



South Carolina Association of Counties

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July 2, 2015

REGULATIONS UPDATE

To: Chief Administrative Officers

From: Susan Turkopuls

Subject: **Building Codes Council: *Notice of Public Hearing for Adoption of International Codes***
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Criminal Justice Academy: *Article 5, Adjudication of Misconduct Allegations (Doc. No. 4523)*
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DHEC: *Air Pollution Control Regulation and Standards (Doc. No. 4481)*
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DHEC: *Standards for Wastewater Facility Construction (Doc. No. 4485)*
Building Codes Council: *Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613 (Doc. No. 4501)*

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 or comments, or are interested in obtaining a copy of any regulation, please call the SCAC offices at 1-800-922-6081.

NOTICE

Building Codes Council: *Notice of Public Hearing for Adoption of International Codes*

Building Codes Council hereby gives notice that a public hearing will be held on July 28, 2015, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, immediately following the 10:30 a.m. Building Codes Council meeting, at which time interested persons will be given the

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opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina:

Mandatory codes include:

2015 Edition of the International Building Code;
2015 Edition of the International Residential Code;
2015 Edition of the International Fire Code;
2015 Edition of the International Plumbing Code;
2015 Edition of the International Mechanical Code;
2015 Edition of the International Fuel Gas Code;
2014 Edition of the National Electrical Code.

Permissive codes include:

2015 Edition of the International Property Maintenance Code;
2015 Edition of the International Existing Building Code;
2015 Edition of the International Swimming Pool and Spa Code;
2015 Edition of the International Performance Code for Buildings and Facilities.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must file an intention to appear before the Study Committee by submitting a written or email request to: Roger K. Lowe, Administrator SC Building Codes Council SC Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329. Email: Roger.lowe@lir.sc.gov

DRAFTING

DHEC: Subdivision Water Supply and Sewage Treatment/Disposal Systems

DHEC is proposing to repeal R.61-57, Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems. 1976 S.C. Code Section 44-55-822, which now governs the approval process for onsite wastewater systems in subdivisions, and Regulation 61-56, Onsite Wastewater Systems, address any major requirements for subdivision onsite wastewater sewage treatment/disposal systems. In the interest of good government and efficiency, DHEC proposes the repeal of Regulation 61-57 as it has become obsolete and is no longer needed. Legislative review of this repeal will be required.

Interested persons may submit written comments to Leonard Gordon, Onsite Wastewater Management, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, or by email at gordonla@dhec.sc.gov. Comments submitted must be received by 5:00 p.m. on July 27, 2015, the close of the drafting comment period.

DHEC: Onsite Wastewater Systems

DHEC proposes to amend R.61-56, Onsite Wastewater Systems, which governs the methods of disposition of sewage and prescribes installation and construction standards for onsite wastewater systems (septic tank systems). The proposed amendments being considered will update and bring R.61-56 in line with current statutes and changes in the technologies of design and installation of onsite wastewater systems since the last revision in 2008. The proposed amendments are:

Adding:

- The requirement for licensed septic tank contractors to sign an installation statement that the system was installed as permitted.
- A definition for "Site Evaluation" in Section 101.

- A definition for “Perched Zone of Saturation” in Section 101.
- A section for low profile septic tanks.
- A section for size reduction of alternative septic tank system drain field products.

Amending:

- The definition of “Critical Area Line” by correction of language to be consistent with the definition and appropriate language of “Critical Area” found in the Coastal Tidelands and Wetlands Act (SC Code Section 48-39-10 et seq.).
- The definition of “Redox Depletions” to clarify the different lighter color or shades of lighter color interspersed with the dominant matrix color.
- The definition of “Zone of Saturation” to clarify the redox depletions of value four (4) or more and chroma two (2) or less using soil color charts in the zone of saturation.
- Section 103.1(2) to clarify when an appropriate easement would be required.
- Section 103.3 by expanding on who can conduct final onsite wastewater system installation inspections.
- Section 300, Wastewater Treatment Facility Accessibility, as necessary to clarify accessibility to wastewater treatment facilities and the corresponding definition of “Accessible” in Section 101 to be consistent with 1976 S.C. Code Section 44-55-1410.
- Section 415, Appendix O – System Standard 610 – Specialized Onsite Wastewater Designs (Less than 1500gpd), to change subsections (2) and (3) to language allowing flexibility for other professionals to conduct site evaluations for specialized designs. Also, add a subsection stating who can evaluate sites for conventional and alternative septic tank systems.
- Section 600.4 to add the minimum installation depth of the force main on an onsite wastewater pump.
- References section placement in regulation for formatting, and updating references for statutes and regulations where necessary.

Interested persons may submit comments to Mr. Leonard Gordon, Onsite Wastewater Management, Bureau of Environmental Health Services, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, or by email at gordonla@dhec.sc.gov. Comments submitted must be received by 5:00 p.m. on July 27, 2015, the close of the drafting comment period.

FINAL

Criminal Justice Academy: Reporting of Misconduct by LE Officers (Doc. No. 4345)

The Law Enforcement Training Council added a new regulation to allow for reporting of misconduct by law enforcement officers to the National Decertification Index once a case is finalized (no more appeals pending or possible).

Text:

37-112. Reporting to the National Decertification Index. A. After the Council has issued its final agency action and the time for appeal has lapsed or the appeal rights have been exhausted, if a candidate/officer/operator is found to have committed misconduct as defined by R.37- 025, R.37-026, R.37-073, and/or R.37-074 or if a candidate/officer/operator consents to sanctions under R.37- 108, no matter the sanction issued by the Council pursuant to R.37-108, that candidate/officer/operator’s information shall be entered in the National Decertification Index by the Academy. B. Entry of a candidate/officer/operator’s information into the National Decertification Index in compliance with R.37-112(A) must not be the subject of or basis for any action at law or in equity in any court of the State.

