

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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STEPHEN T. DRAFFIN, DIRECTOR
LYNN P. BARTLETT, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 734-2145

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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.

2004 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	1/9	2/13	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/23	2/27	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
2821		Highway Patrol Wrecker Regulations	2-09-04	Department Public Safety
2816		Environmental Protection Fees	2-29-04	Department Health and Envir Control
2810		Fees, Liability Insurance Requirements	2-29-04	LLR: Elevator and Amusement Rides
2824		Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2826		Machines	2-29-04	Department of Revenue
2815		Decisions on a permit, Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2818		Elevator and Amusement Rides, Inspections	3-12-04	LLR: Elevator and Amusement Rides
2830		Subdivision Water Supply and Sewage Treatment/Disposal	3-22-04	Department of Health and Envir Control
2829		Residential Care Facility Administration	3-22-04	LLR: Board of Long Term Health Care Administrators
2828		Burglar Alarm Systems	3-22-04	LLR: Contractors' Licensing Board
2832		Business Enterprise Program	4-10-04	Commission for the Blind
2845		Failure to Appear	5-11-04	LLR: Occupational Health and Safety Review Board
2844		Determination of Rates of Tuition and Fees	5-11-04	Commission on Higher Education
2841		Forestry Commission Lands	5-11-04	Forestry Commission
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2859		Standards for Licensing Freestanding or Mobile Technology	5-11-04	Department of Health and Envir Control
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2883		Specific Information Service Signing	5-11-04	Department of Transportation

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DOC NO.	DATE	SUBJECT		AGENCY
2729	2-04-03	Fees	4-02-03	LLR: Board of Pharmacy
2822	3-26-03	General-Food Stamp Program	6-26-03	Department Social Services

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT		AGENCY
2629	1-29-03	Specific Project Stds for Tidelands & Coastal Waters	1-31-03	Department of Health and Envir Control
2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03	Department of Health and Envir Control
2800	4-02-03	Environmental Protection Fees	5-20-03	Department of Health and Envir Control
2753	5-08-03	LIFE Scholarship Program	5-13-03	Commission on Higher Education

WITHDRAWN:

DOC NO.	DATE	SUBJECT		AGENCY
2823	5-14-03	S C. Patients' Compensation Fund		Department of Insurance

2 EXECUTIVE ORDERS

2003-28

WHEREAS, the South Carolina Commission on the Status of Women (the "Commission") was established in 1970 to study issues which included educational and employment opportunities for women, equal rights and salary disparity among men and women, and expanded services for women as wives and mothers; and

WHEREAS, since 1970 the Commission has changed its areas of focus and study to include domestic violence prevention, women's health and women's participation in the political process; and

WHEREAS, it is essential that the State address issues that are of concern to women in South Carolina in a manner that will effectively advance the goal of improving the status of women in South Carolina.

NOW, THEREFORE, I do hereby establish the South Carolina Advisory Committee to Study the Goals of the Commission on the Status of Women ("Advisory Committee"). The Advisory Committee shall advise the Governor on the goals and direction of the Commission to include:

1. Studying the duties and responsibilities of the Commission since its establishment in 1970, and the issues facing women in South Carolina today;
2. Identifying specific initiatives and strategies to further the advancement of women in South Carolina;
3. Determine the most effective and efficient method of achieving the goals identified to advance the status of women in South Carolina today; and
4. Examine the services provided by the Commission in relation to services provided by other government agencies, private and public interest groups.

The Advisory Committee shall be comprised of individuals designated by the Governor who represent educational, business, law enforcement, legislative and government sectors of South Carolina. The Advisory Committee shall prepare written recommendations to the Governor no later than May 1, 2004.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 4th DAY
OF DECEMBER, 2003.**

**MARK SANFORD
Governor**

2003-29

WHEREAS, J. Keitt Wannamaker has resigned as Calhoun County Clerk of Court, effective December 31, 2003; and

WHEREAS, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 14-17-30 of the South Carolina Code of Laws, as amended; and

WHEREAS, Edward S. Griffith residing at 71 Nickells Lane, St. Matthews, South Carolina 29135, is a fit and proper person to serve as the Calhoun County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Edward S. Griffith as Clerk of Court of Calhoun County until the next general election for this office and until his successor shall qualify. This appointment shall be effective December 31, 2003.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 29th DAY OF DECEMBER.

MARK SANFORD
Governor

2003-30

WHEREAS, O.V. Player, Jr. has resigned as Sumter County Clerk of Court, effective January 1, 2004; and

WHEREAS, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 14-17-30 of the South Carolina Code of Laws, as amended; and

WHEREAS, Deborah Q. Mathis residing at 210 Lesesne Drive, Sumter, South Carolina 29150, is a fit and proper person to serve as the Sumter County Clerk of Court.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Deborah Q. Mathis as Clerk of Court of Sumter County until the next general election for this office and until her successor shall qualify. This appointment shall be effective January 1, 2004.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 30th DAY OF DECEMBER.

MARK SANFORD
Governor

2004-1

WHEREAS, Walter M. Bailey, Jr. has resigned as Solicitor of the First Judicial Circuit, effective December 31, 2003; and

WHEREAS, the Judge residing in the First Judicial Circuit has certified the vacancy to the undersigned; and

WHEREAS, the undersigned is authorized to appoint a Solicitor in the event of a vacancy pursuant to Sections 1-3-220(1) and 1-7-390 of the South Carolina Code of Laws, as amended; and

4 EXECUTIVE ORDERS

WHEREAS, Robert D. Robbins, a resident of Summerville, South Carolina, is a fit and proper person to serve as Solicitor of the First Judicial Circuit.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Robert D. Robbins as Solicitor of the First Judicial Circuit, effective December 31, 2003.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 31st DAY OF DECEMBER**

**MARK SANFORD
Governor**

2004-2

WHEREAS, Section 1-3-240(B) of the South Carolina Code of Laws states: "[a]ny person appointed to a state office by a Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer"; and

WHEREAS, membership on the South Carolina Mental Health Commission is a state office that is not listed among the exempt state offices enumerated in Section 1-3-240(C) of the South Carolina Code of Laws; and

