

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2009 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	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

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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.

SUBSCRIPTIONS

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4043			Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	1/13/10	Workers' Compensation Commission
4054			Registration of Immigration Assistance Services	2/22/10	LLR
4055			Illegal Aliens and Private Employment	2/22/10	LLR
4058			Insurance Holding Company Systems	3/08/10	Department of Insurance
4059			South Carolina Reinsurance Facility Recoupment	3/08/10	Department of Insurance
4060			Life Insurance Disclosure	3/08/10	Department of Insurance
4061			Valuation of Investments	3/08/10	Department of Insurance
4068			Funeral Service Practice Act	3/30/10	Board of Funeral Service
4066			Long Term Care Insurance	4/21/10	Department of Insurance
4067			Law Enforcement Officer and E-911 Officer Training & Certification	4/28/10	S.C. Criminal Justice Academy
4072			Central Fill Pharmacies	5/04/10	Board of Pharmacy
4063			Workers' Compensation Insurance and Use of Leased Vehicles	5/12/10	Public Service Commission
4075			Requirements of Licensure in the Field of Cosmetology	5/12/10	Board of Cosmetology
4070			Air Pollution Control Regulations and Standards	5/12/10	Department of Health and Envir Control
Committee Requested Withdrawal					
4022			Riverbanks Parks Commission	Tolled	Riverbanks Parks Commission
Resolution Introduced to Disapprove					
4014			Environmental Protection Fees	Tolled	Department of Health and Envir Control
4015			Environmental Protection Fees	Tolled	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4043	Amend and Add Regulations to Chapter 67 to Reflect Changes in Title 42 Necessitated by the Approval of Act 111 on June 25, 2007	Labor, Commerce and Industry	Judiciary
4054	Registration of Immigration Assistance Services	Labor, Commerce and Industry	Labor, Commerce and Industry
4055	Illegal Aliens and Private Employment	Judiciary	Labor, Commerce and Industry
4058	Insurance Holding Company Systems	Labor, Commerce and Industry	Banking and Insurance
4059	South Carolina Reinsurance Facility Recoupment	Labor, Commerce and Industry	Banking and Insurance
4060	Life Insurance Disclosure	Labor, Commerce and Industry	Banking and Insurance
4061	Valuation of Investments	Labor, Commerce and Industry	Banking and Insurance
4068	Funeral Service Practice Act	Labor, Commerce and Industry	Judiciary
4066	Long Term Care Insurance	Labor, Commerce and Industry	
4067	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	
4072	Central Fill Pharmacies	Medical, Military, Pub & Mun Affairs	
4063	Workers' Compensation Insurance and Use of Leased Vehicles		
4075	Requirements of Licensure in the Field of Cosmetology		
4070	Air Pollution Control Regulations and Standards		
Committee Requested Withdrawal			
4022	Riverbanks Parks Commission	Agriculture and Natural Resources	Fish, Game and Forestry
Resolution Introduced to Disapprove			
4014	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs
4015	Environmental Protection Fees	Agriculture and Natural Resources	Medical Affairs

Executive Order No. 2009-12

WHEREAS, South Carolina receives federal education funding to provide early intervention services to infants and toddlers with disabilities through Part C of the Individuals with Disabilities Education Act (hereinafter Part C Program); and

WHEREAS, Congress established the Part C Program in 1986 in recognition of an urgent and substantial need to: enhance the development of infants and toddlers with disabilities; reduce educational costs by minimizing the need for special education through early intervention; minimize the likelihood of institutionalization; maximize independent living; and enhance the capacity of families to meet their children's needs; and

WHEREAS, the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, (hereinafter I.D.E.A.) requires each governor to designate a responsible lead agency through which Part C Program will be administered; and

WHEREAS, South Carolina First Steps to School Readiness (hereinafter First Steps) exists as the state's only entity solely devoted to meeting the early educational needs of the state's young children; and

WHEREAS, S.C. Code Ann. § 59-152-20 explains that "the goals for South Carolina First Steps to School Readiness are to:

- (1) provide parents with access to the support they might seek and want to strengthen their families and to promote the optimal development of their preschool children;
- (2) increase comprehensive services so children have reduced risk for major physical, developmental, and learning problems;
- (3) promote high quality preschool programs that provide a healthy environment that will promote normal growth and development;
- (4) provide services so all children receive the protection, nutrition, and health care needed to thrive in the early years of life so they arrive at school ready to learn; and
- (5) mobilize communities to focus efforts on providing enhanced services to support families and their young children so as to enable every child to reach school healthy and ready to learn;" and

WHEREAS, these goals are uniquely aligned with those detailed in the Part C Program;

NOW, THEREFORE, I designate South Carolina First Steps to School Readiness as the lead agency for South Carolina's Part C Program (known locally as BabyNet).

FURTHER, the Office of South Carolina First Steps shall:

- a. Take all necessary and appropriate steps to assume responsibility of the Part C Program, effective January 1, 2010, and make any necessary filings with the United States Department of Education;
- b. Determine the most efficient means of administering South Carolina's Part C Program and its associated service delivery models, including the development of inter-agency memoranda of agreement and determining what, if any, administrative or service delivery roles may be played by the agency's affiliate County Partnerships; and
- c. Minimize systemic administrative costs and maximize actual services provided to children through the Part C Program.