Criminal Justice Academy: Article 5, Adjudication of Misconduct Allegations (Doc. No. 4523)

The Law Enforcement Training Council added new Regulations 37-101 through 37-110. Article 5, Adjudication of Misconduct Allegations. The new regulations will formalize the agency level contested case hearing process, including requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members, and right to be represented by counsel.

Text of the new regulations may be viewed at <http://www.scstatehouse.gov/regnsrch.php>.

Criminal Justice Academy: Certification (Doc. No. 4372)

The Law Enforcement Training Council added R. 37-065. The proposed additions to the regulations will clarify when certification of telecommunication operators or dispatchers takes place.

Text:

37-065. Certification. Certification will occur upon the successful completion of the prescribed training course as set out in R.37- 066.

Criminal Justice Academy: LE Officer and E-911 Officer Training and Certification (Doc. No. 4350)

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to promulgate regulations necessary for the training of telecommunication operators or dispatchers. The regulations are currently housed in Chapter 38 South Carolina Department of Public Safety. The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10, et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. As part of this separation, the regulations were moved to a new chapter titled “Law Enforcement Training Council.” Additionally, for ease of use, the regulations were reorganized.

The changes to the regulations will:

- remove the regulations from Chapter 38, renumber them and place them in a new chapter titled “Law Enforcement Training Council”;
- reorganize the regulations to make them easier to use;
- address other forms of speed measurement device training and operator certification;
- remove the word “jailers” from the regulations;
- add consistency within the regulations and clarify the amount of continuing education requirements required for recertification;
- remove unnecessary language from the regulations;
- clarify the meaning of the regulations;
- change the term “emergency services dispatcher” to “operator”; and
- clarify that some types of driving training must administered by an Academy certified Driving Instructor and CLEE credit will only be given if the training is administered by an Academy certified Driving Instructor.

Text of the regulations may be viewed at <http://www.scstatehouse.gov/regnsrch.php>.

DHEC: Hazardous Waste Management Regulations (Doc. No. 4541)

DHEC has amended R. 61-79 to provide opportunities for the regulated community to use best demonstrated available technologies for treatment of a specific type of waste while reducing compliance costs for industry, revise the definition of solid waste, and make technical corrections and correct typographical errors.

Full text of the regulations and a section-by-section discussion of amendments may be viewed at <http://www.scstatehouse.gov/regnsrch.php>.

DHEC: Air Pollution Control Regulation and Standards (Doc. No. 4481)

DHEC (Department) amended South Carolina Regulation 61-62, Air Pollution Control Regulations and Standards, and the State Implementation Plan (“SIP”), as follows:

1. The Department amended Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations, to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.
2. The Department also amended Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and, therefore, is more appropriately regulated under Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants rather than Standard No. 2.
3. The Department repealed Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds. Because other regulations such as Regulation 61-62.5, Standard No. 5, Volatile Organic Compounds; Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; and Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.
4. The Department also amended Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, Prevention of Significant Deterioration of Air Quality.
5. The Department also amended Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the “2013 General Assembly Package” but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).
6. The Department also amended Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants, to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See item 2 for justification).
7. The Department also amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, to correct an error in punctuation.
8. The Department also amended Regulation 61-62.70, Title V Operating Permit Program, to make a change to Section 62.70.5(c) to correct a unit of measurement error for consistency with language in Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants.
9. The Department has also made other changes to Regulation 61-62 that include corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Text of the regulations may be viewed at <http://www.scstatehouse.gov/regnsrch.php>.

Solid Waste Management: Waste Tires (Doc. No. 4542)

DHEC amended R.61- 107.3, Solid Waste Management: Waste Tires to ensure waste tires are properly managed so as to reduce the incidences of illegal waste tire dumping. This amendment expands and clarifies definitions applicable to waste tire management; expands and clarifies the operational, permitting and registration requirements for haulers, collectors and processors of waste tires; and establishes bonding requirements for certain waste tire haulers. The amendment removes a section referencing disposal facilities, as tire disposal is addressed in R.61-107.19 SWM: Solid Waste Landfills and Structural Fill. The amendment expands and clarifies exemptions to the regulation; clarifies reporting and recordkeeping; clarifies penalties for violations; and provides corrections for consistency, clarity, and formatting to improve the overall text of Regulation 61-107.3.

A copy of the revised regulation is available electronically on the DHEC's website on the Laws and Regulations website under the Land and Waste Management category at:
<http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>.

DHEC: Standards for Wastewater Facility Construction (Doc. No. 4485)

Regulation 61-67, Standards for Wastewater Facility Construction, establishes standards, for general and technical design requirements, for use by DHEC in reviewing Engineering Reports, establishing Reliability Classifications and issuing State construction permits or other approval action as outlined in the regulation. This regulation applies to engineering design and construction of all wastewater treatment facilities and all wastewater collection and transmission facilities that require a construction permit or approval from the Department. These amendments will reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted. Furthermore, revisions include streamlining industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. Minor changes were made at R.61-67.100 to remove unnecessary language for clarity and a stylistic change was made in the Table at Appendix A and Section 67.100.E.4.b. (5) and (6). Language related to permit appeals was removed so as to streamline with current law.

An electronic copy of R.61-67, including amendments, is available at
<http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water>.

Building Codes Council: Amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613 (Doc. No. 4501)

The South Carolina Department of Labor, Licensing and Regulation, Building Codes Council amended Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613 generally and updated the regulations to comport with Act 179 from the 2013-2014 legislative session.

Final text of the regulation, including amendments, may be viewed at
<http://www.scstatehouse.gov/regnsrch.php>.