WHEREAS, Frederick Furman Carpenter of Greenville, South Carolina, was previously named to the South Carolina Mental Health Commission by former Governor Hodges; and

WHEREAS, George C. Wilson of Donalds, South Carolina, was previously named to the South Carolina Mental Health Commission by former Governor Hodges;

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove Frederick Furman Carpenter and George C. Wilson from the South Carolina Mental Health Commission and declare the seats on the South Carolina Mental Health Commission previously held by Frederick Furman Carpenter and George C. Wilson to be vacant.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12TH DAY OF JANUARY, 2004.**

**MARK SANFORD
Governor**

2004-03

WHEREAS, on December 15, 2003, I received an Order of the Town of Pelzer Board of Elections (“Board”) declaring that the Board found voting irregularities in the November 4, 2003, election for Mayor and Town Council members in the Town of Pelzer; and

WHEREAS, the Board has agreed to set aside the election for the seats of the Mayor and Town Council members and request that new elections be held; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that new elections be held in the Town of Pelzer for the seats for Mayor and Town Council members on March 2, 2004, or at the earliest possible date and time after March 2, 2004, as is permitted by the United States Department of Justice; and (b) designate the Town of Pelzer Municipal Election Commission to perform the necessary official duties pertaining to the election to declare the result.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 14TH DAY OF JANUARY, 2004.

MARK SANFORD
Governor

6 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION DIVISION OF LABOR

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

ERRATA

Document No. 2870 published in the December 26, 2003, issue of the *State Register* was erroneously published as a "Final Regulation". Document 2870 is subject to General Assembly Review pursuant to the provision of the Administrative Procedures Act and has been filed accordingly.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

for

State Register Document 2782

Regulation 61-58, *State Primary Drinking Water Regulations*.

State Register Document 2782 amended R.61-58 by publication in the *State Register* on December 27, 2002. These amendments adopted federal regulations mandated by federal law. This errata will correct references and scrivener's errors to R.61-58.5.C(10) and (11) which revised scientific notations and R.61-58.10.I which was a newly added section.

Correct R.61-58.5.C(10)(b) to read:

(b) For community and non-transient, non-community water systems, the repeat monitoring frequency for ground water systems shall be quarterly for at least one year following any one sample in which the concentration is less than 50 percent of the MCL. The Department may allow a groundwater system to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the MCL.

Correct R.61-58.5.C(11)(c) to read:

(c) For community and non-transient, non-community water systems, the Department may allow a surface water system to reduce the sampling frequency to annually if all analytical results from four consecutive quarters are less than 50 percent of the MCL. A surface water system shall return to quarterly monitoring if any one sample is 50 percent or more of the MCL.

Correct R.61-58.10.I(4)(e) [table only] to read:

If your system * * *	Your system must determine * * *
<p>(a) Uses only one point of disinfectant application</p> <p>(b) Uses more than one point of disinfectant application before the first customer.....</p>	<p>(1) One inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow or (2) Successive $CT_{calc}/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, your system must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99.9}$) for each sequence and then adding the ($CT_{calc}/CT_{99.9}$) values together to determine ($\sum CT_{calc}/CT_{99.9}$).</p> <p>The ($CT_{calc}/CT_{99.9}$) value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow using the procedure specified in paragraph (a)(2) of this section.</p>

Correct R.61-58.10.I(6)(b)(i) to read:

(i) The first combined filter effluent turbidity limit is a "95th percentile" turbidity limit that your system must meet in at least ninety five (95) percent of the turbidity measurements taken each month. Measurements must continue to be taken as described in Section F(1) and (3). Monthly reporting must be completed according to paragraph (8) of this section. The following table describes the required limits for specific filtration technologies.

8 NOTICES

Correct R.61-58.10.I(7)(d) [table only] to read:

If * * *	Your system must * * *
(a) The turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for systems with 2 filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart.	Report to the Department by the 10th of the following month and include the filter number(s), corresponding date(s), turbidity value(s) which exceeded 1.0 NTU, and the cause (if known) for the exceedance(s).
If a system was required to report to the Department * * *	Your system must * * *
(b) For three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters).	Conduct a self-assessment of the filter(s) within 14 days of the day the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month unless a CPE as specified in paragraph (c) of this section was required. Systems with 2 filters that monitor CFE in lieu of individual filters must conduct a self-assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report. If a self-assessment is required, the date that it was triggered and the date that it was completed must be included in the report.
(c) For two months in a row and turbidity exceeded 2.0 NTU in 2 consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters).	Arrange to have a comprehensive performance evaluation (CPE) conducted by the Department or a third party approved by the Department not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Department or a third party approved by the Department within the 12 prior months or the system and the Department are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Department no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.

Correct R.61-58.10.I(8)(a) [table only] to read:

<p>(a) Combined Filter Effluent Requirements. (paragraphs (6)(a) through (d) of this section).</p>	<p>(1) The total number of filtered water turbidity measurements taken during the month.</p> <p>(2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to your system's required 95th percentile limit.</p> <p>(3) The date and value of any turbidity measurements taken during the month which exceed the maximum turbidity value for your filtration system.</p>	<p>By the 10th of the following month.</p> <p>By the 10th of the following month.</p> <p>By the 10th of the following month</p>
<p>(b) Individual Turbidity Requirements. (paragraph (7)(a) through (e) of this section).</p>	<p>(1) That your system conducted individual filter turbidity monitoring during the month.</p> <p>(2) The filter number(s), corresponding date(s), and the turbidity value(s) which exceeded 1.0 NTU during the month, but only if 2 consecutive measurements exceeded 1.0 NTU.</p> <p>(3) If a self-assessment is required, the date that it was triggered and the date that it was completed.</p> <p>(4) If a CPE is required, that the CPE is required and the date that it was triggered.</p> <p>(5) Copy of completed CPE report.....</p>	<p>By the 10th of the following month.</p> <p>By the 10th of the following month.</p> <p>By the 10th of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month)</p> <p>By the 10th of the following month.</p> <p>Within 120 days after the CPE was triggered.</p>
<p>(c) Disinfection Profiling.. (paragraphs (4)(a) through (g) of this section)</p>	<p>(1) Results of optional monitoring which show TTHM levels less than 0.064 mg/L and HAA5 levels less than 0.048 mg/L (Only if your system wishes to forgo profiling) or that your system has begun disinfection profiling.</p>	<p>(i) For systems serving 500-9,999 by July 1, 2003; (ii) For systems serving fewer than 500 by January 1, 2004.</p>
<p>(d) Disinfection Benchmarking (paragraph (5)(a) through (e) of this section)</p>	<p>(1) A description of the proposed change in disinfection, your system's disinfection profile for <i>Giardia lamblia</i> (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection.</p>	<p>Anytime your system is considering a significant change to its disinfection practice.</p>

