

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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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

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

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.

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4848			Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852			Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
4880			Control of Anthrax	5/13/20	Department of Health and Envir Control
4879			E-Filing and E-Service	5/13/20	Public Service Commission
4904			Procedures for Administrative Hearings before the Securities Commissioner	5/13/20	Office of the Attorney General
4883			Hazardous Waste Management Regulations	5/13/20	Department of Health and Envir Control
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4885			Classified Waters	5/13/20	Department of Health and Envir Control
4916			Contractor Performance Evaluation	5/13/20	Department of Transportation
4917			Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	5/13/20	Department of Transportation
4914			General Regulation; and Additional Regulations Applicable to Specific Properties	5/13/20	Department of Natural Resources
4915			Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	5/13/20	Department of Natural Resources
4878			Named Storm or Wind/Hail Deductible	5/13/20	Department of Insurance
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4931			Minimum Standards for the Readability of Commonly Purchased Insurance Policies	5/13/20	Department of Insurance
4932			Pharmacy Benefits Managers	5/13/20	Department of Insurance
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4884			Indigent Screening Process	5/13/20	Commission on Indigent Defense
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4843			Board of Physical Therapy Examiners	Tolled	LLR
4861			Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Medical Affairs
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
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4879	E-Filing and E-Service		
4904	Procedures for Administrative Hearings before the Securities Commissioner		
4883	Hazardous Waste Management Regulations		
4887	Water Classifications and Standards		
4885	Classified Waters		
4916	Contractor Performance Evaluation		
4917	Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation		
4914	General Regulation; and Additional Regulations Applicable to Specific Properties		
4915	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day		
4878	Named Storm or Wind/Hail Deductible		
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4931	Minimum Standards for the Readability of Commonly Purchased Insurance Policies		
4932	Pharmacy Benefits Managers		
4912	Securities		
4884	Indigent Screening Process		
Committee Request Withdrawal			
4843	Board of Physical Therapy Examiners	Regulations and Admin. Procedures	Medical Affairs
4861	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance

Executive Order No. 2019-37

WHEREAS, a Grand Jury convened in Colleton County has returned an Indictment charging Robert Anderson Strickland, Jr., Sheriff of 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, Robert Anderson Strickland, Jr., as Sheriff of Colleton County, South Carolina, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution 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, 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); and

WHEREAS, Domestic Violence, Second Degree, as charged in the aforementioned Indictment, is “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, section 23-11-40(C) of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “[i]f any vacancy occurs in the office [of sheriff in any county of this State] at any time and is created by suspension by the Governor upon any sheriff’s indictment, the Governor shall appoint some suitable person . . . to hold the office until the suspended sheriff 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, Charles Lytle Ghent, of Edisto Beach, South Carolina, is a fit and proper person to serve as Sheriff of Colleton County.

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 Robert Anderson Strickland, Jr. from the office of Sheriff of Colleton County until such time as he shall be formally acquitted or convicted. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution and section 23-11-40(C) of the South Carolina Code of Laws, I hereby appoint Charles Lytle Ghent 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.

This action in no manner addresses the guilt or innocence of Robert Anderson Strickland, Jr. 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 21st DAY OF NOVEMBER, 2019.

HENRY MCMASTER
Governor

4 EXECUTIVE ORDERS

Executive Order No. 2019-38

WHEREAS, a Grand Jury convened in Florence County has returned an Indictment charging Edward James McIver, a member of the Board of Trustees of Florence School District No. 1, with one count of Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws, as amended, and one count of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and

WHEREAS, Edward James McIver, as a member of the Board of Trustees of Florence School District No. 1, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, 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 also 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

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires that upon indictment 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 Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictment includes one or more counts charging Edward James McIver 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.