4 EXECUTIVE ORDERS

FURTHER, the South Carolina Department of Health and Environmental Control shall:

- a. Maintain and fulfill all existing responsibilities as the state's Part C Program lead agency until January 1, 2010;
- b. Cooperate fully in the transition planning efforts of First Steps, and provide timely information and assistance as requested to ensure continuity of service to all existing clients with minimum disruption; and
- c. As requested by First Steps and permissible under federal guidelines, make Part C Program funds and employees available to First Steps to support the transition staffing and planning.

FURTHER, in recognition of the Part C Program's complex inter-agency structure and service delivery model, additional state agencies including, but not limited to, the Department of Disabilities and Special Needs, School for the Deaf and Blind, Department of Social Services, Department of Health and Human Services, and Department of Insurance shall cooperate fully and participate actively in the transition planning efforts of South Carolina First Steps.

This Order takes effect immediately, with First Steps' formal assumption of Part C lead agency responsibilities to begin January 1, 2010. This Executive Order supersedes previous State directives related to the Part C Program, and remains in force until further modification or rescission by the Governor.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF SEPTEMBER 2009.**

MARK SANFORD
Governor

Executive Order No. 2009-13

WHEREAS, South Carolina Code Section 57-3-40 provides that the South Carolina Department of Transportation (SCDOT) Division of Mass Transit must develop and coordinate a general mass transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of mass transit systems, both public and private; and

WHEREAS, Proviso 68A.9 of the 2008-2009 General Appropriations Act provides that SCDOT shall carry out and enhance the coordination planning and demonstration process for public transportation funding and resources in order to improve access and delivery of transportation services, especially in rural areas, and directs SCDOT to plan and develop mechanisms for increasing coordination of funding streams and resources at both the state and local levels, working with each agency that provides or utilizes funding for transportation; and

WHEREAS, SCDOT, Department of Health and Human Services, Department of Social Services, Lieutenant Governor's Office on Aging, Department of Mental Health, Department of Disabilities and Special Needs, Department of Vocational Rehabilitation, Commission for the Blind, Employment Security Commission, Commission on Minority Affairs, Department of Veterans Affairs, and Department of Commerce all administer state and federal funding programs used by local human service agencies to provide necessary client transportation services; and

WHEREAS, there is a need for more coordination between the resource agencies in order to maximize the efficient use of public transportation.

NOW, THEREFORE, by the power vested in me as Governor by the Constitution and laws of the State of South Carolina, I hereby establish the South Carolina Interagency Transportation Coordination Council as follows:

Section 1. Establishment of South Carolina Interagency Transportation Coordination Council.

There is hereby established the “South Carolina Interagency Transportation Coordination Council,” (Council).

Section 2. Definitions.

- A. “Transportation-disadvantaged persons” means persons who qualify for federally conducted or federally assisted transportation related programs or services due to disability, income, or advanced age.
- B. “Human service transportation” means transportation services for persons with disabilities, older adults, and individuals with lower incomes.
- C. “Public transportation” means transportation by a conveyance that provides regular and continuing general or special transportation to the public. Further, public transportation incorporates all forms of regular and continuing transportation, both general and specialized, to all members of the public, regardless of age, income, disability or any other characteristic.
- D. “Coordination” means the arrangement for the provision of transportation services to the general public and the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

Section 3. Membership of the Council.

- A. The Council shall be composed of the following members or their designee as defined by this order:
 - (1) Secretary of Transportation;
 - (2) Director of the Department of Social Services;
 - (3) Director of the Department of Health and Human Services;
 - (4) Director of the Department of Disabilities and Special Needs;
 - (5) Director of the Employment Security Commission;
 - (6) Director of the Lieutenant Governor’s Office on Aging;
 - (7) Director of the Department of Vocational Rehabilitation;
 - (8) Director of the Commission for the Blind;
 - (9) Director of the Department of Mental Health;
 - (10) Director of the Department of Commerce;
 - (11) Executive Director of the Budget and Control Board;
 - (12) Executive Director of the Office of Regulatory Staff;
 - (13) Director of the Department of Veterans Affairs;
 - (14) Chairman of the Senate Transportation Committee;
 - (15) Chairman of the House Education and Public Works Committee;
 - (16) President of the Transportation Association of South Carolina;
 - (17) Chairman of the Commission for Minority Affairs;
 - (18) Representative of the Councils of Governments; and

6 EXECUTIVE ORDERS

(19) Governor appointed At-Large Community Representative.

- B. Agency Directors or Committee Chairs may appoint a senior level designee. Those Directors or Committee Chairs designating representatives shall notify the Secretary of Transportation of their appointments.
- C. Governor appointed Council members can not be further designated.
- D. Members of the Council shall serve without compensation or reimbursement.
- E. No two appointees may represent the same organization.
- F. The Council shall meet at least once per quarter.
- G. A majority of the Council shall constitute a quorum for the transaction of business.
- H. The Secretary of Transportation, or his designee, shall preside as the Chairman of the Council.
- I. The Chairman may establish standing and ad hoc committees and task forces as may be necessary to carry out the functions of the Council and appoint Council members or other individuals, including individuals representing organizations and consumers outside the departments, to serve on these committees and task forces.