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

for
State Register Document 2842,
Regulation 61-58, *State Primary Drinking Water Regulations*

State Register Document 2842 amended R.61-58 by publication in the *State Register* on September 26, 2003. These amendments adopted federal regulations mandated by federal law. This errata will correct Appendix A to R.61-58.6, which was revised to include violations and other situations requiring public notice for Turbidity, IESWTR, and Arsenic; and, Appendix B to R.61-58.6, which revised Standard Health Effects Language and the MCL for Arsenic. This errata will correct references and scrivener's errors in Sections of Appendix A and Appendix B, as follows:

Correct I.B.2 of Appendix A to 61-58.6: Violation and Other Situations Requiring Public Notice to read:

2. Arsenic	2	⁸ 61-58.5.B(2)	3	⁹ 61-58.5.C(7), (9)
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Correct at Appendix A to 61-58.6 Endnotes #9 to read:

⁹ The arsenic Tier 3 violations MCL citations are effective January 23, 2006. Until then, the citations are R.61-58.5(C)(7) and (9).

Correct Appendix B.2.c of 61-58.6 to: Standard Health Effects Language for Public Notification to read:

2c. Turbidity (IESWTR TT and LTIESWTR) ⁸	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
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Correct Appendix B to 61-58.6 Endnotes #4 to read:

⁴ There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration (40 CFR 141.13).

Correct Appendix B to 61-58.6 Endnotes #6 to add reference to read:

⁶ There are various regulations that set turbidity standards for different types of systems, including 40 CFR 141.13, the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Department.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

for

State Register Document 2641

Regulation 61-58, *State Primary Drinking Water Regulations*.

State Register Document 2641 amended R.61-58 by publication in the *State Register* on September 28, 2001. The amendments was promulgated to adopt regulations consistent with federal regulations as required by federal law. These amendments of R.61-58 revised and renumbered R.61-58.5.J and K to R.61-58.5.H and I. Renumbered Sections H and I contained cross references to the revised paragraphs and scientific notations within each Section. This errata will correct references, scrivener's and word processing conversion errors as follows::

Correct R.61-58.5.H(6) to to read:

(6) Compliance dates. Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems must comply with the MCLs listed in paragraphs (2), (3), (4), and (5) of this section beginning December 8, 2003 and compliance shall be determined in accordance with the requirements of Sections I and K below. Compliance with reporting requirements for the radionuclides under Appendix D to R.61-58.12 and Appendices A and B to R.61-58.6 is required on December 8, 2003.

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Correct R.61-58.5.H(8) Table C to read:

TABLE C: LIST OF SMALL SYSTEMS COMPLIANCE TECHNOLOGIES FOR RADIONUCLIDES AND LIMITATIONS TO USE

Unit technologies	Limitations (see foot-notes)	Operator skill level required. ¹	Raw water quality range and considerations. ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU ²) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU ² RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic.	
7. Co-precipitation with Barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/ electrodialysis reversal	Basic to Intermediate	All ground waters.
9. Pre-formed hydrous Manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/ filtration	(i)	Advanced	Can treat a wide range of water qualities.

Correct R.61-58.5.H(8) Table D to read:

TABLE D: COMPLIANCE TECHNOLOGIES BY SYSTEM SIZE CATEGORY FOR RADIONUCLIDES

Contaminant	Compliance technologies ¹ for system size categories (population served)		
	25 - 500	501 - 3,300	3,300 - 10,000
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9
2. Gross alpha particle activity	3, 4	3, 4	3, 4
3. Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11

Correct R.61-58.5(I)(3) to read:

(3) Monitoring and compliance requirements for beta particle and photon radioactivity.

To determine compliance with the maximum contaminant levels in Section H(4) above for beta particle and photon radioactivity, a system must monitor at a frequency as follows:

Correct R.61-58.5.I(3)(a)(i) & (ii) to read:

(i) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Department may reduce the frequency of monitoring at that sampling point to once every three (3) years. Systems must collect all samples required in paragraph (3)(a) of this section during the reduced monitoring period.

(ii) For systems in the vicinity of a nuclear facility, the Department may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Department determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph (3)(a) of this section.

Correct R.61-58.5.I(3)(b)(iv) & (v) to read:

(iv) If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the Department may reduce the frequency of monitoring at that sampling point to every three (3) years. Systems must collect all samples required in paragraph (3)(b) of this section during the reduced monitoring period.

(v) For systems in the vicinity of a nuclear facility, the Department may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Department determines if such data is applicable to a particular water system.

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In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph (3)(b) of this section.

Correct R.61-58.5.I(3)(c) & (f) to read:

(c) Community water systems designated by the Department to monitor for beta particle and photon radioactivity can not apply to the Department for a waiver from the monitoring frequencies specified in paragraph (3)(a) or (3)(b) of this section.

(f) Systems must monitor monthly at the sampling point(s) which exceed the maximum contaminant level in Section H(4)(1) above, beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of three (3) monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in paragraphs (3)(a)(ii) or (3)(b)(i) of this section.

Correct R.61-58.5.I(4)(a) & (e) to read:

(a) The Department may require more frequent monitoring than specified in paragraphs (2) and (3) of this section, or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.

(e) If the MCL for radioactivity set forth in Section H(2) through (5) above, is exceeded, the operator of a community water system must give notice to the Department and the public pursuant to R.61-58.6(B) and (E).