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 Edward James McIver from office as a member of the Board of Trustees of Florence School District No. 1 until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the guilt or innocence of Edward James McIver 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 27th DAY OF NOVEMBER, 2019.**

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 **December 27, 2019** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

Affecting Beaufort County**Beaufort County Memorial Hospital d/b/a Beaufort Memorial Hospital**

Renovation of existing space and addition of 4 psychiatric beds for a total of 18 psychiatric beds at a total project cost of \$249,550.

Affecting Charleston County**South Carolina Sports Medicine and Orthopaedic Center, PA d/b/a South Carolina Sports Medicine and Orthopaedic Center**

Purchase of a 3T MRI unit at a total project cost of \$2,339,737.

Affecting Florence County**McLeod Regional Medical Center of the Pee Dee, Inc.**

Replacement of da Vinci Si Robotic Surgical System with a da Vinci Xi Robotic Surgical System at a total project cost of \$2,160,566.00.

Affecting Greenwood County**Greenwood Eye Surgery Center, LLC (GESC-LLC) d/b/a Greenwood Eye Surgery Center**

Construction for the establishment of a new ambulatory surgery center restricted to ophthalmic procedures at a total project cost of \$3,984,230.

Affecting Lancaster County**Lancaster Treatment Specialist, LLC**

Establishment of an Opioid Treatment Program (OTP) in Lancaster County at a total project cost of \$129,200.00.

Affecting Richland County**RADDON d/b/a Midlands Cancer Center**

Establishment of a new outpatient radiation therapy center with one Tomotherapy unit at a total project cost of \$7,869,272.00.

Affecting Spartanburg County**Spartanburg Regional Health Services District, Inc. d/b/a Pelham Medical Center**

Purchase of PET/CT Scanner unit at a total project cost of \$2,400,000.

Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center - Church Street Campus and Spartanburg Medical Center - Mary Black Campus

Relocation of 24 licensed psychiatric beds from Spartanburg Medical Center Church Street Campus to Spartanburg Medical Center-Mary Black Campus for a total of 39 psychiatric beds.

6 NOTICES

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 **December 27, 2019**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, 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) 545-3495.

****Affecting Berkeley County**

East Cooper Community Hospital, Inc. d/b/a East Cooper Medical Center d/b/a East Cooper Medical Center Freestanding Emergency Department

Establishment of a Freestanding Emergency Department in Berkeley County at a total project cost of \$11,990,176.

Affecting Charleston County

Medical University Hospital Authority d/b/a MUSC Health-Sea Islands

Construction of a 10,940 sf Free Standing Emergency Department in Charleston County at a total project cost of \$15,298,187.

Affecting Florence County

McLeod Regional Medical Center of the Pee Dee, Inc.

Replacement of da Vinci Si Robotic Surgical System with a da Vinci Xi Robotic Surgical System at a total project cost of \$2,160,566.00.

Affecting Greenville County

Ascent Recovery Solutions, LLC

Construction for the establishment of an opioid treatment program at a total project cost of \$696,457.

St. Francis Hospital, Inc. d/b/a St. Francis Millennium Cancer Center

Construction for the addition of 2,665 sf and the purchase of a Varian linear accelerator with a 5,000-treatment capacity for a total of two linear accelerators at a total project cost of \$8,853,649.

St. Francis Hospital, Inc. d/b/a St. Francis Millennium Cancer Center

Construction for the addition of 1,220 sf and the purchase of PET CT unit at a total project cost of \$3,894,898.

Affecting Lancaster County

Lancaster Treatment Specialist, LLC

Establishment of an Opioid Treatment Program (OTP) in Lancaster County at a total project cost of \$129,200.00.

Affecting Lexington County

Presbyterian Home of South Carolina d/b/a Presbyterian Communities of South Carolina-The Columbia Presbyterian Community

Renovation of 12 existing rooms and addition of 10 new rooms for the conversion of 16 semi private beds to 16 private beds at a total project cost of \$6,581,928.

