3.2.84, an underscore mistakenly appears between "the" and "whole." The item should read as follows:

3.2.84 "Shallow-dose equivalent" (H^S), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2).

In 4.2.18, an underscore mistakenly appears at the end of the sentence. The item should read as follows:

4.2.18 "Medical institution" means an organization in which more than one medical discipline is practiced.

Document Number 4133 (Volume 34, Issue 11) – November 26, 2010

In 4.36.3.3, the codification is incorrectly spaced. The item should be tabbed twice from the left margin to match the section's codification formatting.

4.36.3.3 Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.36, 4.39 or 4.43 or equivalent NRC requirements, that the individual has satisfactorily completed the requirements in RHA 4.36.1.1 or 4.36.3 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under RHA 4.35.

Document Number 4462 (Volume 38, Issue 10) – October 24, 2014

In 2.7.15.2.4, the chemical strontium-90 was incorrectly formatted without a hyphen. The item should read as follows:

2.7.15.2.4 Procedures for and results of prototype testing of devices to demonstrate that the strontium-90 contained in each device will not be released or be removed from the device under the most severe conditions likely to be encountered in normal handling and use;

In 12.5.8.1, the "f" in the word "of" was mistakenly omitted. The item should read as follows:

12.5.8.1 The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for 3 years from the date the individual no longer requires unescorted access to Category 1 or Category 2 quantities of radioactive material.

In 12.8.2.5, an apostrophe was mistakenly omitted from “drivers.” The item should read as follows:

12.8.2.5 Hazardous Material security threat assessment for hazardous material endorsement to commercial driver’s license under 49 CFR part 1572; and

REVENUE AND FISCAL AFFAIRS OFFICE
BOARD OF ECONOMIC ADVISORS

NOTICE OF GENERAL PUBLIC INTEREST

The proposed methodology regarding the

DETERMINATION OF PROPER GOVERNMENTAL PURPOSE,
PARAMOUNT IMPORTANCE, AND BENEFITS AND COSTS
FOR FEE-IN-LIEU OF PROPERTY TAXES AND
ENTERPRISE ZONE INCENTIVES

that was published in the South Carolina State Register, Volume 19, Issue 11 on Friday, November 24, 1995, is outdated and no longer valid or applicable. An updated methodology is being developed by the Department of Commerce and their new model will replace the 1995 model.

DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-9-200

Notice of Drafting:

The Department of Insurance proposes to revise Regulation 69-53, Credit for Reinsurance. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. December 10, 2020, the close of the drafting comment period.

Synopsis:

The Department is proposing to make changes to Regulation 69-53 to outline the requirements for companies to take credit for reinsurance when ceded to a Reciprocal Jurisdiction and is the regulation backing the revisions Section 38-9-200 which were added during the 2020 legislative session. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes.

Proposed revisions will require legislative review.

DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-9-200

Notice of Drafting:

The Department of Insurance proposes to implement a new regulation, Regulation 69-81, Term and Universal Life Insurance Reserve Financing Regulation. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000 Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. December 10, 2020, the close of the drafting comment period.

Synopsis:

The Department is proposing to implement Regulation 69-81 to establish uniform, national standards governing reserve financing arrangements pertaining to term and universal life insurance policies with secondary guarantees. These amendments are based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these standards.

Proposed revisions will require legislative review.

Document No. 5015
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

27-58. Asian Longhorned Beetle Quarantine. (New)
27-58.1. Definitions. (New)
27-58.2. Regulated Articles. (New)
27-58.3. Conditions Governing the Movement of Regulated Articles. (New)
27-58.4. Issuance of Movement Documents. (New)
27-58.5. Inspection and Disposal. (New)
27-58.6. Removal of Areas from Regulation. (New)
27-58.7. Waiver of Liability. (New)
27-58.8. Regulated Areas. (New)

Preamble:

The State Crop Pest Commission proposes to add language regarding the regulation and control of the Asian Longhorned Beetle (a federally listed pest), as well as defining the terms and conditions of quarantine in South Carolina.

Section-by-Section Discussion

27-58. Asian Longhorned Beetle Quarantine.
58.1. Definitions.
Add new text with definitions to be used throughout this section.

58.2. Regulated Articles.
Add new text that explains the objects, articles, or things that require a movement document year-round to move freely within or from the quarantined area.

58.3. Conditions Governing the Movement of Regulated Articles.
Add new text that describes the situations where regulated articles may be moved.

58.4. Issuance of Movement Documents.
Add new text that describes how movement documents will or may be issued, handled and cancelled when adhering to the regulation.

58.5. Inspection and Disposal.
Add new text that describes, who, when and how regulated articles may be inspected and seized.

58.6. Removal of Areas from Regulation.
Add new text that describes how regulated areas may be removed from quarantine.

58.7. Waiver of Liability.
Add new text that describes non-liability of State Crop Pest Commission for costs incurred as a result of enforcing the regulation.

58.8. Regulated Areas.
Add new text that describes the regulated area and where it can be found publicly.

A Notice of Drafting regarding the subject matter of the proposed regulation was published in the *State Register* on September 25, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

All written comments and requests for a public hearing should be sent to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. Hearing on January 6, 2021, unless no requests are made by December 31, 2020, at which time the hearing on January 6, 2021, will be cancelled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The proposed regulations will define the quarantine area and process for containing and eradicating the Asian Longhorned Beetle. Specifications for how some regulated articles may still move are also provided.

Legal Authority: S.C. Code Ann. Sections 46-9-40 and 46-9-50.

Plan for Implementation: In collaboration with United States Department of Agriculture dedicated South Carolina program staff, the described quarantine will be implemented and enforced immediately upon passage. Outreach and education efforts to inform the public about said quarantine have already ensued and will continue. Additionally, any person, business, or entity regularly engaged in the possible movement of regulated articles, such as nurseries, landscapers, and arborists, will be contacted by the ALB program and entered into a compliance agreement which will indicate their understanding of the new regulation and provide them with direct contact to program officials. Since the movement of yard debris may be impacted by this quarantine, a marshalling yard will be established by the program for the receipt of such materials for destruction at no cost to the affected citizen. There are plans for establishing permanent signage which will indicate when residents are entering or leaving ALB eradication areas.

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

An ALB quarantine is necessary in South Carolina to aid eradication efforts, prevent additional pest spread, and save the many more yet to be affected trees in the state.

DETERMINATION OF COSTS AND BENEFITS:

The cost of this quarantine program is largely being supported by a grant from the USDA. Primarily impacted industries include foresters, nurseries, firewood producers, arborists, and landscapers. Through compliance agreements and added precautions, these industries will be able to continue business operations at nearly normal levels. Retarding or preventing movement of some regulated articles will increase expenses to these industries inside the quarantine, but these impacts are necessary to protect the much larger percentage located outside of the quarantine.

UNCERTAINTIES OF ESTIMATES:

Great efforts have gone into predicting and mitigating unnecessary financial impacts to the aforementioned industries through researching impacts from similar ALB quarantines in other states. Where these impacts are

identified, efforts are made to provide movement allowances or other options to mitigate the risk of pest spread and provide as little negative impact to industry as possible.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

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

Without implementation of the proposed regulations, ALB will spread at least to the borders of South Carolina where the USDA will establish their quarantine. Forestry and other industries would be impacted exponentially as a result of this pest spread, which would include millions of dead and falling trees, loss of critical habitats for wildlife, and reduced public safety.

Statement of Rationale:

Quarantining ALB-infested areas in South Carolina will protect uninfested areas and trees from the negative impacts associated with the beetle, which include expedited tree death, potentially reduced national and international trade from South Carolina and with and from other U.S. states, increased human health risks due to falling trees and branches, and increased tree debris management expenses. The quarantine will also stabilize accompanying eradication efforts so that in the long term, the quarantined areas can respawn with these native trees.

Text:

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

Document No. 5025
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50, and 40-6-60

10-5. Auctioneers' Commission.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend R.10-5 related to fees assessed by the Auctioneers' Commission.

Section-by-Section Discussion

10-5. Auctioneers' Commission.

10-5(A) No change.
10-5(A)(1) No change.

10-5(A)(1)(a) No change.
10-5(A)(1)(b) No change.
10-5(A)(1)(c) Strike $25 and replace with “To be set by the provider.”
10-5(A)(1)(d) No change.
10-5(A)(1)(e) No change.
10-5(A)(2) No change.
10-5(A)(2)(a) No change.
10-5(A)(2)(b) No change.
10-5(A)(2)(c) No change.
10-5(A)(2)(d) No change.
10-5(A)(3) No change.
10-5(A)(3)(a) No change.
10-5(A)(3)(b) Strike upper case “a” in “After” and replace with lower case “a”.
10-5(B) No change.
10-5(B)(1) No change.
10-5(B)(1)(a) No change.
10-5(B)(1)(b) No change.
10-5(B)(1)(c) Insert “Exam Fee” and “To be set by the provider.”
10-5(B)(1)(d) Strike “c” and replace with “d”.
10-5(B)(1)(e) Strike “d” and replace with “e”.
10-5(B)(2) No change.
10-5(B)(2)(a) No change.
10-5(B)(2)(b) Strike upper case “a” in “After” and replace with lower case “a”.
10-5(C) No change.
10-5(C) (1) No change.
10-5(C)(1)(a) No change.
10-5(C)(1)(b) No change.
10-5(C)(1)(c) Strike “$25” and replace with “To be set by the provider”.
10-5(C)(1)(d) No change.
10-5(C)(2) No change.
10-5(C)(2)(a) No change.
10-5(C)(2)(b) No change.
10-5(C)(2)(c) Strike upper case “a” in “After” and replace with lower case “a”.
10-5(C)(2)(d) No change.
10-5 (D) No change.
10-5 (D)(1) No change.
10-5 (D)(2) No change.
10-5 (D)(3) No change.
10-5 (D)(4) No change.

A Notice of Drafting was published in the *State Register* on October 23, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 7, 2021. Written comments may be directed to Amy Holleman, Administrator, Auctioneers’ Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 29, 2020. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Commission proposes amending the exam fee to reflect that the amount should be set by the third-party testing provider as this test is no longer offered by the Commission. The Commission further proposes adding that the third-party testing provider will also set the exam fee for auctioneer firms. Firms were previously omitted from the fee schedule. Additionally, a scrivener's error on capitalization is corrected in the fee schedules.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will allow third party exam providers to set exam fees and will correct a capitalization error.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50, and 40-6-60.

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

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

The Department has contracted with a third party testing company to offer the auctioneers' exams, a practice consistent among the boards administered by the Department. The Department is now proposing to amend the fee schedule for the Auctioneers' Commission to allow the third party testing provider to set its own fee for administering the exam. Additionally, exam fees for auctioneer firms were previously omitted from the schedule of fees, so the Department proposes to add firms to the fee schedule in Chapter 10. Finally, the Department proposes to correct a capitalization error in the fee schedule that is non-substantive.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The Department has contracted with a third party testing company to offer the auctioneers' exams for the Auctioneers' Commission, a practice consistent among the boards administered by the Department. When the Department hosted the exam, it established a $25 fee to cover its costs. The Department is now proposing to

amend the fee schedule for the Commission to allow the third party testing provider to set its fee. Additionally, exam fees for auctioneer firms were previously omitted from the schedule of fees, so the Department proposes to add firms to the fee schedule in Chapter 10. Finally, the Department proposes to correct a capitalization error in the fee schedule that is non-substantive.

Text:

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

Document No. 5024
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10
Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

10-4. Athletic Commission.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the State Athletic Commission.

Section-by-Section Discussion:

10-4. Athletic Commission. Fees updated.

The Notice of Drafting was published in the *State Register* on October 23, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 8, 2021. Written comments may be directed to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2020. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

Section 40-1-50(D) requires that the Agency assess, collect, and adjust fees on behalf of each board biennially to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. Following a comprehensive review of the budgets of all boards and commissions in the summer of 2013, the then-Director concluded that fees for certain boards, including the State Athletic Commission, should be adjusted to comport with Section 40-1-50(D). Because the Commission operated at a deficit, fees were increased. The proposed regulation containing the fee changes was submitted to the General Assembly in 2014 and became effective that summer. Thereafter, the Agency met with members of the athletics community and concluded that the fee increases could result in fewer

athletics events being offered in the State as well as an inability to fill certain positions necessary to conducting the athletic events. The proposed fee reductions were then offered as a compromise in an effort to balance the Commission budget but take into account the impact of increased costs associated with the State's hosting athletics events.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation is offered to: (a) comply with the statutory requirement that the agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board; and to (b) account for the fact that prior fee increases would result in fewer athletics events being offered in the State as well as an inability to hire individuals to fill positions necessary to host athletics events.

Legal Authority: 1976 Code Sections 40-1-50 and 40-1-70.

Plan for Implementation: The new regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulations and post the regulations 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 regulation is necessary to carry out the requirements of statute which establish that the agency director shall assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board. The proposed regulation is reasonable in that it establishes fees that will neither deter athletics events from seeking a venue in South Carolina nor make it difficult to fill positions necessary to the hosting of those events.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the State concerning the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department'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 proposed regulation is offered to: (a) comply with the statutory requirement that the agency director assess and adjust fees of the professional and occupational licensing boards to ensure that fees are sufficient but not

excessive to cover the expenses, including the total of the direct and indirect costs to the State, for the operations of each respective board; and to (b) account for the fact that prior fee increases would result in fewer athletics events being offered in the state as well as an inability to hire individuals to fill positions necessary to host athletics events.