Correct R.61-58.9.I(2) Table B to read:

TABLE B: LIST OF SMALL SYSTEMS COMPLIANCE TECHNOLOGIES FOR RADIONUCLIDES AND LIMITATIONS TO USE

Unit technologies	Limitations (see foot- notes)	Operator skill level required ¹	Raw water quality range & considerations ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU ²) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU ² RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic	
7. Co-precipitation with barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/ electrodialysis reversal		Basic to Intermediate	All ground waters.
9. Pre-formed hydrous manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency
11. Enhanced coagulation/ filtration	(i)	Advanced.	Can treat a wide range of water qualities.

Document No. 2858

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

ERRATA

R.61-9, *Water Pollution Control Permits*, was last amended by Document 2858 in Volume 27, Issue No. 12, of the *State Register* on December 26, 2003. This errata will correct an error in one of the instructions published in Document 2858 on how to incorporate into R.61-9 the new text that has been added at 122.42(e). The instruction to "Add new subsection 122.42(e) to read as follows:" is corrected to read: "Reletter existing 122.42(e), Easements, to 122.42(f) and insert new subsection 122.42(e). "

New subsection 122.42(e) reads as follows:

(e) Concentrated animal feeding operations (CAFO). Any permit issued to a CAFO must include:

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(1) Requirements to develop and implement a nutrient management plan. At a minimum, a nutrient management plan must include best management practices and procedures necessary to implement applicable effluent limitations and standards. Permitted CAFO must have their nutrient management plans developed and implemented by December 31, 2006. CAFO that seek to obtain coverage under a permit after December 31, 2006 must have a nutrient management plan developed and implemented upon the date of permit coverage. The nutrient management plan must, to the extent applicable:

(i) Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;

(ii) Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

(iii) Ensure that clean water is diverted, as appropriate, from the production area;

(iv) Prevent direct contact of confined animals with waters of the United States;

(v) Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

(vi) Identify appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the State;

(vii) Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

(viii) Establish protocols to land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and

(ix) Identify specific records that will be maintained to document the implementation and management of the minimum elements described in paragraphs (e)(1)(i) through (e)(1)(viii) of this section.

(2) Recordkeeping requirements.

(i) The permittee must create, maintain for five years, and make available to the Department upon request, the following records:

(A) All applicable records identified pursuant to paragraph (e)(1)(ix) of this section;

(B) In addition, all CAFO subject to 40 CFR 412 must comply with record keeping requirements specified in sections 412.37(b) and (c) and sections 412.47(b) and (c).

(ii) A copy of the CAFO's site-specific nutrient management plan must be maintained on site and made available to the Department upon request.

(3) Requirements relating to transfer of manure or process wastewater to other persons. Prior to transferring manure, litter, or process wastewater to other persons, Large CAFO must provide the recipient of the manure, litter, or process wastewater with the most current nutrient analysis. The analysis provided must be consistent with the requirements of 40 CFR 412. Large CAFO must retain for five years records of the date,

recipient name and address, and approximate amount of manure, litter, or process wastewater transferred to another person.

(4) Annual reporting requirements for CAFO. The permittee must submit an annual report to the Department. The annual report must include:

(i) The number and type of animals (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other), whether in open confinement or housed under roof;

(ii) Estimated total amount of manure, litter, and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);

(iii) Estimated total amount of manure, litter, and process wastewater transferred to other person(s) by the CAFO in the previous 12 months (tons/gallons);

(iv) Total number of acres for land application covered by the nutrient management plan developed in accordance with paragraph (e)(1) of this section;

(v) Total number of acres under control of the CAFO that were used for land application of manure, litter, and process wastewater in the previous 12 months;

(vi) Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and

(vii) A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 23, 2004, 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 Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Beaufort County

Renovation to Radiology Department to construct a dedicated angiography suite and replacement of radiology equipment; minor renovations to Laboratory and an Operating Room.

Beaufort Memorial Hospital

Beaufort, South Carolina

Project Cost: \$3,595,000

Affecting Charleston County

Purchase of Sandpiper Convalescent Center by Baccala Realty, Inc., and change the name to Sandpiper Rehab and Nursing Center.

Sandpiper Rehab and Nursing Center

Mt. Pleasant, South Carolina

Project Cost: \$12,000,000

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Affecting Greenville County

Construction and renovation for the expansion of the diagnostic and therapeutic areas.
Greenville Memorial Medical Center
Greenville, South Carolina
Project Cost: \$34,600,000

Conversion of 32 nursing home beds at St. Francis Hospital to a 32-bed long-term acute care hospital to be known as Regency Hospital.
Regency Hospital of Greenville, LLC
Greenville, South Carolina
Project Cost: \$1,411,899

Affecting Kershaw County

Establishment of a diagnostic cardiac catheterization laboratory.
Kershaw County Medical Center
Camden, South Carolina
Project Cost: \$2,572,056

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning January 23, 2004. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Greenville Counties

Addition of two (2) operating rooms for a total of four (4) operating rooms.
Patewood Surgery Center, LLC
Greenville, South Carolina
Project Cost: \$601,916

Affecting Greenwood County

Construction of a fifteen (15)-bed inpatient hospice facility.
Hospice House of HospiceCare of the Piedmont, Inc.
Greenwood, South Carolina
Project Cost: \$3,622,354

Affecting Pickens County

Convert thirteen (13) nursing home beds to thirteen (13) general acute care beds for a total of one hundred nine (109) general acute care beds.
Palmetto Baptist Medical Center – Easley
Easley, South Carolina
Project Cost: \$0.00

Affecting Richland County

Transfer of ownership of the Magnetic Resonance Imaging (MRI) unit previously approved by CON SC-03-42 from Palmetto Health Alliance to MRI Inc. of the Carolinas and installation of a 0.7T MRI.