Affecting Pickens County

Greenville Endoscopy Center Inc.'s Clemson Endoscopy Center d/b/a Clemson Endoscopy Center

Construction of a 5,809-sf ambulatory surgery center for endoscopy only at a total project cost of \$2,377,496.64.

Affecting Richland County

SCENT ASC Opportunity Fund, PA (SCENT-ASC) d/b/a SCENT Surgical Center

Construction of a 22,148-sf single specialty ambulatory surgery center specializing in ENT procedures with two operating rooms at total project cost of \$10,428,069.

**Ran again due to the project description being incorrect in November State Register.

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

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

South Carolina Department of Labor, Licensing, and Regulation (SCDLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held on February 4, 2020 at 10:00 AM at SCDLLR, 121 Executive Center Dr., Suite 200 Columbia, SC 29211.

The hearing is to determine if the Director of the SCDLLR will promulgate, revoke, or modify rules and regulations pursuant to Section 41-15-210, SC Code of Laws, 1976. In the first rule being considered for adoption, OSHA is approving two additional quantitative fit testing protocols for inclusion in Appendix A of the Respiratory Protection Standard. In a separate final rule, OSHA is delaying the compliance deadline for nearly all provisions of the construction industry's Beryllium Standard until September 30, 2020, with the exception of the permissible exposure limit and short-term exposure limit, each of which OSHA is currently enforcing.

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear must file with the Director of the SCDLLR either a notice of intention to appear or a summary of their views on the matter no later than January 24, 2020.

Emily Farr, Director
SCDLLR
PO Box 11329
Columbia, SC 29211-1329

8 DRAFTING NOTICES

DEPARTMENT OF CONSUMER AFFAIRS CHAPTER 28

Statutory Authority: 1976 Code Sections 37-6-104, 37-6-402, 37-6-403, 37-6-506, and 58-27-2660

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to promulgate Regulations 28-78, to provide consumer protection parameters applicable to the sale or lease of renewable energy generation facilities, including disclosure requirements, pursuant to Section 58-27-2660. Interested parties are invited to present their views in writing to Kelly Rainsford, Deputy of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5:00 p.m. on February 3, 2020, the close of the drafting comment period.

Synopsis:

The Department proposes to promulgate Regulation 28-78 to provide a consumer protection framework applicable to the sale or lease of renewable energy generation facilities. Section 58-27-2660(A)(1) provides that the Department and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors.

The regulation will require legislative review.

PUBLIC SERVICE COMMISSION CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-60, 58-3-140, and 58-41-20

Notice of Drafting:

The Public Service Commission of South Carolina proposes to create a new regulation which outlines the role of a qualified, independent third-party consultant or expert during a proceeding and the Commissioners' reliance on the content of the qualified, independent third-party consultant's or expert's report filed pursuant to S.C. Code Ann. Section 58-41-20(I). Interested persons may submit comments to the Public Service Commission, Clerk's Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210. Please reference Docket Number 2019-362-A. To be considered, comments must be received no later than 4:45 p.m. on Thursday, February 13, 2020.

Synopsis:

S.C. Code Ann. Section 58-41-20(I) states, "(I) The commission is authorized to employ, through contract or otherwise, third-party consultants and experts in carrying out its duties under this section, including, but not limited to, evaluating avoided cost rates, methodologies, terms, calculations, and conditions under this section. The commission is exempt from complying with the State Procurement Code in the selection and hiring of a third-party consultant or expert authorized by this subsection. The commission shall engage, for each utility, a qualified independent third party to submit a report that includes the third party's independently derived conclusions as to that third party's opinion of each utility's calculation of avoided costs for purposes of proceedings conducted pursuant to this section. The qualified independent third party is subject to the same ex parte prohibitions contained in Chapter 3, Title 58 as all other parties. The qualified independent third party shall submit all requests for documents and information necessary to their analysis under the authority of the commission and the commission shall have full authority to compel response to the requests. The qualified independent third party's duty will be to the commission. Any conclusions based on the evidence in the record and included in the report are intended to be used by the commission along with all other evidence submitted during the proceeding to inform its ultimate decision setting the avoided costs for each electrical utility. The

