



# South Carolina Association of Counties

Joseph R Branham, President  
*Chester County*

Michael B. Cone  
*Executive Director*

September 16, 2013

## **REGULATIONS UPDATE**

**To:** Chief Administrative Officers  
**From:** Susan Turkopuls  
**Subject:** **Fire Marshal:** *Adoption of latest national Fire Codes*  
**Building Codes Council:** *Amendment to Building Codes*  
**Contractor's Licensing Board:** *Sprinkler Systems*  
**DHEC:** *Solid Waste Management - Yard Trash and Land Clearing Debris*  
**DHEC:** *Air Pollution Control Regulations and Standards*

Please take note of the following items of interest from the **STATE REGISTER**. **PLEASE CIRCULATE TO APPROPRIATE STAFF FOR REVIEW AND COMMENT.** To view any proposed or final regulation online, go to <http://www.scstatehouse.gov/regnsrch.php>. You can search by document number, subject or agency. If you have any questions, comments or are interested in obtaining a copy of any regulation, please call the SCAC offices at 1-800-922-6081.

### **NOTICE**

#### **Fire Marshal: Fire Codes**

The Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized codes.

- International Building Code, 2012 Edition. The International Building Code, 2012 Edition, is the current successor code to the 2009 edition of the International Building Code. Referenced by S.C. Regulation 71-300.2(A).
- International Existing Building Code, 2012 Edition. The International Existing Building Code, 2012 Edition, is the current successor code to the 2009 edition of the International Existing Building Code. Referenced by S.C. Regulation 71-8300.2(B).
- International Fire Code, 2012 Edition. The International Fire Code, 2012 Edition, is the current successor code to the 2009 edition of the International Fire Code. Referenced by S.C. Regulation 71-8300.2(C).
- International Mechanical Code, 2012 Edition. The International Mechanical Code, 2012 Edition, is the current successor code to the 2009 edition of the International Code. Referenced by S.C. Regulation.71-8300.2(D).

The original promulgating authority for these codes is: International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

In addition, the Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized codes:

- National Fire Protection Association 12, Standard on Carbon Dioxide Extinguishing Systems, 2011 Edition. Referenced by S.C. Regulation 71-8300.2(F)(2).
- National Fire Protection Association 15, Standard for Water Spray Fixed Systems for Fire Protection, 2012 Edition. Referenced by S.C. Code of Law, Section 40-10-240 and S.C. Regulation 71-8300.2(G)(5).
- National Fire Protection Association 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2011 Edition. Referenced by S.C. Code of Law, Section 40-10-240 and S.C. Regulations 71-8300.2(G).
- National Fire Protection Association 18, Standard on Wetting Agents, 2011 Edition. Referenced by S.C. Code of Law, Section 40-10-20 and S.C. Regulations 71-8300.2(G).
- National Fire Protection Association 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2011 Edition. Referenced by S.C. Code of Law, Section 40-10-240 and S.C. Regulations 71-8300.2(G)(11).
- National Fire Protection Association 30, Flammable and Combustible Liquids Code, 2012 Edition. Referenced by S.C. Code of Law, Section 39-41-260 and S.C. Regulations 71-8300.2(H).
- National Fire Protection Association 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2012 Edition. Referenced by S.C. Code of Law, Section 39-41-260 and S.C. Regulations 71-8300.2(I).
- National Fire Protection Association 58, Liquefied Petroleum Gas Code, 2011 Edition. Referenced by S.C. Code of Law, Section 40-82-70 and S.C. Regulations 71-8300.2(L).
- National Fire Protection Association 70, National Electrical Code, 2011 Edition. Referenced by S.C. Regulations 71-8300.2(N).
- National Fire Protection Association 99, Health Care Facilities Code, 2012 Edition. Referenced by S.C. Regulations 71-8300.2(Q).
- National Fire Protection Association 101, Life Safety Code, 2012 Edition. Referenced by S.C. Code of Law, Section 23-45-140 and S.C. and Regulations 71-8300.2(R).
- National Fire Protection Association 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2011 Edition. Referenced by S.C. Regulations 71-8300.2(S).
- National Fire Protection Association 160, Standard for the Use of Flame Effects Before an Audience, 2011 Edition. Referenced by S.C. Regulations 71-8300.2(T).
- National Fire Protection Association 407, Standard for Aircraft Fuel Servicing, 2012 Edition. Referenced by S.C. Code of Law, Section 23-9-60 and S.C. Regulations 71-8300.2(U).
- National Fire Protection Association 409, Standard on Aircraft Hangars, 2011 Edition. Referenced by S.C. Code of Law, Section 40-10-240 and S.C. Regulations 71-8300.2(V).
- National Fire Protection Association 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2011 Edition. Referenced by S.C. Code of Law, Section 23-35-45 and S.C. Regulations 71-8300.2(AA).
- National Fire Protection Association 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 Edition. Referenced by South Carolina Regulations 71-8300.2(CC).
- National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2012 Edition. Referenced by S.C. Regulations 71-8300.2(F)(7).