MRI Inc. of the Carolinas
Columbia, South Carolina
Project Cost: \$1,297,418

Affecting Spartanburg County

Relocation of 18 acute care beds and construction for the addition of three (3) new operating rooms and relocation of three (3) operating rooms (previously approved under CON SC-02-79)

Mary Black Memorial Hospital
Spartanburg, South Carolina
Project Cost: \$16,787,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Public Notice

Pursuant to SC Code §49-21-40 and R.121-12.7, the South Carolina Department of Health and Environmental Control gives notice that the Chester Metropolitan District (CMD) has filed a Class I Interbasin Transfer Application to transfer water from the Catawba-Wateree River basin to the Broad River basin. The Interbasin Transfer Application is for renewal of an existing Interbasin Transfer Registration of 7.2 million gallons per day which expires November 15, 2005. Raw water is withdrawn from the Catawba River and treated at the CMD Water Treatment Plant. Treated water is distributed to the CMD service area in both the Catawba-Wateree basin and the Broad River basin. Wastewater from the CMD service area is treated at the Lando/Manetta, Rocky Creek and Great Falls Wastewater Treatment Plants which discharge back into the Catawba-Wateree River basin as well as at the Sandy River Wastewater Treatment Plant which discharges into the Broad River basin. The requested duration of the permit is for twenty (20) years to withdraw a daily average of 9.2 million gallons of water a day.

Any person may request a copy of the application by submitting a statement to the address below specifying how you will be affected. Any person may submit comments on the application; to be considered, comments must be received by the Department by the close of business on June 1, 2004. Any person wishing to receive notification of the permit decision should submit a request for such notification (which may be included with your comments) to the address below.

Comments should be directed to:

Tricia H. Kilgore
SCDHEC
2600 Bull Street
Columbia, SC 29201

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 70, National Electrical Code, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8300.10

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 72, National Fire Alarm Code, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8300.11(A)(1) and (A)(2)
South Carolina Regulation 71-8308.4(A)
South Carolina Regulation 71-8309.4(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 99, Standard for Health Care Facilities, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8300.11(C)(4)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 1995 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8306.1(A)
South Carolina Regulation 71-8306.2(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8307.3 (A)(9)(h)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8307.3(A)(9)(i)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 17, Standard for Dry Chemical Extinguishing Systems, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8307.3(A)(9)(f)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 17A, Standard for Wet Chemical Extinguishing Systems, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation 71-8307.3(A)(9)(g)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 11, Standard for Low-, Medium-, and High-Expansion Systems, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. The code is referenced by:
South Carolina Regulation Section 71-8307.3(A)(9)(a)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 11A, Standard for Medium- and High-Expansion Foam Systems, 1999 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation, Section 71-8307.3(A)(9)(b)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 12, Standard on Carbon Dioxide Extinguishing Systems, 2000 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation, Section 71-8307.3(A)(9)(c)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 12A, Standard on Halon 1301 Extinguishing Systems, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation, Section 71-8307.3(A)(9)(d)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 14, Standard for the Installation of Standpipe, Private Hydrants, and Hose Systems, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

28 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 22, Standard for Water Tanks for Private Fire Protection, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

30 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 54, National Fuel Gas Code, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-82-70(A)(3)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 59, Utility LP Gas Plant Code, 2001 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-82-70(A)(3)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 409, Standard on Aircraft Hangars, 2001 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws, Section 23-45-140

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws, Section 23-35-45

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

32 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 10, Standard for Portable Fire Extinguishers, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 23-45-140
South Carolina Regulation 71-8307.3(A)(3)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 30, Flammable and Combustible Liquids Code, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 39-41-260(A)
South Carolina Regulation 71-8300.11 (C)(5)
South Carolina Regulation 71-8301.6
South Carolina Regulation 71-8303.1

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 39-41-260(A)
South Carolina Regulation 71-8303.1

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 58, Liquefied Petroleum Gas Code, 2001 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-82-70(A)(3)
South Carolina Regulation 71-8304.1

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

34 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 101, Life Safety Code, 2003 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. The code is referenced by:
South Carolina Code of Laws, Section 23-45-140
South Carolina Regulation 71-8300.11(D)(2)(d)
South Carolina Regulation 71-8300.11(E)(6)(b)(l)
South Carolina Regulation 71-8300.11(E)(7)(b)(l)
South Carolina Regulation 71-8300.11(F)(1)(c)
South Carolina Regulation 71-8300.12(B)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and has received none. Therefore, the Office of the State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

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

1. International Building Code, 2000 Edition. The International Building Code, 2000 Edition, is the current successor code to the 1997 edition of the Standard Building Code.
2. The original promulgating authority for this code is:
International Code Council
900 Montclair Road
Birmingham, Alabama 35213-1206
3. This code is referenced by:
South Carolina Regulation 71-8300.9(A).

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may

be unsuitable for enforcement in South Carolina. Written comments may be submitted to William Galloway at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to gallowayb@lrr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

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

1. International Fire Code, 2000 Edition. The International Fire Code, 2000 Edition, is the current successor code to the 1997 edition of the Standard Fire Prevention Code.
2. The original promulgating authority for this code is:
International Code Council
900 Montclair Road
Birmingham, Alabama 35213-1206
3. This code is referenced by:
South Carolina Regulation 71-8301.3(A)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to William Galloway at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to gallowayb@lrr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

36 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP). Interested persons are invited to present their views in writing to Thomas J. Flynn, III, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by February 24, 2004, the close of the drafting comment period.

Synopsis:

On December 31, 2002 (67 FR 80185) and October 27, 2003 (68 FR 61247), the United States Environmental Protection Agency (EPA) finalized revisions governing the New Source Review (NSR) program mandated by parts C and D of title I of the Clean Air Act (CAA). The major NSR program contained in parts C and D of title I of the CAA is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under the CAA. In areas not meeting health-based National Ambient Air Quality Standards (NAAQS), the program is implemented under the requirements of part D of title I of the CAA. This is referred to as the nonattainment NSR program. In areas meeting the NAAQS (attainment areas), the NSR requirements under part C of title I apply. This is referred to as the Prevention of Significant Deterioration (PSD) program. Collectively, these programs are commonly referred to as the major NSR program.

In accordance with EPA's final rule revisions, state agency programs must adopt and submit revisions to their State Implementation Plans (SIPs) to include the minimum program elements outlined in the final rules. States may choose to adopt provisions that differ from the final rules, however, to be approvable under the SIP, the state must show that the regulation is at least as stringent as EPA's amendments. In accordance with these rules, states are required to adopt and submit revisions to their SIPs no later than three years from the date that the rules were published in the *Federal Register*.