utilities may require confidentiality agreements with the independent third party that do not impede the third-party analysis. The utilities shall be responsive in providing all documents, information, and items necessary for the completion of the report. The independent third party shall also include in the report a statement assessing the level of cooperation received from the utility during the development of the report and whether there were any material information requests that were not adequately fulfilled by the electrical utility. Any party to this proceeding shall be able to review the report including the confidential portions of the report upon entering into an appropriate confidentiality agreement. The commission and the Office of Regulatory Staff may not hire the same third-party consultant or expert in the same proceeding or to address the same or similar issues in different proceedings.”

The Public Service Commission of South Carolina recently held its first hearings related to the directives in S.C. Code Ann. Section 58-41-20, which is a part of the South Carolina Energy Freedom Act. This recently enacted law required the Commission to retain a qualified, independent third-party consultant or expert, and this qualified, independent third-party consultant or expert was required to file a report “that includes the third party’s independently derived conclusions as to that third party’s opinion of each utility’s calculation of avoided costs for purposes of proceedings conducted pursuant to this section”, in accordance with S.C. Code Ann. Section 58-41-20(I). The Commission will utilize, as references, the South Carolina Federal Rules of Evidence, Article VII, Opinions and Expert Testimony, and the South Carolina Rules of Evidence, Article VII, Opinions and Expert Testimony, when drafting this proposed new regulation.

Legislative review of this proposal will be required.

OFFICE OF REGULATORY STAFF

CHAPTER 111

Statutory Authority: 1976 Code Sections 58-27-2620, 58-27-2630, 58-27-2640, and 58-27-2660

Notice of Drafting:

The South Carolina Office of Regulatory Staff (ORS) proposes to promulgate Regulation 111-10, to provide consumer protection parameters applicable to the lease of renewable energy generation facilities, including disclosure requirements, pursuant to Section 58-27-2660. Interested parties are invited to present their views in writing to Andrew Bateman, General Counsel, South Carolina Office of Regulatory Staff, 1401 Main Street Suite 850, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on February 3, 2020, the close of the drafting comment period.

Synopsis:

The ORS proposes to promulgate Regulation 111-10 to provide a consumer protection framework applicable to the lease of renewable energy generation facilities. Section 58-27-2660(A)(1) provides that the Department of Consumer Affairs and the Office of Regulatory Staff develop such consumer protection regulations, which shall, at a minimum, include appropriate disclosures to be made by sellers and lessors.

The regulation will require legislative review.

10 EMERGENCY REGULATIONS

Filed: November 26, 2019 8:30am

Document No. 4955

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-2200, and 50-11-2210

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends through January 30, 2020, it is necessary to refile these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2019-20

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 2 - October 12, November 16 - November 30, December 28, 2019 - January 30, 2020.

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 2 – October 12).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – Sept. 7 is youth hunt only. 1st season – Saturdays Only beginning Sept. 14. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 11, 25; Oct. 9.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays Only Beginning Sept. 7. Field Closed Oct. 5. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 7, 21; Oct. 12; Nov. 23. Sept. 14 is Wounded Warrior Hunt Only -Invitation Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 7, 14; Oct. 12; Nov. 16. All hunts are Adult/Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 7. Dove Hunting Only.

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CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

DNR Landsford Canal Forest Legacy Area. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 7, then Wednesdays Only beginning Sept. 18. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 7, 14, 28; Nov. 30; Dec. 28.

*SC Forestry Commission - Oak Lea WMA. Sept. 7, 14, 18, 25; Oct. 2; Jan. 1, 8.

COLLETON

DNR - Donnelley WMA. Sept. 7, 14; Oct. 12; Nov. 16.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 7, 14, 28; Oct. 12; Nov. 16.