Text:

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

Document No. 5020
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960

123-125. Alexander Sprunt, Jr., Wildlife Refuge and Sanctuary.

Preamble:

Regulation 123-125 is no longer necessary as the property addressed in the regulation is now known as Deveaux Bank and is managed pursuant to Regulation 123-204. Therefore, SCDNR proposes to repeal Regulation 123-125 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020. Therefore, SCDNR proposes to repeal it in its entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulation 123-125 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulation 123-125 – repeal in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulation 123-125.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulation 123-125 is no longer necessary as the property addressed in the regulation is now known as Deveaux Bank and is managed pursuant to Regulation 123-204. Therefore, SCDNR proposes to repeal Regulation 123-125 in its entirety.

Legal Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960.

Plan for Implementation: Once the repeal of the regulation has been approved by the General Assembly, the Department will remove the regulation from its published materials. The public will be notified through this publication.

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

Regulation is no longer necessary as the property addressed in the regulation is now known as Deveaux Bank and is managed pursuant to Regulation 123-204.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of this regulation will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of this regulation will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if the regulation is not repealed.

Statement of Rationale:

Regulation 123-125 is no longer necessary as the property addressed in the regulation is now known as Deveaux Bank and is managed pursuant to Regulation 123-204. The regulation should be repealed.

Text:

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

Document No. 5021
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-21-610 and 50-21-710

123-1. Federal Boat Safety Act of 1971; Inland Navigation Rule Act; International Navigation Rules Act of 1977 Adopted.
123-2. Accident Reports.
123-3. Lights.
123-5. Renewal of Certificates of Numbers.
123.7. Vessel Registration.

Preamble:

Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws. Therefore, SCDNR proposes to repeal Regulations 123-1, 123-2, 123-3, 123-5, and 123-7, in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 – repeal in their entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulations 123-1, 123-2, 123-3, 123-5, and 123-7.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 are no longer necessary due to the language and effect of the regulations being codified in Title 50 of the 1976 Code of Laws, as amended. Therefore, SCDNR proposes to repeal Regulations 123-1, 123-2, 123-3, 123-5, and 123-7, in their entirety.

Legal Authority: 1976 Code Sections 50-21-610 and 50-21-710.

Plan for Implementation: Once the repeal of the regulations has been approved by the General Assembly, the Department will remove the regulations from its published materials. The public will be notified through this publication.

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

Regulations are no longer necessary due to the language and effect of the regulations being codified in the S.C. Code of Laws.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of these regulations will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of these regulations will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if these regulations are not repealed.

Statement of Rationale:

Regulations 123-1, 123-2, 123-3, 123-5, and 123-7 are no longer necessary due to the language and effect of the regulations being codified in Sections 50-5-515 and 50-5-765 of the 1976 Code of Laws, as amended. The regulations should be repealed.

Text:

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

Document No. 5018
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960

123-104. Taking Gizzard Shad and Herring in Certain Waters.
123-107. Live Trout in Eating Establishments.
123-118. Lake Warren Management Area (Hampton County).
123-123. Fishing in Lake Jocassee and Lake Richard B. Russell.
123-126. Fishing in Portions of Howard Creek, Corbin Creek and Devil's Fork Creek.
123.130. Lake Murray-Daily Creel and Size Limit of Striped Bass (Rockfish).

Preamble:

Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws, or the regulation no longer being applicable. Therefore, SCDNR proposes to repeal Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 – repeal in their entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 are no longer necessary due to the language and effect of the regulations being codified in Title 50 of the 1976 Code of Laws, as amended, or the regulations no longer being applicable. Therefore, SCDNR proposes to repeal Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130, in their entirety.

Legal Authority: 1976 Code Sections 50-3-100, 50-19-1920, and 50-19-1960.

Plan for Implementation: Once the repeal of the regulations has been approved by the General Assembly, the Department will remove the regulations from its published materials. The public will be notified through this publication.

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

Regulations are no longer necessary due to the language and effect of the regulations being codified in the S.C. Code of Laws.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of these regulations will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of these regulations will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if these regulations are not repealed.

Statement of Rationale:

Regulations 123-104, 123-107, 123-118, 123-123, 123-126 and 123-130 are no longer necessary due to the language and effect of the regulations being codified in Title 50 of the 1976 Code of Laws, as amended, or the regulations no longer being applicable. The regulations should be repealed.

Text:

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

Document No. 5016
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-5-110, 50-17-1020, and 50-17-1590

123-20. Fishing With a Channel Net.
123-21. Operation of Crab Pots.
123-23. Tags on Submerged Traps.
123-24. Master of a Vessel Licensed by the Division of Commercial Fisheries.
123-25. Numbering of All Vessels Used for Harvesting Shellfish Commercially in South Carolina.
123.28. License for Selling Shad.
123-30. Penalties.
123-31. Dumping of Trash Fish.
123-32. Affixing Tax Tags to Shad.
123-35. Turtle Excluder Devices Required in Channel Nets.

Preamble:

Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 are no longer necessary due to the language and effect of these regulations being codified in the S.C. Code of Laws. Therefore, SCDNR proposes to repeal Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35, in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 – repeal in their entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 are no longer necessary due to the language and effect of the regulations being codified in Title 50 of the 1976 Code of Laws, as amended. Therefore, SCDNR proposes to repeal Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35, in their entirety.

Legal Authority: 1976 Code Sections 50-5-110, 50-17-1020, and 50-17-1590.

Plan for Implementation: Once the repeal of the regulations has been approved by the General Assembly, the Department will remove the regulations from its published materials. The public will be notified through this publication.

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

Regulations are no longer necessary due to the language and effect of the regulations being codified in the S.C. Code of Laws.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of these regulations will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of these regulations will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if these regulations are not repealed.

Statement of Rationale:

Regulations 123-20, 123-21, 123-23, 123-24, 123-25, 123-28, 123-30, 123-31, 123-32, and 123-35 are no longer necessary due to the language and effect of the regulations being codified in Title 50 of the 1976 Code of Laws, as amended. The regulations should be repealed.

Text:

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

Document No. 5017
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-21-610 and 50-21-710

123-12. Orange Canal, French Quarter Creek—Restriction of Watercraft.
123-13. Saluda Lake (Jerry's Cove)—Restriction of Watercraft.
123-15. Ashepoo River.
123-19. No Wake Zones.
123-19.1. Lake Moultrie (Lions Beach)—Restriction of Watercraft.
123-19.2. Restrictions on Use of Watercraft in Certain Portions of Waters of Lake Murray, Lexington County, South Carolina.
123-19.3. Restrictions on Use of Watercraft in Certain Portions of Waters of Shem Creek, Charleston County, South Carolina.
123-19.4. Restrictions on Use of Watercraft in Certain Portions of Waters of Lake Murray, Lexington County, South Carolina.
123-19.6. Restrictions on Use of Watercraft in Certain Portions of the Waters of Lake Marion, Orangeburg County, South Carolina.
123-19.7. Restrictions on the Use of Watercraft in the Waters of a Certain Portion of Goose Creek, Berkeley County, South Carolina.
123-19.8. Restrictions on Use of Watercraft in a Certain Portion of the Water of Wappoo Creek, Charleston County, South Carolina.
123-19.9. Modification of a No Wake Zone in the Lake Murray Marina Area, Lake Murray, Richland County, South Carolina.
123-19.10. Restrictions on the Use of Watercraft in Certain Portions of the Waters of Black River, Williamsburg County, South Carolina.
123-19.11. Restrictions as to Use of Watercraft Within Certain Areas of South Carolina Electric & Gas Company Public Park No. 1.
123-19.12. Restrictions as to Use of Watercraft Within Boat Launching Ramp at Dreher Island State Park.
123-19.13. Restrictions as to Use of Watercraft in Certain Areas of Durham Creek.
123-19.14. Restriction as to Use of Watercraft Within Swimming Area of Dreher Island State Park.
123-19.15. Restrictions as to Use of Watercraft Within Certain Areas of South Carolina Electric & Gas Company Public Park No. 3.
123-19.16. Restrictions on Use of Watercraft in Certain Portions of the Waters of Lake Marion, Clarendon County, South Carolina.
123-19.17. Restrictions on Use of Watercraft in Certain Portion of Waters of Ashley River, Charleston County, South Carolina.
123-19.18. Restrictions on Use of Watercraft in Certain Portion of Waters of Lake Wylie, Near Commodore Yacht Club, York County, South Carolina.
123-19.19. Restrictions on Use of Watercraft in Certain Portion of Waters of Lake Keowee called Lake Keowee Marina, Oconee County, South Carolina.
123-19.20. Restrictions on Use of Watercraft on Certain Portion of Wappoo Creek, Charleston County, South Carolina.
123-19.21. Restrictions on Use of Watercraft in Certain Portion of Lake Russell and Savannah River, Abbeville County, South Carolina.
123-19.22. Restrictions on Use of Watercraft in Certain Portion of Kiawah River, Charleston, South Carolina.
123-19.23. Pack's Landing Area of Waters of Lake Marion, Sumter County, Declared No Wake Zone.
123-19.24. Restrictions on Use of Watercraft in Certain Portion of Waters of Lake Marion, Orangeburg County, South Carolina.
123-19.25. Restrictions on Use of Watercraft in Certain Portion of Waters on Lake Keowee, Pickens County, South Carolina.
123-19.26. Restrictions on Use of Watercraft in Certain Portion of Lake Murray, Newberry County, South Carolina.

123-19.27. Restrictions on Use of Watercraft in Certain Portions of Scott Creek, Colleton County, South Carolina.
123-19.28. Restrictions on Use of Watercraft in Certain Portion of Battery Creek, Beaufort County, South Carolina
123-19.29. Restriction on Use of Watercraft in Certain Portion of Parsonage Creek, Murrells Inlet, Georgetown County, South Carolina.
123-19.30. Restriction on Use of Watercraft in Certain Portion of Morgan Creek, Charleston County, South Carolina.
123-19.31. Restrictions on Use of Watercraft in a Certain Portion of Stono River, Charleston County, South Carolina.

Preamble:

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31, all relating to restrictions on the use of watercraft in certain areas and no wake zones. These regulations are no longer necessary due to the ability of the Department to restrict the use of watercraft in these areas through the use of regulatory markers pursuant to 1976 Code Section 50-21-710. Therefore, SCDNR proposes to repeal them in their entirety. These changes were approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31 – repeal in their entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31, all relating to restrictions on the use of watercraft in certain areas and no wake zones, are no longer necessary due to the ability of the Department to restrict the use of watercraft in these areas through the use of regulatory markers pursuant to 1976 Code Section 50-21-710. These regulations should be repealed.

Legal Authority: 1976 Code Sections 50-21-610 and 50-21-710.

Plan for Implementation: Once the repeal of the regulations has been approved by the General Assembly, the Department will remove the regulations from its published materials. The public will be notified through this publication.

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

The regulations are unnecessary due to the ability of the Department to restrict the use of watercraft in these areas through the use of regulatory markers pursuant to 1976 Code Section 50-21-710.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of these regulations will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of these regulations will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if the regulations are not repealed.

Statement of Rationale:

Regulations 123-12, 123-13, 123-15, 123-19, 123-19.1, 123-19.2, 123-19.3, 123-19.4, 123-19.6, 123-19.7, 123-19.8, 123-19.9, 123-19.10, 123-19.11, 123-19.12, 123-19.13, 123-19.14, 123-19.15, 123-19.16, 123-19.17, 123-19.18, 123-19.19, 123-19.20, 123-19.21, 123-19.22, 123-19.23, 123-19.24, 123-19.25, 123-19.26, 123-19.27, 123-19.28, 123-19.29, 123-19.30, and 123-19.31, all relating to restrictions on the use of watercraft in certain areas and no wake zones, are no longer necessary due to the ability of the Department to restrict the use of watercraft in these areas through the use of regulatory markers pursuant to 1976 Code Section 50-21-710. These regulations should be repealed.

Text:

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

Document No. 5019
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-15-30, 50-15-40, 50-15-50, and 50-15-70

123-153. Sea Turtle Protection.

Preamble:

Regulation 123-153 is no longer necessary due to the language and effect of the regulation being codified in Sections 50-5-515 and 50-5-765 of the 1976 Code of Laws, as amended. Therefore, SCDNR proposes to repeal Regulation 123-153 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulation 123-125 was published in the *State Register* on October 23, 2020.

Section-by-Section Discussion:

Regulation 123-153 – repeal in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws, as amended, it will be conducted at 1000 Assembly Street, Room 335, Columbia, South Carolina, on January 4, 2021 at 10:00 a.m. Written comments about the proposed repeal or requests for a hearing should be directed to Shannon Bobertz, SCDNR General Counsel, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulation 123-153.