The Department is proposing to amend R.61-62 and the SIP pursuant to the federal requirements. These proposed amendments will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: Section 40-25-10, *et. seq.*,

Notice of Drafting:

The Department of Health and Environmental Control proposes to revise Regulation 61-3, *The Practice of Selling and Fitting Hearing Aids*. Interested persons may submit written comments to Dennis L. Gibbs, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., February 23, 2004, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulation and may include, but not be limited to; update and expand definitions, to include scope of practice; clarify licensing requirements; update licensing fee amounts; update enforcement action procedures, to include classification of violations and guidelines for monetary penalties; update sections related to temporary permits and sponsor duties, to include a maximum number of temporary permits allowed per sponsor, and specific number of hours of training; increase continuing education requirement;

update sales procedures to include requirements for a trial period, terms of sale, and specific verbiage for sales receipts; add infection control requirements; add exceptions related to hearing aid specialists; and add a severability clause.

Legislative review will be required.

DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110, et seq., 1-23-110, et seq., 38-9-200.

69-53. Credit for Reinsurance

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-53, Credit for Reinsurance. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than February 20, 2004.

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-53 in order to comply and correspond with revisions made by Act 422 of 1998.

The proposed regulation will require legislative review.

SOUTH CAROLINA STATE LIBRARY
CHAPTER 75

Statutory Authority: 1976 Code Section 60-1-80

Notice of Drafting:

The South Carolina State Library proposes to draft a new regulation that addresses the certification of South Carolina public librarians. Interested persons may submit comments to Dr. Curtis R. Rogers, Director, Division of Statewide Library Services, South Carolina State Library, PO 11469, Columbia, SC 29211. To be considered, comments must be received no later than 5:00 pm February 26, 2004

Synopsis:

The General Assembly passed Section 60-1-80 which states the State Library is to provide assistance to public libraries and county governments, specifically, (c) to administer a certification program for public libraries and librarians, establishing regulations and procedures for the implementation of the program.

Certification aids library boards and librarians in selecting competent personnel and gives the taxing bodies assurance that the public funds are spent for quality service. It improves the status of librarianship as a profession. The purpose of the proposed regulation is to up-grade the public library profession in South Carolina. The certification program applies only to persons currently employed in full time positions in South Carolina public libraries. There are four types of certificates: Professional, Provisional Professional, Pre-Professional and Provisional Pre-Professional.

Legislative review of this proposal will be required.

38 PROPOSED REGULATIONS

Document No. 2897
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-55-10 *et seq.*

R. 61-58. State Primary Drinking Water Regulations

Preamble:

The Department proposes to amend the State Primary Drinking Water Regulations to specify cross connection control requirements for residential lawn irrigation systems and to clarify other existing cross connection control requirements. The proposed amendments are in accordance with recommendations made by the Lawn Irrigation Backflow Taskforce, which was formed at the request of the state legislature. A Notice of Drafting for this proposed amendment was published in the State Register on June 27, 2003. See discussion below for Statement of Need and Reasonableness and Rationale.

Section-by-Section Discussion of Proposed Revisions

<u>SECTION</u>	<u>CHANGE</u>
R.61-58.7.F (1)	Title added, renumbered and organized for clarity
R.61-58.7.F (2)	Title added and revised for clarity and to specify the minimum device required on low hazard cross connections
R.61-58.7.F (3)	Added to specify cross connection control requirements for residential lawn irrigation systems
R.61-58.7.F (4)	Title added and organized for clarity
R.61-58.7.F (5)	Title added
R.61-58.7.F (6)	Title added
R.61-58.7.F (7)	Title added and revised to exempt backflow prevention assemblies on residential lawn irrigation systems from annual testing requirement
R.61-58.7.F (8)	Title added
R.61-58.7.F (9)	Title added and wording revised for clarity

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on February 26, 2004 at 2:00 p.m. in room 1625 of the S.C. Department of Health and Environmental Control office at 2600 Bull Street, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-58. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for the April, 2004 board meeting, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the staff forum by writing to Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 898-4215. Written comments must be received no later than 10:00 a.m. on February 27, 2004. Comments received by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendments for public notice and comment may be obtained by contacting Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 898-4233; Fax number (803) 898-4215.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment to R.61-58 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 8, 2004. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-58 by writing Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 898-4215. Written comments must be received no later than 10:00 a.m. on February 20, 2004. Comments received by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed above.

Copies of the text of the proposed amendments for public notice and comment may be obtained by contacting Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 898-4233; Fax number (803) 898-4215.

Preliminary Fiscal Impact Statement:

There will be minimal cost to the state and its political subdivisions. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment to Regulation 61-58, State Primary Drinking Water Regulations

Purpose: The Department is proposing this amendment to revise R.61-58 in order to adopt new backflow prevention requirements for residential lawn irrigation systems. The Department is proposing this amendment to address recommendations of the Lawn Irrigation Backflow Taskforce which was formed at the request of the state legislature to address inconsistencies in the statewide implementation of cross connection control requirements for residential lawn irrigation systems by public water systems.

40 PROPOSED REGULATIONS

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 et. seq., State Safe Drinking Water Act.

Plan for Implementation: The proposed amendments would be incorporated within R.61-58 upon approval of the Board of Health and Environmental Control and the General Assembly and publication in the State Register. The proposed amendment will be implemented in the same manner in which the existing regulation is implemented.

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

The adoption of these regulations, which address backflow prevention requirements for residential lawn irrigation systems, will address some of the recommendations of the Lawn Irrigation Taskforce which was formed at the request of the state legislature.

DETERMINATION OF COSTS AND BENEFITS: The changes to backflow prevention requirements for residential lawn irrigation systems should not result in any major expenses for public water systems in the state. Private citizens may realize a financial benefit if systems decide to implement the less stringent requirements included in this proposed amendment.

UNCERTAINTIES OF ESTIMATES: minimal

EFFECT ON ENVIRONMENT AND HEALTH: The amendments would offer an option for water systems to implement less protective backflow prevention protection for residential lawn sprinkler systems. It is difficult to determine if there would actually be a detrimental effect on public health as a result of this amendment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment if the amendments are not implemented.