Section 4. Duties and Responsibilities of the Council.

The Council shall have the following duties and responsibilities:

- A. Promote interagency cooperation and the establishment of appropriate mechanisms to minimize duplication and overlap of federal, state, and local programs and services so that transportation-disadvantaged persons have access to more transportation services, without negatively impacting any existing state or local agency;
- B. Facilitate access to the most appropriate, cost-effective transportation services within existing resources;
- C. Compile all available information on transportation operations and needs for public transportation and the transportation disadvantaged in the state;
- D. Develop policies, procedures, requirements and standards regarding coordination compliance by state agencies and coordination of local, federal, and state funding for all forms of regular and continuing transportation, both general and specialized;
- E. Formulate and implement administrative, policy, and procedure mechanisms that enhance transportation at all levels; and
- F. Develop and implement a method for monitoring progress on achieving coordinated statewide transportation.

Section 5. Reporting Requirements

- A. The Council shall provide quarterly progress reports to the Governor, General Assembly of South Carolina, Senate Transportation Committee, House Education and Public Works Committee, and all member agencies.
- B. The Council shall develop a five-year plan detailing future goals and needs for the State as it relates to coordinated statewide transportation and submit to the Governor, General Assembly of South Carolina, Senate Transportation Committee, House Education and Public Works Committee, and all member agencies.
- C. The Council shall also submit an annual report to the Governor, General Assembly of South Carolina, Senate Transportation Committee, House Education and Public Works Committee, and all member agencies, by January 15 of each year which includes the following:
 - a) The Council's actions, recommendations and accomplishments in the past year;
 - b) A plan for funding coordinated statewide transportation and receiving federal matching funds or other funds as may be available;
 - c) Opportunities and barriers in coordinated statewide transportation; and
 - d) Recommendation of solutions to improve local transportation services.

Section 6. Administration and Oversight.

- A. Member agencies shall assist the Council and provide information to the Council as may be necessary to carry out its duties.
- B. SCDOT shall provide administrative support for the Council.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA
ON THIS 25th DAY OF SEPTEMBER 2009.**

**MARK SANFORD
Governor**

8 EXECUTIVE ORDERS

Executive Order No. 2009-14

WHEREAS, the U.S. Attorney unsealed a forty count indictment against Donald R. Betenbaugh on October 6, 2009, in the United States District Court for the District of South Carolina, Spartanburg Division, and among the stated charges are charges of extortion, in violation of Title 18 U.S.C. § 1951; theft from an organization receiving federal funds in violation of Title 18 U.S.C. § 666(a)(1)(B); unlawfully storing, distributing, and using controlled substances in violation of Title 21, U.S.C. § 856(a)(2); obstruction of justice and witness tampering, in violation of Title 18, U.S.C. §§ 1503 and 1512; and money laundering in violation of Title 18, U.S.C. §§ 1956 and 1957; and

WHEREAS, South Carolina law recognizes that “an act in which fraud is an ingredient involves moral turpitude...,” see *State v. Horton*, 248 S.E.2d 263 (1978), *In re Sipes*, 377 S.E.2d 574 (1989), and the above-referenced indictment includes elements of fraud and, accordingly, crimes that involve moral turpitude; and

WHEREAS, Donald R. Betenbaugh is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;” and

WHEREAS, a certified true copy of the indictment against Donald R. Betenbaugh has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Donald R. Betenbaugh from the office of Supervisor of Union County until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Donald R. Betenbaugh and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF OCTOBER, 2009.**

MARK SANFORD
Governor

BUILDING CODES COUNCIL**NOTICE OF GENERAL INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the state of South Carolina.

Mandatory codes include the:

- 2009 Edition of the International Building Code;
- 2009 Edition of the International Residential Code;
- 2009 Edition of the International Fire Code;
- 2009 Edition of the International Plumbing Code;
- 2009 Edition of the International Mechanical Code;
- 2009 Edition of the International Fuel Gas Code;
- 2009 Edition of the International Property Maintenance Code;
- 2009 Edition of the International Existing Building Code.

Permissive codes include the:

- 2009 Edition of the International Property Maintenance Code;
- 2009 Edition of the International Existing Building Code;
- 2009 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before December 1, 2009.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

The DHEC Office of Ocean and Coastal Resource Management (DHEC OCRM) is mandated by the Coastal Tidelands and Wetlands Act (S.C. Code Ann, Section 48-39-10 et seq.) to review the position of the beachfront baseline and 40-year setback line, the state's beachfront jurisdictional lines, and erosion rates every 8 to 10 years. DHEC OCRM has reviewed the position of the baseline and the 40-year setback line for the areas listed below, made notice of proposed revisions and held public hearings to acquire public comment. The beachfront baseline and 40-year setback lines for the following areas have been finalized:

- Deweese Island
- Isle of Palms
- Sullivan's Island

Maps showing the new lines are available as PDF files that can be downloaded from the DHEC website at <http://www.dhec.sc.gov/environment/ocrm/permit/beachfront.htm>. For further information please contact DHEC OCRM project manager Bill Eiser at (843) 953-0237 or eiserwc@dhec.sc.gov.