Statement of Need and Reasonableness:

The statement of need and reasonableness was based on staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1) through (3) and 1-23-115(C)(9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: Regulation 123-153 is no longer necessary due to the language and effect of the regulation being codified in Sections 50-5-515 and 50-5-765 of the 1976 Code of Laws, as amended. Therefore, SCDNR proposes to repeal Regulation 123-153 in its entirety.

Legal Authority: 1976 Code Sections 50-15-30, 50-15-40, 50-15-50, and 50-15-70.

Plan for Implementation: Once the repeal of the regulations has been approved by the General Assembly, the Department will remove the regulation from its published materials. The public will be notified through this publication.

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

Regulation is no longer necessary due to the language and effect of this regulation being codified in the S.C. Code of Laws.

DETERMINATION OF COSTS AND BENEFITS:

Repeal of this regulation will not require any additional costs to the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Repeal of this regulation will have no effect on the environment nor public health.

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

There will be no detrimental effect on the environment nor public health if the regulation is not repealed.

Statement of Rationale:

Regulation 123-153 is no longer necessary due to the language and effect of the regulation being codified in Sections 50-5-515 and 50-5-765 of the 1976 Code of Laws, as amended. The regulation should be repealed.

Text:

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

Document No. 5023
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 43-1-80

114-550. Licensure for Foster Care.

Preamble:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of foster family homes and the approval of adoptive homes for children who are in the State's foster care system. The existing regulations regarding foster family homes and adoption of children who are in foster care (S.C. Code of Regulations Section 114-550) need to be amended.

The Department is promulgating these proposed regulations so that South Carolina foster home licensing standards will be consistent with the model foster home licensing standards published by the United States Department of Health and Human Services, Administration for Children, Youth and Families and to make clear that the department will apply these licensing standards to persons who seek to adopt children who are in the State's foster care system. The proposed regulations promote the application of a consistent set of rules and regulations for the licensure of foster family homes and the approval of adoptive homes for children who are in the State's foster care system. The consistent application of one set of rules and regulations furthers the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Section-by-Section Discussion:

1. Delete Regulation 114-550 Sections A through O in its entirety.
2. Replace with Proposed Regulation 114-550 Sections A through Y as follows:
    114-550A sets forth a statement of applicability.
    114-550B sets forth definitions relating to licensure for foster care.
    114-550C sets forth general application process requirements.
    114-550D sets forth the application procedure.
    114-550E sets forth the types of licenses that may be issued.
    114-550F sets forth assessment study requirements.
    114-550G sets forth eligibility standards.
    114-550H sets forth physical and mental health standards.
    114-550I sets forth home study standards.
    114-550J sets forth capacity standards.
    114-550K sets forth sleeping arrangement standards.
    114-550L sets forth living space standards.
    114-550M sets forth fire safety and evacuation plan standards.
    114-550N sets forth health and safety standards.
    114-550O sets forth criminal history records check standards.
    114-550P sets forth abuse and neglect background check standards.
    114-550Q sets forth requirements of certain assurances from applicants.
    114-550R sets forth training standards.
    114-550S sets forth emergency placement standards.
    114-550T sets forth records requirements for child placing agencies.
    114-550U sets forth standards relating to issuance, renewal, denial, revocation, or termination.
    114-550V sets forth standards relating to kinship foster parents.
    114-550W sets forth standards relating to confidentiality.
    114-550X repeals prior licensing regulations.

114-550Y sets forth period to review regulations regarding need for revision.

The Department of Social Services proposes the placement of these regulations in the South Carolina Code of Regulations Chapter 114, Article 5, Subarticle 5 governing foster care. Specifically, the amended regulation will replace the current regulation section 114-550 titled Licensure for Foster Care.

The title of Regulation 114-550 will be changed to, "Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care."

The Notice of Drafting was published in the *State Register* on October 23, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments may be directed to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202 and by way of electronic mail to dawn.barton@dss.sc.gov. Written comments must be received by 5:00 p.m. on December 29, 2020.

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be held on January 5, 2021 at 10:00 a.m. at the Administrative Law Court, Edgar Brown Building, Second Floor, Suite 224, 1205 Pendleton Street, Columbia, South Carolina 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulations will be approximately $ 4.3 million.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION:

Purpose: The purpose of these regulations is to establish standards that protect the health, safety, and well-being of children residing in foster family homes and to clarify that these standards also apply to persons who apply to adopt children who are in the State's foster care system.

Legal Authority: The Department of Social Services is promulgating these regulations pursuant to the 1976 Code Section 43-1-80, as amended.

Plan for Implementation: The amendments will take effect upon the approval of the South Carolina General Assembly and publication of final regulations in the *State Register*. A copy of the regulations will be made available electronically on the SCDSS website. The Department will communicate with the affected foster parents and prospective adoptive parents before and after the implementation period regarding the new regulations.

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

These regulations are necessary so that South Carolina foster home licensing standards will be consistent with the model foster home licensing standards published by the United States Department of Health and Human Services, Administration on Children, Youth and Families. These regulations are also necessary to make the standards for approval of adoptive homes for children who are in the State's foster care system consistent with foster home licensing standards. These regulations should also provide better protections for children residing

in foster family homes and should provide more clarity for applicants who wish to serve as foster parents and adoptive parents.

The proposed standards are substantially similar to those standards already in effect and applicable to foster family homes and adoptive homes, and the application process and home study requirements are substantially the same. The proposed standards will benefit the regulated community and the children they serve by providing clarity as to licensing requirements and adoptive home approval standards for children in the State's foster care system. The proposed standards help to further the department's mission to promote the safety, permanency, stability, and well-being of children in foster care.

DETERMINATION OF COSTS AND BENEFITS:

The department anticipates there may be additional costs associated with requirements for immunization, installation of carbon monoxide detectors, and water testing.

UNCERTAINTIES AS TO ESTIMATES:

Any uncertainties as to cost estimates relate primarily to requirements for immunization, installation of carbon monoxide detectors, and water testing.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department anticipates no environmental effect. Public health will be positively affected by the amendment of regulations regarding health and safety standards for foster family homes and approval of adoptive home for children in the State's foster care system.

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

There is no anticipated detrimental effect on the environment.

Statement of Rationale:

These regulations are proposed to enhance and improve the licensing regulations for foster family homes and clarify that the licensing regulations apply to person's seeking to adopt a child who is in the State's foster care system. These regulations are also proposed for consistency with the model foster family licensing standards published by the United States Department of Health and Human Services, Administration for Children, Youth and Families (see ACF Information Memorandum ACYF-CB-IM-19-01). The proposed regulations shall establish standards that promote the health, safety, stability, and well-being of children residing in foster family homes and who are placed for adoption by the department.

Text:

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

Document No. 5022
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 63-11-30

114-590. Licensing of Residential Group Care Organizations for Children.
114-595. Standards for Supervised Independent Living.

Preamble:

The Department of Social Services is updating Regulation 114-590 to support the licensure of residential group care organizations after the passage of the Family First Prevention Services Act of 2018 (Public Law 115-123). The Department of Social Services is also repealing Regulation 114-595 because the regulations no longer necessary.

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of residential group care facilities for children. The existing regulations regarding licensure of residential group care facilities for children (S.C. Code of Regulations 114-590) need to be amended and repealed (S.C. Code of Regulations 114-595).

The Department of Social Services is proposing regulations that set forth the requirements for the licensure of residential group care facilities for children. The proposed regulations promote the application of a consistent set of rules and regulations for the licensure of group care facilities for children, including child care institutions and group care facilities operating qualified residential treatment programs. The consistent application of one set of rules and regulations furthers the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Section-by-Section Discussion:

114-590. Licensing of Residential Group Care Organizations for Children.

1. Delete Regulation 114-590 Sections A through F in its entirety.
2. Replace with Proposed Regulation 114-590(A) and (B) which set forth a general statement of purpose and definitions.
4. Add 114-591(A) through (Q) which sets forth requirements for organization and administration.
5. Add 114-592(A) through (C) which sets forth requirements for physical environment and safety.
6. Add 114-593(A) through (Y) which sets forth requirements for services to children.
7. Add 114-594(A) through (E) which sets forth requirements for specified group home populations.

114-595. Standards for Supervised Independent Living.

1. Delete Regulation 114-595 Sections A through I in its entirety.
2. Replace with Proposed Regulation 114-595(A) through (H) which explains licensing and enforcement of the regulations.

The Notice of Drafting was published in the *State Register* on October 23, 2020.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at Edgar A. Brown Building, 1205 Pendleton Street, Suite 224 Columbia South Carolina 29201 on January 4, 2021 at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written Comments may be directed to Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, 1535 Confederate Avenue, Post Office Box 1520, Columbia, South Carolina 29202 and by way of electronic mail to dawn.barton@dss.sc.gov, no later than 5:00 p.m. on December 29, 2020.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State in complying with the proposed regulation will be approximately $ 342,656.

Statement of Need and Reasonableness:

Following the enactment of the Family First Prevention Services Act of 2018 (Public Law 115-123) these regulations are being updated to establish and maintain standards for residential group care organizations that are reasonably aligned with recommended standards of national organizations concerned with standards for such organizations, including standards related to admissions policies, safety, sanitation, and protection of civil rights and which shall permit the use of the reasonable and prudent parenting standard.

DESCRIPTION OF REGULATION:

Purpose: The Agency is amending and updating Regulation 114-590 (Licensing of Residential Group Care Organizations for Children) to reinforce requirements established by the Family First Prevention Services Act of 2018 (Public Law 115-123) and is repealing Regulation 114-595 (Standards for Supervised Independent Living) to eliminate confusion and because it will no longer be necessary.

Legal Authority: 1976 Code Section 63-11-30, as amended.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Department of Social Services will notify licensees of the revised regulation and will post the regulations on the Department’s website in the Child Welfare Services Policy and Procedures Manual.

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

Following the enactment of the Family First Prevention Services Act of 2018 (Public Law 115-123) the Department is amending and updating Regulation 114-590 to establish and maintain standards for residential group care organizations that are reasonably aligned with recommended standards of national organizations concerned with standards for such organizations, including standards related to admissions policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the regulation are primarily related to licensing and administrative functions, as well as foster care maintenance payments. The regulation will benefit children in foster care and other children who need out-of-home placement by establishing consistent standards related to admissions, safety, protection, and care of these children by adult caregivers. The regulation also promotes protection of civil rights.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulations will have no effect on the environment. The regulations further public health interests because the regulations support the Department's mission to promote the safety, permanency, and well-being of children in foster care and other children who may need out-of-home placement.

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

There is no detrimental effect on the environment; however, an inability to regulate residential group care organizations for children would have a detrimental effect on children who are in foster care and other children who may need out-of-home care for their safety and protection.

Statement of Rationale:

Regulation 114-590 (Licensing of Residential Group Care Organizations for Children) is being amended and updated to, among other improvements, reinforce requirements found in the Family First Prevention Services Act of 2018 (Public Law 115-123) and Regulation 114-595 (Standards for Supervised Independent Living) is being repealed to eliminate confusion and because it will no necessary.

Text:

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

Filed: October 19, 2020 12:38pm

Document No. 5014
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-15-15, 50-15-70, and 50-15-80

Emergency Situation:

These emergency regulations amend, supersede, and add indicated sections of South Carolina Department of Natural Resources Regulations 123-151.1, 123-151.3, and 123-151.4. South Carolina's native reptiles and amphibians continue to face threats from extensive commercial collection from the wild and other negative pressures. These regulations establish protection for native reptiles and amphibians and set conditions for lawful possession, transfer, sale, barter, trade, shipment and removal from the state, and attempt of any of the preceding as well as establishing permitting and permitting conditions. The passage of recent reptile and amphibian legislation (in Act 177) makes it necessary to provide these regulations to support implementation of the Act and promptly provide for the registration and other functions of the Act, including lawful possession and transfer situations. To prevent continued exploitation, it is critical to provide immediate protection for wild native reptiles and amphibians. Because the changes to 50-15-10 – 50-15-310 became law on September 28, 2020, it is necessary to file these regulations as emergency.

Text:

ARTICLE 5
NON-GAME AND ENDANGERED SPECIES

123-151.1. Regulations for Spotted Turtle (*Clemmys guttata*).

A. Spotted Turtle ~~Program~~ Protection

1. ~~It is unlawful for any~~ A person shall not ~~to~~ take, possess, transport, import, export, process, sell, purchase, offer for sale, trade, gift, barter, ship, or receive for shipment any spotted turtle (*Clemmys guttata*) without a permit from the ~~d~~Department.

B. Spotted Turtle Permits

1. ~~The department has the authority to grant or deny spotted turtle permits at no cost. Application must be made to the department for a spotted turtle permit.~~ No new permit for the possession of spotted turtles shall be issued by the Department unless for scientific and/or conservation purposes pursuant to Regulation 123-150, et seq. at the discretion of the Department.