Statement of Rationale:

In 2002, the state legislature directed the Department to form a taskforce to study the issue of backflow prevention protection for residential lawn irrigation systems and report back to them with the finding of the taskforce. The taskforce included representatives from water utilities, backflow experts, consumer advocates and concerned citizens. The taskforce met a total of three times and, as a result, the Department produced a report entitled Lawn Irrigation Backflow Taskforce: Report to The Legislature. This proposed amendment is intended to address some of the recommendations of the taskforce, which are outlined in the report.

Text of Proposed Amendment:

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

Document No. 2898
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-270

Preamble:

The State Board of Nursing proposes Regulations 91-13.d. and 91-15.d. be amended to allow the nurse licensure examination to be repeated every forty-five (45) days instead of every three months, as currently provided. This change is consistent with a recent change in the testing procedure of the National Council of State Boards of Nursing, which administers the National Council Licensure Examination (NCLEX).

Section by Section Discussion

91-13.d. Amended; Delete three months and insert forty-five days.

91-15.d. Amended; Delete three months and insert forty-five days.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on March 8, 2004. Written comments may be directed to Martha S. Bursinger, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 23, 2004.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To allow South Carolina applicants for nurse licensure by examination to repeat the NCLEX at the earliest opportunity.

Legal Authority: Sections 40-1-70 and 40-33-270.

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees and applicants of amended regulations and post amended regulations on 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 in order to allow South Carolina applicants for licensure by examination to repeat the NCLEX at the earliest opportunity, which, beginning January 1, 2004, will be every forty-five days instead of every three months.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision.

42 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment of this State. The public health of the State will be enhanced by expediting the licensing examination process, which is expected to result in earlier entry into nursing practice of qualified applicants.

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

There will be no detrimental effects on the environment and public health if the requirement is not implemented in this State.

STATEMENT OF RATIONALE:

There was no scientific or technical basis relied upon in the development of this regulation.

Text:

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

Document No. 2867
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. §§ 59-5-60(1990), 59-1-445(1990), 59-18-310 (Supp. 2002), 59-18-320(Supp. 2002), 59-18-330(Supp. 2002), 59-18-340(Supp. 2002), 59-20-60(4)(c)(Supp. 2002), 59-30-10(Supp. 2002), and No Child Left Behind Act of 2001, 20 U.S.C. § 6301 *et seq.* (2002)

R 43-262. Assessment Program

Synopsis:

The State Department of Education recommends that the State Board of Education promulgate amendments to R 43-262, Assessment Program. The proposed amendments to R 43-262 are intended to update the regulation to make it consistent with the requirements of current state and federal legislation. Section A defines the statewide assessment program to make it consistent with the provisions of the Education Accountability Act of 1998 (EAA) and the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 *et seq.* (2002) (NCLB) and defines the responsibilities of the State Department of Education and local school boards in implementing the program. Section B updates the requirements relative to the high school assessment program. Section C addresses first-and second-grade readiness tests and ensures that provisions are consistent with the EAA. Section D addresses the norm-referenced testing program. In particular, amendments are proposed for Section B to address the change from the Basic Skills Assessment Program (BSAP) to the High School Assessment Program (HSAP).

The Notice of Drafting was published in the *State Register* on June 27, 2003.

Section-by-Section Discussion

General: "boards" changed to "districts"; "State Board of Education" changed to "State Department of Education."

Section A: Although there are a few other edits in Part A, the primary changes were made to reflect NCLB.

Section B: Although there are a few other edits in Part B, the primary changes reflect the inclusion of the High School Assessment Program (HSAP) and the phase out of the Basic Skills Assessment Program (BSAP) exit examination. HSAP is designed to meet state and federal requirements.

Section C: Minor edits for clarification.

Section D: Unchanged.

Section E: State assessment as part of the National Assessment of Educational Progress (NAEP) is required by NCLB; therefore, a section has been added.

Instructions:

Amend Regulation 43-262, Assessment Program, in Chapter 43 regulations.

Text:

R 43-262 Assessment Program.

A. STATEWIDE ASSESSMENT PROGRAM

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1. The Basic Skills Assessment Program legislation of 1978 (BSAP), S.C. Code Ann. § 59-3-10, et seq. (1990 and Supp. 2002), the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2002), and the No Child Left Behind Act of 2001, 20 U.S.C. §6301, et seq. (2001) (NCLB) require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.

2. The statewide assessment program will involve testing public school students at selected grade levels and in selected content and skill areas at times specified by the State Department of Education. The grade(s) and content/skill areas to be included in the assessment program are identified by the BSAP legislation, the EAA, NCLB, and State Board of Education regulations.

The statewide assessment program includes

Grades 3-8, Palmetto Achievement Challenge Tests,
Exit Examination, and
End-of-Course Tests

3. The program is funded through an annual appropriation included in the South Carolina General Appropriations Act. The request for such funding is included in the annual budget request of the State Superintendent of Education. Continued operation of the program is contingent upon the availability of funds.

4. Responsibilities of the State Department of Education for assessments in which school districts are required to participate

a. Supply all necessary test materials, scoring, and standard score reports at no cost to the local school districts.

b. Pay all shipping costs for the transportation of test materials and score reports between the Department, school districts, and scoring service(s).

c. Provide workshops on test administration, interpretation, and utilization for district test coordinators and other selected staff.

d. Report the statewide results of the program to the State Board of Education on an annual basis.

e. Field-test, at the discretion of the State Superintendent of Education, new assessment instruments and/or procedures and recommend changes in the Statewide Assessment Program to the State Board of Education, the Education Oversight Committee, and other appropriate policy-making bodies.

5. Responsibilities of local school districts

a. As used in these regulations, "local school district" shall mean public school districts as well as other state-supported educational institutions that award state high school diplomas.

b. Participate in the assessment program as required by law.

c. Designate one or more district test coordinators (DTCs) who will be the point of contact for the State Department of Education *or* its contractors as well as attend the workshops provided by the State Department of Education. The DTC is responsible for training school test coordinators (STCs), and the distribution, receipt, storage and return of test materials and reports.

d. Administer the tests (including field tests) in accordance with procedures and at dates and times specified by the State Department of Education.

e. Maintain a complete and accurate inventory of all state-owned tests and related materials that are stored in the district.