SC. Code Section 48-39-280(E) of the Coastal Tidelands and Wetlands Act and Section F of SCDHEC Regulation 30-14 identify procedures for appealing baselines and erosion rates. Any landowner claiming ownership of affected property who feels that the final or revised setback line, baseline, or erosion rate as

10 NOTICES

adopted is in error, upon submittal of substantiating evidence, within one year of the revision date, must be granted a review of the setback line, baseline, or erosion rate, or a review of all three. This notice, published in the State Register on October 23, 2009, establishes the final revision date for the above listed areas and the date for the commencement of public review of this information. The Department shall hear all requests for review. The process for this review can be found in Section F of Regulation 30-14 http://www.dhec.sc.gov/environment/ocrm/regs/docs/CAR_0408.pdf [48-39-280(E)].

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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 October 23, 2009, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Florence County

Construction to the existing hospice care facility for the addition of twelve (12) inpatient beds for a total of twenty-four (24) beds; renovation of existing space for the addition of two (2) family rooms and five (5) administrative offices on the second (2nd) floor

McLeod Regional Medical Center – Hospice House

Florence, South Carolina

Project Cost: \$2,246,470

Affecting Richland County

Conversion of forty-seven (47) institutional nursing home beds to community nursing home beds for a total of one hundred seventy six (176) nursing home beds; the converted beds will not participate in the Medicaid (Title XIX) Program

Heritage at Lowman Rehabilitation and Healthcare Center

White Rock, South Carolina

Project Cost: \$0

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 October 23, 2009. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Berkeley County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Berkeley County to children aged fourteen (14) years and younger

Lowcountry Nursing Group, LLC d/b/a Interim Healthcare

Charleston, South Carolina

Project Cost: \$19,800

Affecting Charleston County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Charleston County to children aged fourteen (14) years and younger
 Lowcountry Nursing Group, LLC d/b/a Interim Healthcare
 Charleston, South Carolina
 Project Cost: \$54,428

Affecting Dorchester County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Dorchester County to children aged fourteen (14) years and younger
 Lowcountry Nursing Group, LLC d/b/a Interim Healthcare
 Charleston, South Carolina
 Project Cost: \$11,589

Affecting Greenwood County

Purchase and installation of a BrainSUITE System to include a twenty-four (24) slice Computed Tomography (CT) scanner
 Self Regional Healthcare
 Greenwood, South Carolina
 Total Project Cost: \$2,500,000

Affecting Greenville County

Upfit of existing shelled space for the addition of two (2) endoscopy rooms restricted to gastroenterology procedures only for a total of six (6) operating rooms (ORs) and four (4) endoscopy rooms restricted to gastroenterology procedures only
 Greenville Hospital Outpatient Surgery Center-Patewood
 Greenville, South Carolina
 Project Cost: \$3,820,000

Acquisition of Greenville Radiology, P.A., a radiology group and imaging center for the expansion of services as an outpatient imaging department of Greenville Hospital System, to include the relocation of a sixteen (16) slice Computed Tomography (CT) scanner from the Memorial Medical Office Building (MMOB) at Greenville Memorial Hospital; the facility will be located at 1210 West Faris Road in Greenville
 Greenville Memorial Hospital
 Greenville, South Carolina
 Project Cost: \$8,802,803

Affecting Sumter County

Renovation for the addition of a sixty-four (64) slice Computed Tomography (CT) scanner
 Tuomey Healthcare System
 Sumter, South Carolina
 Project Cost: \$2,336,502

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Development of Exempt Sources List

The South Carolina Department of Health and Environmental Control (Department) proposes to develop a list of exempt sources in accordance with South Carolina Regulation 61-62.1, Section II(B)(3). The exempt list will include sources that have total uncontrolled emission rates less than the thresholds contained in Section II(B)(2)(h). By meeting these listed thresholds, it has been determined that these sources will not require construction permits. Although a construction permit is not required, facilities must include the exempt source(s) in each operating permit renewal request. The Department is seeking input on sources that may be covered under Section II(B)(2)(h) that should be included on this exemption list. Equipment or processes routinely found at multiple types of industries are preferred. Interested persons are invited to present their suggestions for exempt sources, along with supporting documentation, in writing to Tracey Stewart, Manager, General Permit and Support Section; Engineering Services Division; Bureau of Air Quality, 2600 Bull Street; Columbia, South Carolina 29201. Comments may also be submitted via email to stewart@dhec.sc.gov. To be considered, written suggestions must be received no later than 5:00 p.m. on Monday, November 30, 2009, the close of the comment period.