2. ~~The permits are valid for five (5) years from the date of issue.~~ Any person in possession of a Spotted Turtle Permit granted by the Department as of the adoption of this regulation has 90 days from the adoption of this regulation to register with the Department the current number of Spotted Turtles, both wild-caught and captive born, in their possession. Spotted turtles will be assigned a unique number and must be shell notched with the identification number provided by Department personnel.

a. Permit applicants will shell notch spotted turtles in their possession as prescribed by the Department with the Department issued identification numbers. Permit applicants must provide evidence of applied shell notches and signed affidavit confirming all individual turtles in their possession were shell notched as directed by the Department and that they understand the regulations as they pertain to spotted turtles. Upon completion, the Department will issue a permit for the registered spotted turtles.

3. ~~The permits must be renewed every five years at the discretion of the department.~~ Current permit holders as of the date of adoption of this regulation may not add additional spotted turtles to their collection or allow reproduction

4. ~~The department may set permit conditions consistent with the protection of spotted turtles. Permit conditions include but are not limited to:~~ Current permit holders' as of the date of adoption of this regulation permits are valid for five (5) years from the date of issue; however, upon completion and certification of marking,

the Department will issue a new permit valid for 1 year. Subsequent permits will be valid for 1 year and may be renewed at the discretion of the Department.

~~a. Sale of adult spotted turtles is prohibited~~

~~b. An individual may take and possess no more than nine wild-caught adult spotted turtles.~~

~~c. An individual may sell captive bred spotted turtles under four inches in carapace length for educational purposes.~~

5. The Department may set permit conditions consistent with the protection of spotted turtles. Permit conditions include but are not limited to:

a. Sale, purchase, trade, exchange, gift, or barter of any spotted turtles is prohibited.

b. No wild-caught spotted turtles may be collected.

c. All spotted turtles must be individually marked via shell notching with a unique identification number issued by the Department.

d. No unmarked spotted turtles may be possessed, unless covered by a scientific collection permit.

e. Reproduction of captive spotted turtles is prohibited unless authorized by the Department for scientific or conservation purposes. Offspring from unauthorized reproduction must be surrendered to the Department.

C. Permit Reporting Requirements

1. ~~Spotted turtle permit holders will report the following information to the department every five years.~~ At the time of permit renewal, spotted turtle permit holders will report to the Department the number of wild-caught and captive-bred spotted turtles in their possession and provide evidence documenting the identification number indicated by shell notch.

~~a. Number of wild-caught adult spotted turtles in possession (not to exceed 9).~~

~~b. Number of captive-bred spotted turtles in possession.~~

~~c. Number of captive-bred spotted turtles produced during calendar year.~~

~~d. Number of captive-bred, juvenile spotted turtles sold in the calendar year.~~

2.Any death or disposition of a spotted turtle must be reported to the Department immediately.

D. The ~~penalty~~ penalties for violation~~s~~ of this regulation ~~is~~ are prescribed in Section 50-15-80~~a, Code~~. Each spotted turtle taken or possessed in violation of these regulations shall constitute a separate offense.

123-151.3. Exchange and Transfer for Certain Native Reptiles and Amphibians.

A. No native reptile or amphibian, including parts, products, eggs, and derivatives may be sold, purchased, traded, exchanged, bartered, exported or shipped, transferred and/or re-homed, except:

1. Transferring possession of a native reptile or amphibian to the Department or the Department's designated recipient. The circumstances of acceptance shall be at the Department's discretion.

2.Transferring possession of native reptiles or amphibians when lawfully possessed and transfer is specifically authorized pursuant to other applicable federal or state laws, including those in Title 50. With respect to S.C. Code Section 50-16-60 this exception shall not apply and the provisions of S.C. Code Section 50-15-15 and the associated regulations in 123-151.3 and 123-151.4 shall have priority concerning possession and transfer of reptiles and amphibians.

3. Zoos and Aquaria maintaining accreditation or certification by the Association of Zoos and Aquariums, accredited research institutions under Institutional Care and Use Committees, and schools and educational displays open to the public may transfer and receive transferred reptiles and amphibians and must provide written notification to the Department specifying the number and species prior to transfer. Any such transfer may not be a sale, purchase, barter, or other commercial transaction. This exception also applies to the donor of a native reptile or amphibian to the above entities.

4.Venom or venom derivatives obtained or produced by a laboratory.

5. Any non-native phenotype (*i.e.* – "morph" or genetic mutation) of native snake species.

6. Any native wild phenotype of the following species reproduced in captivity and under 10 inches in total length, eastern garter snake (*Thamnophis sirtalis*), mole king snake (*Lampropeltis calligaster)*, and eastern milksnake (*Lampropeltis triangulum*).

7. Any native wild phenotype of the following species reproduced in captivity and under 20 inches in total length, corn snake (*Pantherophis guttatus*), rat snake (*Pantherophis sp.*), and eastern king snake (*Lampropeltis getula*)

8. Any native wild phenotype of the following species reproduced in captivity and, or under 24 inches in total length, pine snake (*Pituophis melanoleucus*).

9. The yellow-bellied slider (*Trachemys scripta*) species and the common snapping turtle (*Chelydra serpentina*) species if these turtles were taken from a) a permitted aquaculture facility or b) a private pond pursuant to a permit issued by the Department at the request of the owner or owner's agent. Any person transporting more than five yellow-bellied sliders (*Trachemys scripta*) species or common snapping turtle (*Chelydra serpentina*) species must be in possession of a permit pursuant to which the turtles were taken or acquired. A person selling, offering to sell, or purchasing these species must have documentation from the aquaculture facility or permitted private pond as to the origin of the turtles.

10. American alligators (*Alligator mississippiensis*), alligator eggs, alligator parts, and alligator products, while subject to regulation under other provisions of Title 50.

11. Bull Frogs *Lithobates (Rana) catesbeianus*.

12. Native reptiles and amphibians may be transferred to department-permitted wildlife rehabilitators for the purpose of rehabilitation and release. Any transfer may not be a sale, purchase, barter, or other commercial transaction. Wildlife rehabilitators may be permitted by the Department by demonstrating the following:

a. All captive reptiles and amphibians must receive proper care to ensure:

i. appropriate bedding, cover, temperature regulation, and secure shelter;

ii. potable water is accessible at all times or sufficient to meet daily requirements;

iii. food of a quantity and nutritive value to meet normal requirements; and

iv. an effective program for the control of diseases, parasites, and pests is established and maintained.

b. Any permitted wildlife rehabilitator must show proof of veterinary care either:

i. by being a licensed veterinarian; or

ii. with a letter from the treating or consulting veterinarian, or veterinary practice, listing the permit holder and those species for which the veterinary practice will provide treatment or consultation.

c. Providing an annual report documenting all reptiles and amphibians transferred to the permitted individual or facility and from the permitted individual or facility and will describe the final disposition of each individual.

13. Native American Indian tribes recognized Federally or by the State of South Carolina's Commission for Minority Affairs, pursuant to S.C. Code Section 1-31-60, and their members may transfer possession of parts of dead native reptiles when such parts are or will be incorporated in Native American cultural items and religious items, including but not limited to regalia, decorative attire, religious items, and musical instruments. This exception does not apply to live animals.

B. An otherwise lawful collection of native reptiles or amphibians may be exported from the State of South Carolina if an export permit is first obtained from the Department. Export permits are only available when an individual or legal entity is permanently relocating to another state.

C. Temporary export permits for native reptiles and amphibians may be granted at the discretion of the Department for the purposes of education, rehabilitation, and conservation where the animals will return to their state of origin.

D. Any state endangered or threatened and in need of management species are subject to the protections provided by S.C. Code Sections 50-15-10, *et seq*. and shall not be possessed or transferred except by permit issued by the Department.

E. The penalties for violation of this regulation are prescribed in S.C. Code Section 50-15-80.

123-151.4. Possession Limits for Certain Native Reptiles and Amphibians.

A. A person shall not possess any species listed as endangered or threatened and in need of management pursuant to S.C. Code Sections 50-15-10, *et seq*. except by permit issued by the Department.

B. A person shall not possess more than 10 native turtles in aggregate.

C. Any person in possession of more than 10 native turtles and in excess of the established possession limits as of September 28, 2020 has 90 days from September 28, 2020 to register with the Department the current number by species of native turtles, both wild-caught and captive born, in their possession. No additional turtles may be acquired until such time as the number of turtles in possession is below the limit set in regulation.

D. A person shall not possess more than 2 eastern box turtles (*Terrapene carolina*). Any person in possession of eastern box turtles in excess of the established possession limits as of September 28, 2020 has 90 days from

September 28, 2020 to register with the Department the current number of eastern box turtles, both wild-caught and captive born, in their possession. No new turtles may be acquired until such time as the number of turtles in possession is below the limit set in regulation. Registered turtles will be assigned a unique identification number and must be shell notched with the identification number provided.

1. Permit applicants will shell notch turtles in their possession as prescribed by the Department with the Department issued identification numbers. Permit applicants must provide evidence of applied shell notches and signed affidavit confirming all individual turtles in their possession were shell notched as directed by the Department and that they understand the regulations as they pertain to eastern box turtles. Upon completion, the Department will issue a permit for the registered box turtles.

2. Box turtle permit holders will be required to submit an annual report on the status and number of registered box turtles on a Department provided form.

E. A person shall not possess more than 2 diamondback terrapins (*Malaclemys terrapin*). This provision does not prohibit the incidental catch of diamondback terrapins by persons engaged in a lawful fishery when the terrapins are returned immediately to the water.

F. A person shall not possess more than 5 turtles total from any of the following species/subspecies: Florida cooter (*Pseudemys floridana*), river cooter (*Pseudemys concinna*), chicken turtle (*Deirochelys reticularia*), eastern painted turtle (*Chrysemys picta*), spiny softshell turtle (*Apalone spinifera*), Florida softshell turtle (*Apalone ferox*), eastern mud turtle (*Kinosternon subrubrum*), striped mud turtle (*Kinosternon bauri*), common musk turtle (*Sternotherus odoratus*), yellow-bellied slider (*Trachemys scripta)* and common snapping turtle (*Chelydra serpentina*). The above limit does not apply to the lawful possession of yellow-bellied slider (*Trachemys scripta)* species and the common snapping turtle (*Chelydra serpentina*) species pursuant to Regulation 123-151.3.

G. The Department may issue scientific collection permits as described in Regulation 123-150.3 in excess of the above limits for scientific and conservation purposes.

H. Zoos and Aquaria maintaining accreditation or certification by the Association of Zoos and Aquariums, accredited research institutions under Institutional Care and Use Committees, schools and educational displays open to the public, and Department permitted wildlife rehabilitators may request a permit to exceed the above listed possession limits at the discretion of the Department.

I. Pursuant to S.C. Code Section 50-15-15(B), no native reptiles or amphibians may be possessed or transferred pursuant to S.C. Code Section 50-16-60 except as provided in Regulations 123-151.3 and 123-150.4.

J. The penalties for violation of this regulation are prescribed in S.C. Code Section 50-15-80.

Statement of Need and Reasonableness:

South Carolina's native reptiles and amphibians continue to face threats from extensive commercial collection from the wild and other negative pressures. The passage of recent reptile and amphibian legislation protects native turtles by statute and allows the Department to protect other species by regulation. In order to ensure that other reptile and amphibian species are not targeted, regulation is needed immediately. Additionally, there is a need to provide legal means for the transfer of native turtles and the ability to exceed the statutory limits for scientific, zoological, conservation, and other special purposes.

Fiscal Impact Statement:

The amendment of Regulations 123-151 will result in limited fiscal impact. These regulations decrease exploitation of wild collected native reptiles and amphibians while allowing educational, rehabilitation, and research to continue. While the sale of wild collected native species will be curtailed, sales tax generation through the sale of a number of species of captive produced reptiles important to the trade and associated business licensing will continue and should provide an increased demand for these specimens that are legally produced.

Document No. 4976
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-79. Hazardous Waste Management Regulations.

Synopsis:

The Department of Health and Environmental Control ("Department") amends R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency ("EPA") final rule "Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine," published on February 22, 2019, at 84 FR 5816-5950. The rule creates new standards for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the existing generator regulations and reduces regulatory burdens for over-the-counter Food and Drug Administration ("FDA")-approved nicotine replacement therapies.

The Department had a Notice of Drafting published in the April 24, 2020, *South Carolina State Register*.

Instructions:

Amend R.61-79 pursuant to each individual instruction provided with the text of the amendments below.

Text:

61-79. Hazardous Waste Management Regulations.

(Statutory Authority: 1976 Code Ann. Section 44-56-30)

Revise 261.4(a)(1)(ii) to read:

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment, except as prohibited by Section 266.505 and Clean Water Act requirements at R.61-9.403.5(b)(1). "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

Add 261.7(c) to read:

(c) Containers of hazardous waste pharmaceuticals are subject to section 266.507 for determining when they are considered empty, in lieu of this section, except as provided by sections 266.507(c) and (d).

Revise 261.33(c) and comment to read:

(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in Section 261.7(b) or 266.507 of this chapter.

[Comment: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, the Department considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An

example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.]