HAMPTON

*DNR – Palachucola WMA. Sept. 7, 14, 25; Oct 12; Nov. 16.

*DNR - Webb Wildlife Center. Sept. 7, 14, 25; Oct. 12; Nov. 16.

LAURENS

DNR Gray Court Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 7 & 21; Oct. 5; Nov. 23, Dec. 28; Jan. 11; Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons – Open Mon. - Sat.

12 EMERGENCY REGULATIONS

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season Beginning Sept. 7. Dove Hunting Only.

DNR Belfast WMA. Sept. 7, 14, 21, 28; Oct. 5; Nov. 29. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only Beginning Sept. 7. 3rd season - Closed.

U.S. Forest Service - Long Creek Tract. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season - Saturdays Only Beginning Sept. 7. 2nd season - Open November 16 Only. 3rd season - Closed.

U.S. Forest Service - Ross Mtn. Field. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Sept. 7 is Adult/Youth Only. Sept. 14, 28; Nov. 16; Dec. 28

PICKENS

DNR Property - Rifle Range. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7. Dove hunting only.

Clemson University - Gravelly WMA - Causey Tract. Open 1st, 2nd and 3rd seasons. Saturdays Only Beginning Sept. 7. Dove hunting only.

DNR Property - Jocassee Gorges - Cane Creek Field. Open Wednesday Only, Beginning Sept. 18. Open 1st, 2nd and 3rd seasons.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only Beginning Sept 7. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season - Sept. 7, 14, 21, 28. 2nd & 3rd seasons - Open Mon. - Sat.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field 1. Sept. 7 is Adult/Youth Hunt Only. 1st season - Saturdays Only Beginning Sept. 14. 2nd & 3rd seasons open Mon. - Sat. (Designated fields and the general forest).

*Tuomey Fields Field A - 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. - Sat. (Designated fields and the general forest).

*Tuomey Fields Field B - 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. - Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons open Mon. - Sat.

U.S. Forest Service - Sedalia. Sept. 7 is Adult/Youth Only. 1st season - Saturdays Only Beginning Sept. 14. 2nd & 3rd seasons - Open Mon. - Sat.

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U.S. Forest Service - Herbert Field. 1st season - Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only Beginning Sept. 7. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL ADULT/YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply: (1) Adult must remain in the field and closely supervise participating youth at all times. (2) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (3) Adults are allowed to shoot. (4) Bag limit is 15 birds per hunter. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY ADULT/YOUTH HUNT

U.S. Forest Service - Power of Partnerships Field - September 7. No pre-registration required.

CHARLESTON COUNTY ADULT/YOUTH HUNT

Botany Bay Plantation WMA - September 7, 14; October 12; November 16. No pre-registration required.

ORANGEBURG COUNTY ADULT/YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 7. No pre-registration required.

SUMTER COUNTY ADULT/YOUTH HUNT

Manchester State Forest near Wedgefield. Bland Tract - Field 1 near Wedgefield - September 7. No pre-registration required.

UNION COUNTY ADULT/YOUTH HUNT

Sedalia Field (U.S. Forest Service) - September 7. No pre-registration required.

YORK COUNTY ADULT/YOUTH HUNT

SCDNR - Draper WMA - September 7. No pre-registration required.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation, it is necessary to file Dove Field regulations annually. Because these hunts extend through January 30, 2020, it is necessary to refile these regulations as emergency so they remain in effect throughout the duration of the season.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in sustained public hunting opportunities which should generate State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

14 FINAL REGULATIONS

Document No. 4910

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation.

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Instructions:

Replace Reg. 27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2020, are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcibly assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 4911
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation.

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2019.

Instructions:

Replace Reg. 27-1022 with the following amendment.

Text:

27-1022. State Poultry Products Inspection Regulation.

16 FINAL REGULATIONS

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 412, 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2020, are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.