Synopsis:

The Department is considering the development of an exemption list to be published in the South Carolina *State Register*. This list is being considered to provide the public and the regulated community with a specific list of sources that can be exempted from construction permit requirements without further review. Sources that will be considered for this exemption list will have total uncontrolled emission rates of less than 1 pound per hour each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 pounds per month of volatile organic compounds. Exempt sources can be stand alone equipment or processes.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Notice:

The South Carolina Department of Health and Environmental Control (Department) is publishing this notice to relay guidance to the public and regulated community regarding the handling of small concrete admixture storage tanks as exempt sources within Air Quality Permits. The guidance specifies which tanks are no longer required to be included in Air Quality Permits and specifies the associated changes to notification requirements for the removal or installation of these particular tanks. For more information, please contact Ms. Tracey Stewart, General Permit and Support Manager, Bureau of Air Quality at 2600 Bull Street, Columbia, South Carolina, 29201, or via phone at (803) 898-4477, or via email at stewart@dhec.sc.gov. The guidance itself is available via the Department's website at <http://www.scdhec.gov/environment/admin/htm/eqcguide.shtml#Air>.

Synopsis:

South Carolina Air Pollution Control Regulation 61-62.1, Section II(B)(2)(h), states that sources with an uncontrolled volatile organic compound (VOC) emission rate of less than 1,000 pounds per month are exempt from construction permit requirements. Concrete admixture storage tanks are normally listed in a concrete batch plant's "Exempt Equipment" list in the operating permit; however, the relative mobility of small tanks leads to frequent installation and removal from concrete batch sites. Therefore, tanks with a volume of less than 1,000 gallons are not listed on the permits.

**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, 2009 Edition. The International Building Code, 2009 Edition, is the current successor code to the 2006 edition of the International 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 71-8300.2 (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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@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.

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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 intends to adopt the latest edition of the following nationally recognized code.

1. International Existing Building Code, 2009 Edition. The International Existing Building Code, 2009 Edition, is the current successor code to the 2006 edition of the International Existing 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 71-8300.2(B)

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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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, 2009 Edition. The International Fire Code, 2009 Edition, is the current successor code to the 2006 edition of the International Fire 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 71-8300.2(C)

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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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 Mechanical Code, 2009 Edition. The International Mechanical Code, 2009 Edition, is the current successor code to the 2006 edition of the International 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 71-8300.2(D)

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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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 Residential Code, 2009 Edition.
2. The original promulgating authority for this code is:
International Code Council
900 Montclair Road
Birmingham, Alabama 35213-1206

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3. This code is referenced by:
South Carolina Code of Laws, Section 23-9-60

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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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. National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems, 2010 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 40-10-240
South Carolina Regulation 71-8300.2(G)

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 John G. Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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. National Fire Protection Association 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2010 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 40-10-240
South Carolina Regulation 71-8300.2(G)

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 John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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. National Fire Protection Association 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height, 2010 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 40-10-240
South Carolina Regulation 71-8300.2(G)

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 John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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.

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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 intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 1123, Code for Fireworks Display, 2010 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 23-9-60
South Carolina Regulations 71-8300.2(Y)

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 John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.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.

BUILDING CODES COUNCIL
CHAPTER 8
 Statutory Authority: 1976 Code Section 6-8-20

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Regulation 8-100 through 8-185. Interested persons may submit comments to Gary Wiggins, Administrator, Office of Building and Business Programs, South Carolina Building Codes Council, care of the South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend current regulations to coincide with recent amendments to its practice act and to update and clarify existing regulatory language. The proposed amendments provide for state registration of private inspectors performing special or contract inspections of components and systems on new construction of large or complex buildings and structures. The amendments also establish the registration categories, conditions and requirements for special inspectors and contract inspectors.

Special inspectors inspect single components such as high strength bolts and welds or systems such as sprayed fire proofing and deep foundations that require specialized knowledge and are not performed by building inspectors employed by local or state jurisdictions. There is no overlap or duplication of responsibilities between special inspectors and municipal, county and state inspectors. Contract inspectors may be used by municipalities, counties and state agencies in lieu of staff inspectors on an as needed basis.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-14-10 et seq., and 48-18-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control proposes to amend Regulation 61-9, Water Pollution Control Permits, and amend and/or repeal Regulations 72-101 through 72-108, Article 2, Erosion and Sediment Reduction and Stormwater Management Regulations; 72-300 through 72-316, Article 3, Standards for Stormwater Management and Sediment Reduction, and 72-405 through 72-445, Article 4, Standards for Stormwater Management and Sediment Reduction. Interested persons are invited to present their views in writing to Ann Clark, Director of the Outreach; Stormwater, Agricultural, and Dams Permitting Division, Bureau of Water, 2600 Bull Street, Columbia, SC 29201 or by email at clarkar@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on November 23, 2009, the close of the drafting comment period.

Synopsis:

These amendments may include eliminating duplicative permitting, streamlining the permitting process, bringing standards in-line with current knowledge, and incorporating measures to protect Waters of the State from impairment and degradation caused by stormwater runoff.

Once initial comments have been received, the Department intends to schedule a series of meetings throughout the state to take additional comments on the proposed changes.

20 PROPOSED REGULATIONS

Document No. 4100
BOARD OF ACCOUNTANCY
CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

1-05. Firm registration
1-08. Continuing Professional Education
1-10. Professional Standards

Preamble:

To satisfy the requirements of licensure for accountants, Regulations 1-05, 1-08, and 1-10 must be revised and updated in conformance with the Board of Accountancy Practice Act.