The original promulgating authority for this code is: National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269. The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and

received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

## **DRAFTING**

### **Building Codes Council: *Building Codes***

The South Carolina Building Codes Council proposes to amend Regulation 8-1209 to correct a scrivener's error made in the citation of the International Residential Code Section R312.2. Interested persons may submit comments to Roger Lowe, Administrator, State Building Codes Council, Post Office Box 11329, Columbia, S.C. 29211-1329.

### **Contractor's Licensing Board: *Sprinkler Systems***

The S.C. Contractors Licensing Board proposes to amend Regulations 29-70 through 29-110 regarding administration of the Fire Protection Sprinkler Systems Act. Interested persons may submit comments to Roger Lowe, Administrator, State Contractors Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

### **DHEC: *Solid Waste Management: Yard Trash and Land Clearing Debris***

DHEC is proposing to amend R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost. This Notice of Drafting supersedes the Notice of Drafting last published in South Carolina State Register Vol. 36, Issue 11 on November 23, 2012. The proposed amendment will amend the applicability of the regulation, update the rules for siting, design, operation, and closure of wood grinding and composting facilities, and include standards for management and composting of a variety of organic materials, including food residuals. Other changes that will be considered include, but are not limited to, regulatory exemptions for specific activities, quality assurance standards for compost production and penalties for failure to comply with the regulation.

Interested persons may submit their views by writing to Kent Coleman at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on September 26, 2013, the close of the drafting comment period. Any comments received from the prior noticing, along with any new

## **PROPOSED**

### ***DHEC: Air Pollution Control Regulations and Standards (Document 4388)***

DHEC proposes to amend Air Pollution Control Regulations and Standards, R.61-62, in order to expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting and testing requirements; and provide internal consistency and clarification of references, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62. Proposed amendments include:

- R.61-62, Air Pollution Control Regulations and Standards, to codify and update "General" language;
- R.61-62.1, Definitions and General Requirements and the SIP, to amend definitions and make changes to the SIP;

- R.61-62.5; Standard 1, Emissions from Fuel Burning Operations, and Standard 4, Emissions from Process Industries, and the SIP to incorporate comments from a previous regulatory action which did not require General Assembly review;
- R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability more consistent with the federal definition found in 40 CFR Section 63.40(b) and to move the “Note” regarding state authority to the beginning of R.61-62.63 for clarity and usability;
- R.61-62 to reflect minor revisions aimed at enhancing the clarity and usability of these regulations per the 5-year audit.

**Notice of Staff Informational Forum and Public Comment Period:**

DHEC staff invites interested members of the public to attend a staff-conducted informational forum to be held on September 24, 2013, at 10:00 a.m. in the Wallace Room (3141) at 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards.

Interested persons are also provided an opportunity to submit written comments to Mallori K. McAllister by mail at Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4117; or by e-mail at [mcallink@dhec.sc.gov](mailto:mcallink@dhec.sc.gov). To be considered, comments must be received no later than 5:00 p.m. on September 24, 2013, the close of the comment period. Comments received at the forum or during the write-in public comment period by the

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

Interested members of the public and regulated community are invited to comment on the proposed amendments at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on November 14, 2013. The public hearing is to be held in room 3420 (Board Room), Third floor, Aycock Building, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented.

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.

***DHEC: Air Pollution Control Regulations and Standards (Document 4387)***

DHEC proposes to amend Air Pollution Control Regulations and Standards (61-62.1; 61-62.2; 61-62.5, Standards 3.1 and 7; 61-62.6; 61-62.60; 61-62.63; and 61-62.70) for the following purposes:

- 1.) To include federal EPA guidelines regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAP) for Source Categories;
- 2.) To amend Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of Volatile Organic Compounds (VOCs) promulgated by the federal rule “Revision to Definition of Volatile Organic Compounds-Exclusion of trans-1,3,3,3-tetrafluoropropene” (77 FR 37610, June 22, 2012). The Department also proposes to amend Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to incorporate a provision in the definition of “Regulated NSR Pollutant,” as required by the federal rule “Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>): Amendment to the Definition of “Regulated NSR Pollutant” Concerning Condensable Particulate Matter” (77 FR 65107, October 25, 2012).
- (3) To amend Regulation 61-62 to include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as

necessary. Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments will not be more stringent than current federal requirements and thus do not require legislative review.

The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with effected facilities during the permitting process.

**Notice of Public Comment Period:**

Interested persons are provided an opportunity to submit written comments to Anthony T Lofton by mail at Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at loftonat@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2013, the close of the comment period. Comments received during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Anthony T Lofton at the Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-7217; or by emailing loftonat@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

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