Revise the entries in 261.33(e) Table to read:

Section 261.33(e) Lists of Acute Hazardous Wastes		
Hazardous waste No.	Chemical abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H3 AsO4
P012	1327-53-3	Arsenic oxide As2 O3
P011	1303-28-2	Arsenic oxide As2 O5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)

Section 261.33(e) Lists of Acute Hazardous Wastes		
Hazardous waste No.	Chemical abstracts No.	Substance
P001	[1] 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN)2
P189	55285-14-8	Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester.
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino) carbonyl]- 5-methyl-1H- pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester.
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate.
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa- chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-

Section 261.33(e) Lists of Acute Hazardous Wastes		
Hazardous waste No.	Chemical abstracts No.	Substance
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa- chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta, 7aalpha)-
P051	[1] 72-20-8	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta, 7aalpha)-, & metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P191	644-64-4	Dimetilan
P047	[1] 534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)- carbonyl]oxime.
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester.
P066	16752-77-5	Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate.
P065	628-86-4	Fulminic acid, mercury(2) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide

Section 261.33(e) Lists of Acute Hazardous Wastes		
Hazardous waste No.	Chemical abstracts No.	Substance
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate.
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S′)-,
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N′-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N′-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methyllactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb.
P128	315-8-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO)4, (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)2
P075	[1] 54-11-5	Nicotine & salts (this listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
P076	10102-43-9	Nitric oxide

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Hazardous waste No.	Chemical abstracts No.	Substance
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO2
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO4, (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	[1] 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate.
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
Section 261.33(e) Lists of Acute Hazardous Wastes		

Hazardous waste No.	Chemical abstracts No.	Substance
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	[1] 54-11-5	Pyridine, 3-(1-methyl-2- pyrrolidinyl),- (S)-, & salts (this listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium(1) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	[1] 57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	[1] 57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl2 O3
P114	12039-52-0	Thallium(I) selenite

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Hazardous waste No.	Chemical abstracts No.	Substance
P115	7446-18-6	Thallium(I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H2 N)C(S)]2 NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V2 O5
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	[1] 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S′)-,
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)2
P122	1314-84-7	Zinc phosphide Zn3 P2, when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram
P001	[1] 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P001	[1] 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P002	591-08-2	Acetamide, -(aminothioxomethyl)-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine
P008	504-24-5	4-Pyridinamine
P009	131-74-8	Ammonium picrate (R)

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Hazardous waste No.	Chemical abstracts No.	Substance
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H3 AsO4
P011	1303-28-2	Arsenic oxide As2 O5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As2 O3
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis[chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN)2
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-

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Hazardous waste No.	Chemical abstracts No.	Substance
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta, 7aalpha)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl-
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	[1] 534-52-1	4,6-Dinitro-o-cresol, & salts
P047	[1] 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide [(H2 N)C(S)]2 NH
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	[1] 72-20-8	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta, 7aalpha)-, & metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide

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Hazardous waste No.	Chemical abstracts No.	Substance
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate
P065	628-86-4	Fulminic acid, mercury(2) salt (R,T)
P065	628-86-4	Mercury fulminate (R,T)
P066	16752-77-5	Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester
P066	16752-77-5	Methomyl
P067	75-55-8	Aziridine, 2-methyl-
P067	75-55-8	1,2-Propylenimine
P068	60-34-4	Hydrazine, methyl-
P068	60-34-4	Methyl hydrazine
P069	75-86-5	2-Methyllactonitrile
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P070	116-06-3	Aldicarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P071	298-00-0	Methyl parathion
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P072	86-88-4	alpha-Naphthylthiourea
P072	86-88-4	Thiourea, 1-naphthalenyl-
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO)4, (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)2
P075	[1] 54-11-5	Nicotine & salts (this listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
P075	[1] 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl),- (S)-, & salts (this listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)
P076	10102-43-9	Nitric oxide
P076	10102-43-9	Nitrogen oxide NO
P077	100-01-6	Benzenamine, 4-nitro-

Section 261.33(e) Lists of Acute Hazardous Wastes		
Hazardous waste No.	Chemical abstracts No.	Substance
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO2
P081	55-63-0	Nitroglycerine (R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P082	62-75-9	Methanamine, -methyl-N-nitroso-
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, -methyl-N-nitroso-
P085	152-16-9	Diphosphoramide, octamethyl-
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO4, (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)

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Hazardous waste No.	Chemical abstracts No.	Substance
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	[1] 157-24-9	Strychnidin-10-one, & salts
P108	[1] 157-24-9	Strychnine, & salts
P109	3689-24-5	Tetraethyldithiopyrophosphate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P110	78-00-2	Plumbane, tetraethyl-
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Methane, tetranitro-(R)
P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl2 O3
P114	12039-52-0	Selenious acid, dithallium(1) salt
P114	12039-52-0	Tetraethyldithiopyrophosphate
P115	7446-18-6	Thiodiphosphoric acid, tetraethyl ester
P115	7446-18-6	Plumbane, tetraethyl-
P116	79-19-6	Tetraethyl lead
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V2O5
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)2
P122	1314-84-7	Zinc phosphide Zn3 P2, when present at concentrations greater than 10% (R,T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P127	1563-66-2	Carbofuran
P128	315-8-4	Mexacarbate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P185	26419-73-8	Tirpate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate

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Hazardous waste No.	Chemical abstracts No.	Substance
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidthioic acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S′)-,
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N′-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N′-[3-[[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S′)-,
P205	137-30-4	Ziram

Add 262.10(m) to read:

(m) All reverse distributors (as defined in Section 266.500) are subject to part 266, subpart P for the management of hazardous waste pharmaceuticals in lieu of this part.

Add 262.10(n) to read:

(n) Each healthcare facility (as defined in Section 266.500) must determine whether it is subject to part 266, subpart P for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it

generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than 100 kg (220 pounds) of hazardous waste per calendar month, or more than 1 kg (2.2 pounds) of acute hazardous waste per calendar month, or more than 100 kg (220 pounds) per calendar month of any residue or contaminated soil, water, or other debris, resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in Section 261.31 or Section 261.33(e), is subject to part 266, subpart P for the management of hazardous waste pharmaceuticals in lieu of this part. A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section 262.14 and is not subject to part 266, subpart P, except for Sections 266.505 and 266.507 and the optional provisions of Section 266.504.

Add 262.13 (c)(9) to read:

(9) Is a hazardous waste pharmaceutical, as defined in Section 266.500, that is subject to or managed in accordance with part 266, subpart P or is a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and is conditionally exempt under Section 266.506.

Add 262.14(a)(5)(ix) to read:

(ix) A reverse distributor (as defined in Section 266.500), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in Section 266.500).

Add 262.14(a)(5)(x) to read:

(x) A healthcare facility (as defined in Section 266.500) that meets the conditions in Sections 266.502(l) and 266.503(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

Add and reserve 264.1(g)(12) to read:

(12) [Reserved]

Add 264.1(g)(13) to read:

(13) Reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in Section 266.500. Reverse distributors are subject to regulation under part 266, subpart P in lieu of this part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

Add and reserve 265.1(c)(15) to read:

(15) [Reserved]

Add 265.1(c)(16) to read:

(16) Reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in Section 266.500. Reverse distributors are subject to regulation under part 266, subpart P in lieu of this part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

Revise the 266. Table of Contents to read:

SUBPART O: [RESERVED]

SUBPART P: HAZARDOUS WASTE PHARMACEUTICALS

Add 266.500 to read:

266.500. Definitions for this subpart.

The following definitions apply to this subpart:

"Evaluated hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in accordance with Section 266.510(a)(3) and will not be sent to another reverse distributor for further evaluation or verification of manufacture credit.

"Hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in Section 261.2, and exhibits one or more characteristics identified in part 261 subpart C or is listed in part 261, subpart D. A pharmaceutical is not a solid waste, as defined in Section 261.2, and therefore not a hazardous waste pharmaceutical, if it is legitimately used/reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in Section 261.2, and therefore not a hazardous waste pharmaceutical, if it has a reasonable expectation of being legitimately used/reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

"Healthcare facility" means any person that is lawfully authorized to –

(1) provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

(2) distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies,

long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

"Household waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in Section 261.2, but is excluded from being a hazardous waste under Section 261.4(b)(1).

"Long-term care facility" means a licensed entity that provides assistance with activities of daily living, including managing and administering pharmaceuticals to one or more individuals at the facility. This definition includes, but is not limited to, hospice facilities, nursing facilities, skilled nursing facilities, and the nursing and skilled nursing care portions of continuing care retirement communities. Not included within the scope of this definition are group homes, independent living communities, assisted living facilities, and the independent and assisted living portions of continuing care retirement communities.

"Non-creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used/reused or reclaimed. This includes but is not limited to, investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in empty containers, contaminated personal protective equipment, floor sweepings, and clean-up material from the spills of pharmaceuticals.

"Non-hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in Section 261.2, and is not listed in part 261, subpart D, and does not exhibit a characteristic identified in part 261, subpart C.

"Non-pharmaceutical hazardous waste" means a solid waste, as defined in Section 261.2, that is listed in part 261, subpart D, or exhibits one or more characteristics identified in part 261, subpart C, but is not a pharmaceutical, as defined in this Section.

"Pharmaceutical" means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by 21 CFR 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

"Potentially creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and is-

(1) in original manufacturer packaging (except pharmaceuticals that were subject to a recall);

(2) undispensed; and

(3) unexpired or less than one year past expiration date.

The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals including, but not limited to, over-the-counter drugs, homeopathic drugs, and dietary supplements.

"Reverse distributor" means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical

manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

Add 266.501 to read:

266.501. Applicability.

(a) A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section 262.14 and is not subject to this subpart, except for Sections 266.505 and 266.507 and the optional provisions of Section 266.504.

(b) A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, has the option of complying with Section 266.501(d) for the management of its hazardous waste pharmaceuticals as an alternative to complying with Section 262.14 and the optional provisions of Section 266.504.

(c) A healthcare facility or reverse distributor remains subject to all applicable hazardous waste regulations with respect to the management of its non-pharmaceutical hazardous waste.

(d) With the exception of healthcare facilities identified in subsection (a), a healthcare facility is subject to the following in lieu of parts 262–265:

(1) Sections 266.502 and 266.505 through 266.508 of this subpart with respect to the management of:

(i) Non-creditable hazardous waste pharmaceuticals, and

(ii) Potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

(2) Sections 262.502(a), 266.503, 266.505 through 266.507, and 266.509 of this subpart with respect to the management of potentially creditable hazardous waste pharmaceuticals that are prescription pharmaceuticals and are destined for a reverse distributor.

(e) A reverse distributor is subject to Sections 266.505 through 266.510 of this subpart in lieu of parts 262 through 265 with respect to the management of hazardous waste pharmaceuticals.

(f) Hazardous waste pharmaceuticals generated or managed by entities other than healthcare facilities and reverse distributors (e.g., pharmaceutical manufacturers and reverse logistics centers) are not subject to this subpart. Other generators are subject to 40 CFR part 262 for the generation and accumulation of hazardous wastes, including hazardous waste pharmaceuticals.

(g) The following are not subject to parts 260 through 273, except as specified:

(1) Pharmaceuticals that are not solid waste, as defined by Section 261.2, because they are legitimately used/re-used (e.g., lawfully donated for their intended purpose) or reclaimed.

(2) Over-the-counter pharmaceuticals, dietary supplements, or homeopathic drugs that are not solid wastes, as defined by Section 261.2, because they have a reasonable expectation of being legitimately used/re-used (e.g., lawfully redistributed for their intended purpose) or reclaimed.

(3) Pharmaceuticals being managed in accordance with a recall strategy that has been approved by the Food and Drug Administration in accordance with 21 CFR part 7, subpart C. This subpart does apply to the

management of the recalled hazardous waste pharmaceuticals after the Food and Drug Administration approves the destruction of the recalled items.

(4) Pharmaceuticals being managed in accordance with a recall corrective action plan that has been accepted by the Consumer Product Safety Commission in accordance with 16 CFR part 1115. This subpart does

apply to the management of the recalled hazardous waste pharmaceuticals after the Consumer Product Safety Commission approves the destruction of the recalled items.

(5) Pharmaceuticals stored according to a preservation order, or during an investigation or judicial proceeding until after the preservation order, investigation, or judicial proceeding has concluded and/or a decision is made to discard the pharmaceuticals.

(6) Investigational new drugs for which an investigational new drug application is in effect in accordance with the Food and Drug Administration's regulations in 21 CFR part 312. This subpart does apply to the management of the investigational new drug after the decision is made to discard the investigational new drug or the Food and Drug Administration approves the destruction of the investigational new drug, if the investigational new drug is a hazardous waste.

(7) Household waste pharmaceuticals, including those that have been collected by an authorized collector (as defined by the Drug Enforcement Administration), provided the authorized collector complies with the conditional exemption in Sections 266.506(a)(2) and 266.506(b).

Add 266.502 to read:

266.502. Standards for healthcare facilities managing non-creditable hazardous waste pharmaceuticals.

(a) Notification and withdrawal from this subpart for healthcare facilities managing hazardous waste pharmaceuticals—

(1) Notification. A healthcare facility must notify the Department, using the Site Identification Form (EPA Form 8700-12), that it is a healthcare facility operating under this subpart. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (Site Identification Form) for each site or EPA identification number.