Section-by-Section Discussion

Regulation 1-05. Firm registration.

- (A) deletes “for compensation” and adds provision for licensees who practice outside of their firms.
- (B) no substantive changes.

Regulation 1-08. Continuing Professional Education.

- (A)(1) no substantive changes.
- (A)(2) deletes date requirement; adds numbering for subsections and new text for subsections (b), (c) and (d). New (b) adds requirement that not more than fifty (50%) percent of required continuing education hours may be in self-study programs. New (c) adds that no more than ten (10) hours of CPE can be earned per day. New (d) adds that no credit is allowed for meals scheduled during the educational period unless the schedule provides for fifty (50) minutes of instruction afterward.
- (A)(3) through (B)(4) no substantive changes.
- (B)(5) deletes eight (8) hour rate and adds rate of ten (10) hours for each three (3) semester hour course taught. Also adds limitations and requirements for courses taught.
- (B)(6) through (F)(2) no substantive changes.

Regulation 1-10. Professional Standards.

Adds new section (D), which adds that licensees shall not employ persons who licenses are revoked or suspended by the S.C. Board of Accountancy or the accountancy board of another state since such practice is subject to discipline by the board.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted before the Board of Accountancy at 9:00 a.m. on Thursday, December 3, 2009. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Accountancy, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday, November 23, 2009. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Board of Accountancy Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations in conformance with the Board of Accountancy Practice Act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-2-70.

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

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

The proposed regulations reflect requirements for licensure of accountants.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are updated in conformance with the current Board of Accountancy Practice Act.

Text:

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

22 PROPOSED REGULATIONS

Document No. 4101
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11
Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

11-3. Meetings
11-6. Registration by Examination
11-7. Registration by Reciprocity
11-8. Renewals
11-8.1. Continuing Education
11-10. Practice of Firms
11-11. Seals
11-12. Code of Professional Ethics
11-13. Manner of Discipline
11-14. Reinstatement Procedures

Preamble:

To satisfy the requirements of licensure for architects, Regulations 11-3, 11-6, 11-7, 11-8, 11-8.1, 11-10, 11-11, 11-12, 11-13, and 11-14 must be revised and updated in conformance with the Board of Architectural Examiners Practice Act.

Section-by-Section Discussion

Regulation 11-3. Meetings.

Changes “mailed” to “distributed”.

Regulation 11-6. Registration by Examination.

(A) deletes text and adds new text regarding applicants’ professional degree requirements from National Architectural Accrediting Board (NAAB) or Canadian Architectural Certification Board (CACB) accredited institutions.

(A)(1) adds CACB as acceptable accreditation agency.

(A)(2) deletes one year prior to application requirement for National Council of Architectural Registration Boards (NCARB) Council Record.

(A)(3) deletes time period requirement for retaking of exams; deletes “machine graded”.

(B) changes “year” to “licensure period” and rewords for clarity.

Regulation 11-7. Registration by Reciprocity.

Deletes “annual” before “fee” and changes “year” to “licensure period”.

Regulation 11-8. Renewals.

Changes renewal period from annual to biennial; changes “year” to “licensure period”.

Regulation 11-8.1. Continuing Education.

Deletes “annual” throughout and rewords for clarity.

(A) through (B)(1) no substantive changes.

(B)(2) deletes text and adds exemption.

(B)(3) deleted in its entirety. Renumbers following sections for clarity.

New (B)(4) adds exemption for emeritus architects.

(C)(1) changes minimum continuing education hours from 12 to 24 with biennial licensure period.

(C)(2) and (3) deleted in their entirety. Renumbers following sections for clarity.

New (C)(2) deletes June 30, 2003 and fiscal year. Changes maximum carry-over continuing education hours from 12 to 24 and “for one year” to “per renewal period”.

New (C)(3) changes language in accordance with biennial licensure requirements; adds statement for compliance with audits.

(D) no substantive changes.

Regulation 11-10. Practice of Firms.

Rewords for clarity, and deletes dual SC office locations in (D).

Regulation 11-11. Seals.

Rewords for clarity and adds electronic seal and signature and requirements in new section (E).

Regulation 11-12. Code of Professional Ethics.

Corrects spelling of judgment throughout.

(A) through (B)(3) no substantive changes.

(B)(4) through (5) requires construction administration services to be provided by an architect licensed in SC and defines minimum construction administration services.

(B)(6) through (C)(1) no substantive changes.

(C)(2) adds clarification on prospective or existing projects.

(C)(3) through (D)(1) no substantive changes.

(D)(2) adds clarification on prospective or existing projects.

(D)(3) through (E)(3) no substantive changes.

Regulation 11-13. Manner of Discipline.

Deletes (C) regarding affidavit filing after revocation or suspension orders.

Regulation 11-14. Reinstatement Procedures.

(A) no substantive changes.

(B) deletes year requirements for applications for reinstatement and adds that Board will only consider applications with evidence that all conditions of the Order are met.

(C) no substantive changes.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on Wednesday, December 9, 2009. Written comments may be directed to Jan B. Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, November 23, 2009. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Board of Architectural Examiners Practice Act.