6. Students with disabilities shall be included in the assessment program in compliance with the provisions of South Carolina and federal statutes and regulations.

7. The State Superintendent of Education is authorized to develop and implement such administrative procedures as he or she may deem necessary and appropriate for the purpose of implementing the South Carolina Statewide Assessment Program. Any administrative action taken under this regulation will be presented to the State Board of Education during the next regularly scheduled meeting of the Board.

B. SOUTH CAROLINA HIGH SCHOOL EXIT EXAMINATION

1. The exit examination required by the Basic Skills Assessment Program (BSAP), S.C. Code Ann. § 59-30-10, *et seq.* (1990 and Supp. 2002), shall be in standard written American English, braille, and signed language and shall consist of subtests in reading, writing, and mathematics based upon the Basic Skills Assessment Program objectives. The requirement for passing the BSAP exit examination shall remain in effect until the discontinuation of the examination after the summer 2005 administration.

2. The exit examination required by the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2000) shall be in standard written American English, braille, and signed language and shall consist of tests in English language arts, mathematics, science, and social studies based on South Carolina curriculum standards. The requirement for passing the EAA exit examination in mathematics and English language arts shall be in effect for the graduating class of spring 2006 with the implementation of other tests in accordance with a timeline published by the State Department of Education.

For the purpose of the high school assessment program (HSAP), high school will be considered to include grades 9-12. Students will initially take HSAP in the second spring after their initial enrollment in high school. For purposes of meeting the state testing requirements these students will be considered as tenth graders.

3. Accommodations and modifications, if any, for special populations (e.g., Limited English Proficient students and students with documented disabilities) taking the exit examination shall be consistent with state and federal statutes and regulations.

4. To pass the exit examination, each student shall meet the minimum performance standard established by the State Department of Education on each part.

5. A student who is enrolled in the South Carolina public school system for the entire tenth-grade, eleventh-grade, and twelfth-grade years and remains actively enrolled and in good standing until graduation shall have a minimum of four opportunities to pass the examination.

6. Any student who fails to pass the exit examination will take an equivalent form of only the parts on which he or she did not meet the minimum performance standard(s) at the next designated administration.

a. For Basic Skills Assessment Program (BSAP) any student who failed to pass the exit examination and who is actively enrolled in school will have one opportunity per year to pass an equivalent form of the failed part or parts of the examination by meeting the minimum performance standard in effect at the time of the test administration, except that during the twelfth grade the student shall have two opportunities to pass an equivalent form of the examination.

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b. For High School Assessment Program (HSAP), any student who failed to pass the exit examination and who is actively enrolled in school will have two opportunities per year (spring and fall) to pass an equivalent form of the failed part or parts of the examination by meeting the minimum performance standard in effect at the time of the test administration, except that after the fourth administration a student who is not accruing a minimum of three Carnegie units per academic year will not take the examination again until he or she is classified as a senior by his or her school district.

7. An administration of the exit examination may be available during the summer after the twelfth-grade year for students who have met all other requirements for graduation and who were actively enrolled in school.

8. Local school districts shall insure

a. that the administration and security procedures established by the State Department of Education for the purpose of the exit examination are implemented;

b. that students and parent(s) or guardian(s) are adequately notified that passage of the exit examination is a requirement for a state high school diploma; notification shall be

(1) written,

(2) issued through an established procedure, and

(3) issued to students and parent(s) or guardian(s) by the seventh grade or upon entry into the system, whichever occurs later;

c. that the exit examination administration schedules are publicized;

d. that students who are recommended for a state high school diploma have passed all parts of the exit examination;

e. that students who do not pass a particular part or parts of the exit examination are provided academic assistance related to the part or parts not passed;

f. that students who have met all other requirements for graduation but have not passed the exit examination are advised that they may elect one of the following alternatives:

(1) to accept, in lieu of a state high school diploma, a state certificate indicating the number of credits earned and the grades completed;

(2) to continue active enrollment in high school until the age of 21 or enroll in an adult education program until he or she passes the exit examination; or

(3) to accept a state certificate and acquire additional opportunities to pass the exit examination by enrolling in high school until age 21 or in an adult education program.

C. READINESS TESTS FOR FIRST AND SECOND GRADE

1. Readiness tests for first and second grade will be administered to all students in kindergarten and first grade, respectively.

2. Each local school district in South Carolina shall adopt and implement appropriate policies and procedures pertaining to students who have not met the required standards for the first grade test so as to ensure that

a. the parent(s) or guardian(s) of each child so identified shall be notified in writing not later than fifteen (15) school days after the school district receives the results of the readiness test; a copy of the written notice shall be filed in the scholastic records of the student and the notice shall contain at least

(1) advice to the parent(s) or guardian(s) to obtain a “complete physical examination” for the child;

(2) information about local governmental health services that are available; and

(3) a request that the results of the physical examination, if obtained, be reported to the appropriate school or district authorities who shall be designated by the school district.

b. each child so identified is provided an appropriate developmental curriculum in the first grade; and

c. the parent(s) or guardian(s) of each child so identified is given explanations of deficiencies and suggestions as to appropriate assistance that the parent(s) or guardian(s) may give the child.

3. Each local school district in South Carolina shall adopt and implement appropriate policies and procedures pertaining to students who have not met the required standards for the second-grade test so as to ensure that

a. each child so identified is provided an appropriate developmental curriculum in the second grade, and

b. the parent(s) or guardian(s) of each child so identified is given explanations of deficiencies and suggestions as to appropriate assistance that the parent(s) or guardian(s) may give the child.

D. NORM-REFERENCED TEST

A norm-referenced test selected by the State Board of Education shall be administered annually to a sample of students in at least three grades from grades three to eleven.

E. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS (NAEP)

Reading and mathematics tests will be administered biannually to samples of students in grades 4 and 8 as part of the state NAEP assessment. Schools selected for state NAEP will participate in the assessment program as proscribed by NAEP policies.

Fiscal Impact Statement: Non-compliance with NCLB would result in a loss of federal funds for the state. The Assessment Program has been amended to include the High School Assessment Program as included in the State Consolidated Plan submitted by the state to the United States Department of Education. A section has been added to include the National Assessment of Educational Progress (NAEP) as required by NCLB.