(i) A healthcare facility that already has an EPA identification number must notify the Department using the Site Identification Form (EPA Form 8700-12) that it is a healthcare facility. A large quantity generator must notify the Department in its next quarterly report per Section 262.41. A small quantity generator must notify the Department in its annual declaration per Section 262.44.

(ii) A healthcare facility that does not have an EPA identification number must obtain one by notifying the Department using the Site Identification Form (EPA Form 8700-12) that it is a healthcare facility within thirty (30) calendar days of the effective date of this subpart or within thirty (30) calendar days of becoming subject to this subpart.

(iii) A healthcare facility must keep a copy of its notification on file for as long as the healthcare facility is subject to this subpart.

(2) Withdrawal. A healthcare facility that operated under this subpart but is no longer subject to this subpart, because it is a very small quantity generator under Section 262.14, and elects to withdraw from this subpart, must notify the Department using the Site Identification Form (EPA Form 8700-12) that it is no longer operating under this subpart. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals.

A healthcare facility must submit a separate notification (Site Identification Form) for each EPA identification number.

(i) A healthcare facility must submit the Site Identification Form notifying that it is withdrawing from this subpart before it begins operating under the conditional exemption of Section 262.14.

(ii) A healthcare facility must keep a copy of its withdrawal on file for three years from the date of signature on the notification of its withdrawal.

(b) Training of personnel managing non-creditable hazardous waste pharmaceuticals at healthcare facilities. A healthcare facility must ensure that all personnel that manage non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

(c) Hazardous waste determination for non-creditable pharmaceuticals. A healthcare facility that generates a solid waste that is a non-creditable pharmaceutical must determine whether that pharmaceutical is a hazardous waste pharmaceutical (i.e., it exhibits a characteristic identified in part 261, subpart C or is listed in part 261, subpart D) in order to determine whether the waste is subject to this subpart. A healthcare facility may choose to manage its non-hazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals under this subpart.

(d) Standards for containers used to accumulate non-creditable hazardous waste pharmaceuticals at healthcare facilities.

(1) A healthcare facility must place non-creditable hazardous waste pharmaceuticals in a container that is structurally sound, compatible with its contents, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A healthcare facility that manages ignitable or reactive non-creditable hazardous waste pharmaceuticals, or that mixes or commingles incompatible non-creditable hazardous waste pharmaceuticals must manage the container so that it does not have the potential to:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the container of non-creditable hazardous waste pharmaceuticals; or

(v) Through other like means threaten human health or the environment.

(3) A healthcare facility must keep containers of non-creditable hazardous waste pharmaceuticals closed and secured in a manner that prevents unauthorized access to its contents.

(4) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and non-hazardous non-creditable waste pharmaceuticals in the same container, except that non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition of Section 268.3(c) must be accumulated in separate containers and labeled with all applicable hazardous waste numbers (i.e., hazardous waste codes).

(e) Labeling containers used to accumulate non-creditable hazardous waste pharmaceuticals at healthcare facilities. A healthcare facility must label or clearly mark each container of non-creditable hazardous waste pharmaceuticals with the phrase “Hazardous Waste Pharmaceuticals.”

(f) Maximum accumulation time for non-creditable hazardous waste pharmaceuticals at healthcare facilities.

(1) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals on-site for one (1) year or less without a permit or having interim status.

(2) A healthcare facility that accumulates non-creditable hazardous waste pharmaceuticals on-site must demonstrate the length of time that the non-creditable hazardous waste pharmaceuticals have been accumulating, starting from the date it first becomes a waste. A healthcare facility may make this demonstration by any of the following methods:

(i) Marking or labeling the container of non-creditable hazardous waste pharmaceuticals with the date that the non-creditable hazardous waste pharmaceuticals became a waste;

(ii) Maintaining an inventory system that identifies the date the non-creditable hazardous waste pharmaceuticals being accumulated first became a waste; or

(iii) Placing the non-creditable hazardous waste pharmaceuticals in a specific area and identifying the earliest date that any of the non-creditable hazardous waste pharmaceuticals in the area became a waste.

(g) Land disposal restrictions for non-creditable hazardous waste pharmaceuticals. The non-creditable hazardous waste pharmaceuticals generated by a healthcare facility are subject to the land disposal restrictions of part 268. A healthcare facility that generates non-creditable hazardous waste pharmaceuticals must comply with the land disposal restrictions in accordance with Section 268.7(a) requirements, except that it is not required to identify the hazardous waste numbers (i.e., hazardous waste codes) on the land disposal restrictions notification.

(h) Procedures for healthcare facilities for managing rejected shipments of non-creditable hazardous waste pharmaceuticals. A healthcare facility that sends a shipment of non-creditable hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of Section 264.72 or Section 265.72 of this chapter may accumulate the returned non-creditable hazardous waste pharmaceuticals on-site for up to an additional ninety (90) calendar days provided the rejected or returned shipment is managed in accordance with paragraphs (d) and (e) of this section. Upon receipt of the returned shipment, the healthcare facility must:

(1) Sign either:

(i) Item 18c of the original manifest, if the original manifest was used for the returned shipment; or

(ii) Item 20 of the new manifest, if a new manifest was used for the returned shipment;

(2) Provide the transporter a copy of the manifest;

(3) Within thirty (30) calendar days of receipt of the rejected shipment, send a copy of the manifest to the designated facility that returned the shipment to the healthcare facility; and

(4) Within ninety (90) calendar days of receipt of the rejected shipment, transport or offer for transport the returned shipment in accordance with the shipping standards of Section 266.508(a).

(i) Reporting by healthcare facilities for non-creditable hazardous waste pharmaceuticals.

(1) Reporting by healthcare facilities. Healthcare facilities are not subject to reporting requirements under Section 262.41 or Section 262.44 with respect to non-creditable hazardous waste pharmaceuticals managed under this subpart.

(2) Exception reporting by healthcare facilities for a missing copy of the manifest.

(i) For shipments from a healthcare facility to a designated facility:

(A) If a healthcare facility does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within sixty (60) days of the date the non-creditable hazardous waste pharmaceuticals were accepted by the initial transporter, the healthcare facility must submit:

(*1*) A legible copy of the original manifest, indicating that the healthcare facility has not received confirmation of delivery, to the Department for the Region in which the healthcare facility is located, and

(*2*) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

(B) [Reserved]

(ii) For shipments rejected by the designated facility and shipped to an alternate facility.

(A) If a healthcare facility does not receive a copy of the manifest for a rejected shipment of the non-creditable hazardous waste pharmaceuticals that is forwarded by the designated facility to an alternate facility (using appropriate manifest procedures), with the signature of the owner or operator of the alternate facility, within sixty (60) days of the date the non-creditable hazardous waste was accepted by the initial transporter forwarding the shipment of non-creditable hazardous waste pharmaceuticals from the designated facility to the alternate facility, the healthcare facility must submit:

(*1*) A legible copy of the original manifest, indicating that the healthcare facility has not received confirmation of delivery, to the Department for the state in which the healthcare facility is located; and

(*2*) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

(B) [Reserved]

(3) Additional reports. The Department may require healthcare facilities to furnish additional reports concerning the quantities and disposition of non-creditable hazardous waste pharmaceuticals.

(j) Recordkeeping by healthcare facilities for non-creditable hazardous waste pharmaceuticals.

(1) A healthcare facility must keep a copy of each manifest signed in accordance with Section 262.23(a) for three (3) years or until it receives a signed copy from the designated facility that received the non-creditable hazardous waste pharmaceuticals. This signed copy must be retained as a record for at least three (3) years from the date the waste was accepted by the initial transporter.

(2) A healthcare facility must keep a copy of each exception report for a period of at least three (3) years from the date of the report.

(3) A healthcare facility must keep records of any test results, waste analyses, or other determinations made to support its hazardous waste determination(s) consistent with Section 262.11(f), for at least three (3) years from the date the waste was last sent to on-site or off-site treatment, storage, or disposal. A healthcare facility that manages all of its non-creditable non-hazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals is not required to keep documentation of hazardous waste determinations.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Department.

(5) All records must be readily available upon request by an inspector.

(k) Response to spills of non-creditable hazardous waste pharmaceuticals at healthcare facilities. A healthcare facility must immediately contain all spills of non-creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with the requirements of this subpart.

(l) Accepting non-creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator. A healthcare facility may accept non-creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator under Section 262.14, without a permit or without having interim status, provided the receiving healthcare facility:

(1) Is under the control of the same person (as defined in Section 260.10) as the very small quantity generator healthcare facility that is sending the non-creditable hazardous waste pharmaceuticals off-site ("control," for the purposes of this section, means the power to direct the policies of the healthcare facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate healthcare facilities on behalf of a different person as defined in Section 260.10 of this chapter shall not be deemed to "control" such healthcare facilities) or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the very small quantity generator healthcare facility;

(2) Is operating under this subpart for the management of its non-creditable hazardous waste pharmaceuticals;

(3) Manages the non-creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this subpart; and

(4) Keeps records of the non-creditable hazardous waste pharmaceuticals shipments it receives from off site for three years from the date that the shipment is received.

Add 266.503 to read:

266.503. Standards for healthcare facilities managing potentially creditable hazardous waste pharmaceuticals.

(a) Hazardous waste determination for potentially creditable pharmaceuticals. A healthcare facility that generates a solid waste that is a potentially creditable pharmaceutical must determine whether the potentially creditable pharmaceutical is a potentially creditable hazardous waste pharmaceutical (i.e., it is listed in part 261, subpart D or exhibits a characteristic identified in part 261, subpart C). A healthcare facility may choose to manage its potentially creditable non-hazardous waste pharmaceuticals as potentially creditable hazardous waste pharmaceuticals under this subpart.

(b) Accepting potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator. A healthcare facility may accept potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator under Section 262.14, without a permit or without having interim status, provided the receiving healthcare facility:

(1) Is under the control of the same person, as defined in Section 260.10, as the very small quantity generator healthcare facility that is sending the potentially creditable hazardous waste pharmaceuticals off site, or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the very small quantity generator healthcare facility;

(2) Is operating under this subpart for the management of its potentially creditable hazardous waste pharmaceuticals;

(3) Manages the potentially creditable hazardous waste pharmaceuticals that it receives from off site in compliance with this subpart; and

(4) Keeps records of the potentially creditable hazardous waste pharmaceuticals shipments it receives from off site for three (3) years from the date that the shipment is received.

(c) Prohibition. Healthcare facilities are prohibited from sending hazardous wastes other than potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

(d) Reporting by healthcare facilities. Healthcare facilities are not subject to reporting requirements under Section 262.41 or Section 262.44 with respect to potentially creditable hazardous waste pharmaceuticals managed under this subpart.

(e) Recordkeeping by healthcare facilities.

(1) A healthcare facility that initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor must keep the following records (paper or electronic) for each shipment of potentially creditable hazardous waste pharmaceuticals for three (3) years from the date of shipment:

(i) The confirmation of delivery; and

(ii) The shipping papers prepared in accordance with 49 CFR part 172, subpart C, if applicable.

(2) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Department.

(3) All records must be readily available upon request by an inspector.

(f) Response to spills of potentially creditable hazardous waste pharmaceuticals at healthcare facilities. A healthcare facility must immediately contain all spills of potentially creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in accordance with this subpart.

Add 266.504 to read:

266.504. Healthcare facilities that are very small quantity generators for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste.

(a) Potentially creditable hazardous waste pharmaceuticals. A healthcare facility that is a very small quantity generator for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

(b) Off-site collection of hazardous waste pharmaceuticals generated by a healthcare facility that is a very small quantity generator. A healthcare facility that is a very small quantity generator for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its hazardous waste pharmaceuticals off-site to another healthcare facility, provided:

(1) The receiving healthcare facility meets the conditions in Section 266.502(l) of this subpart and Section 266.503(b), as applicable; or

(2) The very small quantity generator healthcare facility meets the conditions in section 262.14(a)(5)(viii) and the receiving large quantity generator meets the conditions in Section 262.17(f).

(c) Long-term care facilities that are very small quantity generators. A long-term care facility that is a very small quantity generator for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may dispose of its hazardous waste pharmaceuticals (excluding contaminated personal protective equipment or clean-up materials) in an on-site collection receptacle of an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration provided the contents are collected, stored, transported, destroyed, and disposed of in compliance with all applicable Drug Enforcement Administration regulations for controlled substances.

(d) Long-term care facilities with twenty (20) beds or fewer. A long-term care facility with twenty (20) beds or fewer is presumed to be a very small quantity generator subject to Section 262.14 for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste and not subject to this subpart, except for Sections 266.505 and 266.507 and the other optional provisions of this section. The Department has the responsibility to demonstrate that a long-term care facility with twenty (20) beds or fewer generates quantities of hazardous waste that are in excess of the very small quantity generator limits as defined in Section 260.10. A long-term care facility with more than twenty (20) beds that operates as a very small quantity generator under Section 262.14 must demonstrate that it generates quantities of hazardous waste that are within the very small quantity generator limits as defined by Section 260.10.