24 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations in conformance with the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-3-60.

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

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

The proposed regulations reflect requirements for licensure of architects.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are updated in conformance with the current Board of Architectural Examiners Practice Act.

Text:

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

Document No. 4105
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

27-79. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine

Preamble:

The State Crop Pest Commission proposes to impose a quarantine for plant material which is a host for Citrus Greening (*Candidatus Liberibacter Asisticus*). This is a serious disease of citrus fruit and it could have a serious effect on the plant nursery industry of this State. Certain areas of certain states are already under state and/or federal quarantine for this pathogen, and in fact the disease has been discovered in Charleston and Beaufort counties. The primary vector has been discovered in Colleton County. The proposed actions will focus on the most effective method of preventing the transmission of the pathogen into the unaffected areas of the State imposing limitations on the transfer of certain plant species from the quarantined areas.

The Notice of Drafting was published in the State Register on July 24, 2009. No comments were received.

Section-by-Section Discussion

27-79. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine.

1. This designates the regulated plant pest, specifically Citrus Greening (*Candidatus Liberibacter Asisticus*).
2. This section defines the regulated areas subject to quarantine.
3. This section identifies the host plant material which are hosts for Citrus Greening (*Candidatus Liberibacter Asisticus*).
4. This section specifies the requirements for movement of quarantined articles from regulated areas for introduction in the State.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed changes to the regulation at a public hearing scheduled to be held in Conference Room 1, Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC 29670 on Monday, November 30, 2009, at 1:30 PM. Should such hearing not be requested pursuant to Section 1-23-110(a)(3) on or before the close of business on Monday, November 24, 2009, such hearing will be canceled without further notice.

Interested parties are also invited to submit written comments to the proposed amendments by writing to David Howle, Ph.D., Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments must be received no later than the close of business on November 24, 2009.

Preliminary Fiscal Impact Statement:

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

26 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S. C. Code Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 27-78. Citrus Greening (*Candidatus Liberibacter Asisticus*) Quarantine.

Purpose: Regulation 27-79 is a new regulation to provide for the quarantine of an important plant pest, harmful to a wide variety of plant material, primarily citrus plants.

Legal Authority: The legal authority for Regulation 27-79 is Section 46-9-40, South Carolina Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing copies to the regulated community and media notices to the general public.

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

The proposed regulation will provide a greater degree of protection to the agricultural community by focusing efforts at preventing the further movement of Citrus Greening (*Candidatus Liberibacter Asisticus*) disease within and without the State.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if the disease is restricted to current known areas.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation should allow a greater probability that Citrus Greening (*Candidatus Liberibacter Asisticus*) will not be spread further within this State.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If this regulation is not adopted, there is the possibility that Citrus Greening (*Candidatus Liberibacter Asisticus*) will be further spread within the State and adversely affect the export of plant materials or the quality of existing plant material.

Statement of Rationale:

This regulation is necessary to enhance the ability of the Commission to prevent the spread of Citrus Greening (*Candidatus Liberibacter Asisticus*) into the State and to minimize administrative burdens on nursery operators.

Text:

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

Document No. 4106
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

27-78. *Phytophthora ramorum* (*P. ramorum*) Quarantine

Preamble:

The State Crop Pest Commission proposes to impose additional requirements on the importation of plant material which is a host for *Phytophthora ramorum* (*P. ramorum*) into the state. *P. ramorum* manifests itself in a disease known as Sudden Oak Death but also as a second disease known as ramorum blight, which can affect more than 150 species of hosts/associated plants. Certain areas of certain states are already under state and/or federal quarantine for this pathogen. The proposed amendments will focus on the most effective method of preventing the introduction of the pathogen into the State by giving greater effect to state and federal quarantines at point of origin.

The Notice of Drafting was published in the *State Register* on July 24, 2009. No comments were received.

Section-by-Section Discussion

27-78. *Phytophthora ramorum* (*P. ramorum*) Quarantine.

1. (No Change)
2. This section expands the areas subject to preventive action to any area of any state, territory, or country designated as a regulated area for *Phytophthora ramorum* by the cognizant state or federal plant pest regulatory agency.
3. (No change)
4. This expands the areas from which shipment of plant material will require phytosanitary certificates to include regulated or quarantined areas.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed changes to the regulation at a public hearing scheduled to be held in Conference Room 1, Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC 29670 on Monday, November 30, 2009 at 10:30 AM. Should such hearing not be requested pursuant to Section 1-23-110(a)(3) on or before the close of business on Tuesday, November 24, 2009, such hearing will be canceled without further notice.

Interested parties are also invited to submit written comments to the proposed amendments by writing to David Howle, Ph.D., Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments must be received no later than the close of business on November 24, 2009.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S. C. Code Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 27-78. *P. ramorum* Quarantine.

Purpose: Regulation 27-78 is a regulation which provides for the quarantine of an important plant pest, harmful to a wide variety of plant material including oak trees (*Quercus*). It is being modified by these amendments.

Legal Authority: The legal authority for Regulation 27-78 is Section 46-9-40, South Carolina Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing copies to the regulated community and media notices to the general public.