Add 266.505 to read:

266.505. Prohibition of sewering hazardous waste pharmaceuticals.

All healthcare facilities—including very small quantity generators operating under section 262.14 in lieu of this subpart—and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system that passes through to a publicly owned treatment works. Healthcare facilities and reverse distributors remain subject to the prohibitions in R.61-9.403.5(b)(1).

Add 266.506 to read:

266.506. Conditional exemptions for hazardous waste pharmaceuticals that are also controlled substances and household waste pharmaceuticals collected in a take-back event or program.

(a) Conditional exemptions. Provided the conditions of paragraph (b) of this section are met, the following are exempt from parts 262 through 273:

(1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by the Drug Enforcement Administration in 21 CFR part 1308, and

(2) Household waste pharmaceuticals that are collected in a take-back event or program, including those that are collected by an authorized collector (as defined by the Drug Enforcement Administration) registered with the Drug Enforcement Administration that commingles the household waste pharmaceuticals with controlled substances from an ultimate user (as defined by the Drug Enforcement Administration).

(b) Conditions for exemption. The hazardous waste pharmaceuticals must be:

(1) Managed in compliance with the sewer prohibition of Section 266.505;

(2) Collected, stored, transported, and disposed of in compliance with all applicable Drug Enforcement Administration regulations for controlled substances; and

(3) Destroyed by a method that the Drug Enforcement Administration has publicly deemed in writing to meet their non-retrievable standard of destruction or combusted at one of the following:

(i) A permitted large municipal waste combustor, subject to 40 CFR part 62, subpart FFF or applicable state plan for existing large municipal waste combustors, or 40 CFR part 60, subpart Eb for new large municipal waste combustors; or

(ii) A permitted small municipal waste combustor, subject to 40 CFR part 62, subpart JJJ or applicable state plan for existing small municipal waste combustors, or 40 CFR part 60, subpart AAAA for new small municipal waste combustors; or

(iii) A permitted hospital, medical and infectious waste incinerator, subject to 40 CFR part 62, subpart HHH or applicable state plan for existing hospital, medical and infectious waste incinerators, or 40 CFR part 60, subpart Ec for new hospital, medical and infectious waste incinerators.

(iv) A permitted commercial and industrial solid waste incinerator, subject to 40 CFR part 62, subpart III or applicable state plan for existing commercial and industrial solid waste incinerators, or 40 CFR part 60, subpart CCCC for new commercial and industrial solid waste incinerators.

(v) A permitted hazardous waste combustor subject to 40 CFR part 63, subpart EEE.

Add 266.507 to read:

266.507. Residues of hazardous waste pharmaceuticals in empty containers.

(a) Stock, dispensing, and unit-dose containers. A stock bottle, dispensing bottle, vial, or ampule (not to exceed 1 liter or 10,000 pills); or a unit-dose container (e.g., a unit-dose packet, cup, wrapper, blister pack, or delivery device) is considered empty and the residues are not regulated as hazardous waste provided the pharmaceuticals have been removed from the stock bottle, dispensing bottle, vial, ampule, or the unit-dose container using the practices commonly employed to remove materials from that type of container.

(b) Syringes. A syringe is considered empty and the residues are not regulated as hazardous waste under this subpart provided the contents have been removed by fully depressing the plunger of the syringe. If a syringe is not empty, the syringe must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this subpart and any applicable federal, state, and local requirements for sharps containers and medical waste.

(c) Intravenous (IV) bags. An intravenous (IV) bag is considered empty and the residues are not regulated as hazardous waste provided the pharmaceuticals in the intravenous (IV) bag have been fully administered to a patient. If an intravenous (IV) bag is not empty, the intravenous (IV) bag must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under this subpart, unless the intravenous (IV) bag held non-acute hazardous waste pharmaceuticals and is empty as defined in Section 261.7(b)(1).

(d) Other containers, including delivery devices. Hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable hazardous waste pharmaceuticals under this subpart, unless the container held non-acute hazardous waste pharmaceuticals and is empty as defined in Section 261.7(b)(1) or (2). This includes, but is not limited to, residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

Add 266.508 to read:

266.508. Shipping non-creditable hazardous waste pharmaceuticals from a healthcare facility or evaluated hazardous waste pharmaceuticals from a reverse distributor.

(a) Shipping non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. A healthcare facility must ship non-creditable hazardous waste pharmaceuticals and a reverse distributor must ship evaluated hazardous waste pharmaceuticals off-site to a designated facility (such as a permitted or interim status treatment, storage, or disposal facility) in compliance with:

(1) The following pre-transport requirements, before transporting or offering for transport off-site:

(i) Packaging. Package the waste in accordance with the applicable U.S. Department of Transportation regulations on hazardous materials under 49 CFR parts 173, 178, and 180.

(ii) Labeling. Label each package in accordance with the applicable U.S. Department of Transportation regulations on hazardous materials under 49 CFR part 172, subpart E.

(iii) Marking.

(A) Mark each package of hazardous waste pharmaceuticals in accordance with the applicable U.S. Department of Transportation regulations on hazardous materials under 49 CFR part 172, subpart D;

(B) Mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:

"HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Healthcare Facility's or Reverse distributor's Name and Address _____.

Healthcare Facility's or Reverse distributor's EPA Identification Number_____.

Manifest Tracking Number _____."

(C) Lab packs that will be incinerated in compliance with Section 268.42(c) are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification, may be used to identify the EPA Hazardous Waste Number(s).

(iv) Placarding. Placard or offer the initial transporter the appropriate placards according to U.S. Department of Transportation regulations for hazardous materials under 49 CFR part 172, subpart F.

(2) The manifest requirements of part 262, subpart B, except that:

(i) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of EPA Form 8700-22.

(ii) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word "PHARMS" in Item 13 of EPA Form 8700-22.

(b) Exporting non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. A healthcare facility or reverse distributor that exports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to part 262, subpart H.

(c) Importing non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. Any person that imports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to part 262, subpart H. A healthcare facility or reverse distributor may not accept imported non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste

pharmaceuticals unless they have a permit or interim status that allows them to accept hazardous waste from off site.

Add 266.509 to read:

266.509. Shipping potentially creditable hazardous waste pharmaceuticals from a healthcare facility or a reverse distributor to a reverse distributor.

(a) Shipping potentially creditable hazardous waste pharmaceuticals. A healthcare facility or a reverse distributor who transports or offers for transport potentially creditable hazardous waste pharmaceuticals off-site to a reverse distributor must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for any potentially creditable hazardous waste pharmaceutical that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the U.S. Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262. Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, it is not considered hazardous waste under the U.S. Department of Transportation regulations.

(b) Delivery confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor must provide confirmation (paper or electronic) to the healthcare facility or reverse distributor that initiated the shipment that the shipment of potentially creditable hazardous waste pharmaceuticals has arrived at its destination and is under the custody and control of the reverse distributor.

(c) Procedures for when delivery confirmation is not received within thirty-five (35) calendar days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within thirty-five (35) calendar days from the date that the shipment of potentially creditable hazardous waste pharmaceuticals was sent, the healthcare facility or reverse distributor that initiated the shipment must contact the carrier and the intended recipient (i.e., the reverse distributor) promptly to report that the delivery confirmation was not received and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

(d) Exporting potentially creditable hazardous waste pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination must comply with the applicable sections of part 262, subpart H, except the manifesting requirement of Section 262.83(c), in addition to paragraphs (a) through (c) of this section.

(e) Importing potentially creditable hazardous waste pharmaceuticals. Any person that imports potentially creditable hazardous waste pharmaceuticals into the United States is subject to paragraphs (a) through (c) of this section in lieu of part 262, subpart H. Immediately after the potentially creditable hazardous waste pharmaceuticals enter the United States, they are subject to all applicable requirements of this subpart.

Add 266.510 to read:

266.510. Standards for the management of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals at reverse distributors.

A reverse distributor may accept potentially creditable hazardous waste pharmaceuticals from off site and accumulate potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals on-site without a hazardous waste permit or without having interim status, provided that it complies with the following conditions:

(a) Standards for reverse distributors managing potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals—

(1) Notification. A reverse distributor must notify the Department, using the Site Identification Form (EPA Form 8700-12), that it is a reverse distributor operating under this subpart.

(i) A reverse distributor that already has an EPA identification number must notify the Department, using the Site Identification Form (EPA Form 8700-12), that it is a reverse distributor, as defined in section 266.500, within 60 days of the effective date of this subpart, or within 60 days of becoming subject to this subpart.

(ii) A reverse distributor that does not have an EPA identification number must obtain one by notifying the Department, using the Site Identification Form (EPA Form 8700-12), that it is a reverse distributor, as defined in Section 266.500, within sixty (60) calendar days of the effective date of this subpart, or within sixty (60) calendar days of becoming subject to this subpart.

(2) Inventory by the reverse distributor. A reverse distributor must maintain a current inventory of all the potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that are accumulated on-site.

(i) A reverse distributor must inventory each potentially creditable hazardous waste pharmaceutical within thirty (30) calendar days of each waste arriving at the reverse distributor.

(ii) The inventory must include the identity (e.g., name or national drug code) and quantity of each potentially creditable hazardous waste pharmaceutical and evaluated hazardous waste pharmaceutical.

(iii) If the reverse distributor already meets the inventory requirements of this paragraph because of other regulatory requirements, such as State Board of Pharmacy regulations, the facility is not required to provide a separate inventory pursuant to this section.

(3) Evaluation by a reverse distributor that is not a manufacturer. A reverse distributor that is not a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical within thirty (30) calendar days of the waste arriving at the reverse distributor to establish whether it is destined for another reverse distributor for further evaluation or verification of manufacturer credit or for a permitted or interim status treatment, storage, or disposal facility.

(i) A potentially creditable hazardous waste pharmaceutical that is destined for another reverse distributor is still considered a “potentially creditable hazardous waste pharmaceutical” and must be managed in accordance with paragraph (b) of this section.

(ii) A potentially creditable hazardous waste pharmaceutical that is destined for a permitted or interim status treatment, storage, or disposal facility is considered an “evaluated hazardous waste pharmaceutical” and must be managed in accordance with paragraph (c) of this section.

(4) Evaluation by a reverse distributor that is a manufacturer. A reverse distributor that is a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical to verify manufacturer credit within thirty (30) calendar days of the waste arriving at the facility and following the evaluation must manage the evaluated hazardous waste pharmaceuticals in accordance with paragraph (c) of this section.

(5) Maximum accumulation time for hazardous waste pharmaceuticals at a reverse distributor.

(i) A reverse distributor may accumulate potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals on-site for one hundred eighty (180) calendar days or less. The one hundred eighty (180) days start after the potentially creditable hazardous waste pharmaceutical has been evaluated and applies to all hazardous waste pharmaceuticals accumulated on-site, regardless of whether they are destined for another reverse distributor (i.e., potentially creditable hazardous waste pharmaceuticals) or a permitted or interim status treatment, storage, or disposal facility (i.e., evaluated hazardous waste pharmaceuticals).

(ii) Aging pharmaceuticals. Unexpired pharmaceuticals that are otherwise creditable but are awaiting their expiration date (i.e., aging in a holding morgue) can be accumulated for up to 180 days after the expiration date, provided that the unexpired pharmaceuticals are managed in accordance with paragraph (a) of this section and the container labeling and management standards in Section 266.510(c)(4)(i)-(vi).

(6) Security at the reverse distributor facility. A reverse distributor must prevent unknowing entry and minimize the possibility for the unauthorized entry into the portion of the facility where potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals are kept.

(i) Examples of methods that may be used to prevent unknowing entry and minimize the possibility for unauthorized entry include, but are not limited to:

(A) A 24-hour continuous monitoring surveillance system;

(B) An artificial barrier such as a fence; or

(C) A means to control entry, such as keycard access.

(ii) If the reverse distributor already meets the security requirements of this paragraph because of other regulatory requirements, such as Drug Enforcement Administration or State Board of Pharmacy regulations, the facility is not required to provide separate security measures pursuant to this section.

(7) Contingency plan and emergency procedures at a reverse distributor. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must prepare a contingency plan and comply with the other requirements of part 262, subpart M.

(8) Closure of a reverse distributor. When closing an area where a reverse distributor accumulates potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals, the reverse distributor must comply with Section 262.17(a)(8)(ii) and (iii).

(9) Reporting by a reverse distributor.

(i) Unauthorized waste report. A reverse distributor must submit an unauthorized waste report if the reverse distributor receives waste from off site that it is not authorized to receive (e.g., non-pharmaceutical hazardous waste, regulated medical waste). The reverse distributor must prepare and submit an unauthorized waste report to the Department within forty-five (45) calendar days after the unauthorized waste arrives at the reverse distributor and must send a copy of the unauthorized waste report to the healthcare facility (or other entity) that sent the unauthorized waste. The reverse distributor must manage the unauthorized waste in accordance with all applicable regulations. The unauthorized waste report must be signed by the owner or operator of the reverse distributor, or its authorized representative, and contain the following information:

(A) The EPA identification number, name and address of the reverse distributor;

(B) The date the reverse distributor received the unauthorized waste;

(C) The EPA identification number, name, and address of the healthcare facility that shipped the unauthorized waste, if available;

(D) A description and the quantity of each unauthorized waste the reverse distributor received;

(E) The method of treatment, storage, or disposal for each unauthorized waste; and

(F) A brief explanation of why the waste was unauthorized, if known.

(ii) Additional reports. The Department may require reverse distributors to furnish additional reports concerning the quantities and disposition of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

(10) Recordkeeping by reverse distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an inspector. The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Department.

(i) A copy of its notification on file for as long as the facility is subject to this subpart;

(ii) A copy of the delivery confirmation and the shipping papers for each shipment of potentially creditable hazardous waste pharmaceuticals that it receives, and a copy of each unauthorized waste report, for at least three (3) years from the date the shipment arrives at the reverse distributor;

(iii) A copy of its current inventory for as long as the facility is subject to this subpart.

(b) Additional standards for reverse distributors managing potentially creditable hazardous waste pharmaceuticals destined for another reverse distributor. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements in paragraph (a) of this section, for the management of potentially creditable hazardous waste pharmaceuticals that are destined for another reverse distributor for further evaluation or verification of manufacturer credit:

(1) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from a healthcare facility must send those potentially creditable hazardous waste pharmaceuticals to another reverse distributor within one hundred eighty (180) calendar days after the potentially creditable hazardous waste pharmaceuticals have been evaluated or follow paragraph (c) of this section for evaluated hazardous waste pharmaceuticals.

(2) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from another reverse distributor must send those potentially creditable hazardous waste pharmaceuticals to a reverse distributor that is a pharmaceutical manufacturer within one hundred eighty (180) calendar days after the potentially creditable hazardous waste pharmaceuticals have been evaluated or follow paragraph (c) of this section for evaluated hazardous waste pharmaceuticals.

(3) A reverse distributor must ship potentially creditable hazardous waste pharmaceuticals destined for another reverse distributor in accordance with Section 266.509.

(4) Recordkeeping by reverse distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an inspector for each shipment of potentially creditable hazardous waste pharmaceuticals that it initiates to another reverse distributor, for at least three (3) years from the date of shipment. The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Department.

(i) The confirmation of delivery; and

(ii) The DOT shipping papers prepared in accordance with 49 CFR part 172, subpart C, if applicable.

(c) Additional standards for reverse distributors managing evaluated hazardous waste pharmaceuticals. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements of paragraph (a) of this section, for the management of evaluated hazardous waste pharmaceuticals:

(1) Accumulation area at the reverse distributor. A reverse distributor must designate an on-site accumulation area where it will accumulate evaluated hazardous waste pharmaceuticals.

(2) Inspections of on-site accumulation area. A reverse distributor must inspect its on-site accumulation area at least once every seven (7) calendar days, looking at containers for leaks and for deterioration caused by corrosion or other factors, as well as for signs of diversion.

(3) Personnel training at a reverse distributor. Personnel at a reverse distributor that handle evaluated hazardous waste pharmaceuticals are subject to the training requirements of Section 262.17(a)(7).

(4) Labeling and management of containers at on-site accumulation areas. A reverse distributor accumulating evaluated hazardous waste pharmaceuticals in containers in an on-site accumulation area must:

(i) Label the containers with the words, “hazardous waste pharmaceuticals”;

(ii) Ensure the containers are in good condition and managed to prevent leaks;

(iii) Use containers that are made of or lined with materials that will not react with, and are otherwise compatible with, the evaluated hazardous waste pharmaceuticals, so that the ability of the container to contain the waste is not impaired;

(iv) Keep containers closed, if holding liquid or gel evaluated hazardous waste pharmaceuticals. If the liquid or gel evaluated hazardous waste pharmaceuticals are in their original, intact, sealed packaging; or repackaged, intact, sealed packaging, they are considered to meet the closed container standard;

(v) Manage any container of ignitable or reactive evaluated hazardous waste pharmaceuticals, or any container of commingled incompatible evaluated hazardous waste pharmaceuticals so that the container does not have the potential to:

(A) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

(C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(D) Damage the structural integrity of the container of hazardous waste pharmaceuticals; or

(E) Through other like means threaten human health or the environment; and

(vi) Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition of Section 268.3(c) (e.g., arsenic trioxide (P012)) in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

(5) Hazardous waste numbers. Prior to shipping evaluated hazardous waste pharmaceuticals off site, all containers must be marked with the applicable hazardous waste numbers (i.e., hazardous waste codes). A nationally recognized electronic system, such as bar coding or radio frequency identification, may be used to identify the EPA Hazardous Waste Number(s).

(6) Shipments. A reverse distributor must ship evaluated hazardous waste pharmaceuticals that are destined for a permitted or interim status treatment, storage, or disposal facility in accordance with the applicable shipping standards in Section 266.508(a) or (b).

(7) Procedures for a reverse distributor for managing rejected shipments. A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of Section 264.72 or Section 265.72 of this chapter, may accumulate the returned evaluated hazardous waste pharmaceuticals on-site for up to an additional ninety (90) calendar days in the on-site accumulation area provided the rejected or returned shipment is managed in accordance with Sections 266.510(a) and (c). Upon receipt of the returned shipment, the reverse distributor must:

(i) Sign either:

(A) Item 18c of the original manifest, if the original manifest was used for the returned shipment; or

(B) Item 20 of the new manifest, if a new manifest was used for the returned shipment;

(ii) Provide the transporter a copy of the manifest;

(iii) Within thirty (30) calendar days of receipt of the rejected shipment of the evaluated hazardous waste pharmaceuticals, send a copy of the manifest to the designated facility that returned the shipment to the reverse distributor; and

(iv) Within ninety (90) calendar days of receipt of the rejected shipment, transport, or offer for transport the returned shipment of evaluated hazardous waste pharmaceuticals in accordance with the applicable shipping standards of Section 266.508(a) or (b).

(8) Land disposal restrictions. Evaluated hazardous waste pharmaceuticals are subject to the land disposal restrictions of part 268. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must comply with the land disposal restrictions in accordance with Section 268.7(a) requirements.

(9) Reporting by a reverse distributor for evaluated hazardous waste pharmaceuticals.

(i) Reporting by a reverse distributor. A reverse distributor that ships more than 1,000 kg per month of evaluated hazardous waste pharmaceuticals off-site must report to the Department in its quarterly report per Section 262.41. A reverse distributor that ships less than 1,000 kg per month of evaluated hazardous waste pharmaceuticals off-site must report to the Department in its annual declaration per Section 262.44.

(ii) Exception reporting by a reverse distributor for a missing copy of the manifest.

(A) For shipments from a reverse distributor to a designated facility.

(*1*) If a reverse distributor does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within thirty-five (35) calendar days of the date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter, the reverse distributor must contact the

transporter or the owner or operator of the designated facility to determine the status of the evaluated hazardous waste pharmaceuticals.

(*2*) A reverse distributor must submit an exception report to the Department for the state in which the reverse distributor is located if it has not received a copy of the manifest with the signature of the owner or operator of the designated facility within forty-five (45) calendar days of the date the evaluated hazardous waste pharmaceutical was accepted by the initial transporter. The exception report must include:

(*i*) A legible copy of the manifest for which the reverse distributor does not have confirmation of delivery; and

(*ii*) A cover letter signed by the reverse distributor, or its authorized representative, explaining the efforts taken to locate the evaluated hazardous waste pharmaceuticals and the results of those efforts.

(B) For shipments rejected by the designated facility and shipped to an alternate facility.

(*1*) A reverse distributor that does not receive a copy of the manifest with the signature of the owner or operator of the alternate facility within thirty-five (35) calendar days of the date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter must contact the transporter or the owner or operator of the alternate facility to determine the status of the hazardous waste. The thirty-five (35)-day time frame begins the date the evaluated hazardous waste pharmaceuticals are accepted by the transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

(*2*) A reverse distributor must submit an exception report to the Department for the state in which the reverse distributor is located if it has not received a copy of the manifest with the signature of the owner or operator of the alternate facility within forty-five (45) calendar days of the date the evaluated hazardous waste pharmaceuticals were accepted by the initial transporter. The forty-five (45)-day timeframe begins the date the evaluated hazardous waste pharmaceuticals are accepted by the transporter forwarding the hazardous waste pharmaceutical shipment from the designated facility to the alternate facility. The exception report must include:

(*i*) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(*ii*) A cover letter signed by the reverse distributor, or its authorized representative, explaining the efforts taken to locate the evaluated hazardous waste pharmaceuticals and the results of those efforts.

(10) Recordkeeping by a reverse distributor for evaluated hazardous waste pharmaceuticals.

(i) A reverse distributor must keep a log (written or electronic) of the inspections of the on-site accumulation area, required by paragraph (c)(2) of this section. This log must be retained as a record for at least three (3) years from the date of the inspection.

(ii) A reverse distributor must keep a copy of each manifest signed in accordance with Section 262.23(a) for three (3) years or until it receives a signed copy from the designated facility that received the evaluated hazardous waste pharmaceutical. This signed copy must be retained as a record for at least three (3) years from the date the evaluated hazardous waste pharmaceutical was accepted by the initial transporter.

(iii) A reverse distributor must keep a copy of each quarterly report or annual declaration for at least three (3) years from the due date of the report or declaration.

(iv) A reverse distributor must keep a copy of each exception report for at least three years from the submission of the report.

(v) A reverse distributor must keep records to document personnel training, in accordance with Section 262.17(a)(7)(iv).

(vi) All records must be readily available upon request by an inspector. The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Department.

(d) When a reverse distributor must have a permit. A reverse distributor is an operator of a hazardous waste treatment, storage, or disposal facility and is subject to the requirements of parts 264, 265, and the permit requirements of part 270, if the reverse distributor:

(1) Does not meet the conditions of this section;

(2) Accepts manifested hazardous waste from off site; or

(3) Treats or disposes of hazardous waste pharmaceuticals on-site.

Revise 268.7 title and item (a) to read:

268.7. Testing, tracking, and recordkeeping requirements for generators, reverse distributors, treaters, and disposal facilities.

(a) Requirements for generators and reverse distributors:

Add 268.50(a)(4) and (5) to read:

(4) A healthcare facility accumulates such wastes in containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the healthcare facility complies with the applicable requirements in Sections 266.502 and 266.503 of this chapter.

(5) A reverse distributor accumulates such wastes in containers on-site solely for the purpose of the accumulation of such quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal and the reverse distributor complies with Section 266.510 of this chapter.

Revise 270.1(c)(2)(x) to read:

(x) Reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in Section 266.500. Reverse distributors are subject to regulation under part 266, subpart P for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

Add 270.1(c)(2)(xi) to read:

(xi) Any transporter who moves hazardous waste only on the site of a hazardous waste generator or a permitted hazardous waste treatment, storage or disposal facility.

Revise 273.80(a) to read:

(a) Except as provided in paragraph (d) of this section, any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for a regulatory amendment under this subpart and 260.20 and 260.23.

Add 273.80(d) to read:

(d) Hazardous waste pharmaceuticals are regulated by part 266, subpart P and may not be added as a category of hazardous waste for management under this part.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of these amendments is to maintain state consistency with the following EPA regulation published in the Federal Register: "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.

Legal Authority: 1976 Code Sections 44-56-10 et seq.

Plan for Implementation: The Department's Regulation Development Update (accessible at http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/) provides a summary of and link to this amendment. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amendment and any associated information.

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

The Department adopts 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 creates new standards for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors in lieu of the existing generator regulations and reduces regulatory burdens for over-the-counter FDA-approved nicotine replacement therapies. Adoption of this rule is required to comply with federal law and brings R.61-79 into conformity with the federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

The EPA estimates that the annualized cost to industry to comply with the requirements will be off-set by the cost-savings resulting from streamlined management standards for healthcare facilities and regulatory relief with regards to FDA-approved over-the-counter nicotine replacement therapy products (Federal Register, Vol. 84, No. 36, page 5818). The provisions of the final rule are expected to improve regulatory clarity and reduce regulatory burden. Additionally, to the extent that the rule reduces concentrations of hazardous waste pharmaceuticals in surface and drinking waters, this rule may result in improved ecosystems and human health outcomes.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The revisions to R.61-79 provide continued protection of the environment and human health in accordance with updates to federal law.

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

If the Department does not adopt these amendments, the EPA's delegation of authority to the state to implement environmental protection programs would be compromised. As a delegated state program, the EPA requires South Carolina's regulations be at least as stringent as the federal regulations. Adoption of these revisions ensure equivalency with federal requirements.

Document No. 5026
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210

Article 1, Subarticle 7
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Occupational Safety and Health, hereby promulgates the following revisions to South Carolina regulations:

In Subarticle 7 (Construction):
Revisions to Section 1926.1124 Beryllium, as amended in Federal Register Volume 85, No. 169, dated August 31, 2020, pages 53997 through 53999; and revisions to Sections 1926.1400 Scope, 1926.1442 Railroad Roadway Maintenance Machines, and 1926.1443 Severability, as amended in Federal Register Volume 85, No. 179, dated September 15, 2020, page 57122.

Copies of these final regulation changes can be obtained or reviewed by contacting the South Carolina OSHA Standards Office during normal business hours at (803) 896-5811, or via the OSHA website at www.OSHA.gov.