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

The proposed amendments will provide a greater degree of protection to the agricultural community by focusing efforts at preventing the further introduction of *P. ramorum* into the State.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if *P. ramorum* is not brought into South Carolina, and if the regulated articles exported from quarantined areas is properly treated prior to movement.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation should allow a greater probability that *P. ramorum* will not be introduced into or spread within this State.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If these amendments are not adopted, there is the possibility that *P. ramorum* will be introduced this State and adversely affect the export of plant materials or the quality of existing plant material.

Statement of Rationale:

These amendments are necessary to enhance the ability of the Commission to prevent the introduction of *P. ramorum* into the State and to minimize administrative burdens on nursery operators.

Text:

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

Document No. 4095
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulations

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 28, 2009.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2009 at 9:00 a.m. If no request is received by November 25, 2009, the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Interim Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 25, 2009.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Sections 47-4-30 and 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years. Implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4096

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

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

27-1022. State Poultry Inspection Regulations

Preamble:

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

The Notice of Drafting was published in the *State Register* on August 28, 2009.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 7, 2009 at 9:00 a.m. If no request is received by November 25, 2009 the hearing will be canceled. Written comments may be directed to Dr. Clyde B. Hoskins, Interim Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 25, 2009.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state poultry inspection program has been in existence for many years. Implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

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Statement of Rationale:

None.

Text:

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

Document No. 4107

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60 and 44-93-10 et seq.

61-105. Infectious Waste Management Regulations

Preamble:

1. The Department of Health and Environmental Control proposes to amend R. 61-105, South Carolina Infectious Waste Management Regulations. These Regulations were last amended June 24, 2005.

(1) Amendments would include the embalming process as a potential source of regulated infectious waste and set storage and treatment standards for this waste. Amendments would provide an exemption from treatment facility permitting requirements for facilities whose only treatment of infectious waste is related to the embalming process and is performed for the purposes of meeting this standard.

(2) Allowances for alternate recordkeeping and communication would be developed for generators and transporters in regards to weight, biohazard marking and manifesting.

(3) Duplicated requirements would be deleted, including a continual refrigeration requirement and radiological monitoring by transporters.

(4) New requirements would be added for situations that could create a public health risk that have not been addressed in the past, including unattended vehicles carrying infectious waste and the storage and disposal of infectious waste treatment residue.

(5) Additionally, clarifications would be made to the Regulation to address the handling and treatment of regulated infectious waste by small quantity generators and transporters.

(6) The proposed amendments would add or clarify definitions used in the Regulations.

(7) Stylistic changes that may include corrections for internal consistency, clarification, references, and spelling would be made to improve the overall text of the Regulation.

(8) Requirements in conflict with federal Department of Transportation regulations will be deleted or revised.

(9) Persons who meet the United States Postal Service Domestic Mail Manual packaging requirements will be exempted from obtaining a permit provided that only packages that meet this requirement are transported.

(10) Generator registration and fee requirements will be clarified.

(11) Facilities that close will be required to notify the Program.

(12) The Department also proposes to create an appeals section of R.61-105 to comply with statutory changes in the Administrative Appeals process pursuant to S.C. Code Section 44-1-60 (2006 S.C. Act 387).

2. A Notice of Drafting initiating the statutory process to amend R.61-105 was published in the *State Register* on June 27, 2008. Notice was also published on the Department's Regulatory Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Land and Waste Management Internet site.

3. Because of the complexity of the issues involved in these Regulatory amendments, more time was needed to craft the language of the amendments; therefore a second Notice of Drafting was published in the State Register on June 26, 2009. Notice was also published on the Department's Regulatory Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Land and Waste Management Internet site.

4. The proposed amendments were reviewed internally by appropriate staff prior to seeking Board initial approval to public notice them.

Section-by-Section Discussion of Revisions

R.61-105. Infectious Waste Management

D(1) Definitions - At D(1) five definitions are added in alphabetical order. Three existing definitions are revised.

New definitions include: "Generator registration status," "Pump event," "Site," "Small quantity generator," and "Treatment residue."

The definitions for "Manifest," "Storage," and "Universal biohazard symbol" are revised.

E. Definition of Infectious Waste.

E(1) introduction and (1)(a) are expanded by adding the embalming process, revising paragraph E(1), and expanding the category of sharps at (1)(a). E(1)(b) will be revised to clarify that only waste culture media are to be regulated as infectious waste.

E(2)(c) is revised to match the EPA definition of mixed waste.

F. Generator Requirements.

F(1)(f) deletes the word "and" at the end.

F(1)(g) is revised to clarify generator registration requirements.

F(1)(h) adds: "the method of waste treatment and disposal; and"

F(1)(i) adds: "the Employer Identification Number (EIN)."

F(3) is revised to add requirements for records submitted as part of the registration requirements for facilities that store liquid treatment residue in holding tanks.

F(4) is revised to clarify generator fee requirements.

F(5) is revised to require generators to track infectious waste through transport instead of through disposal to be consistent with US DOT requirements. Statement is also clarified so that only generators who treat their own waste must develop a contingency plan and Quality Assurance program.

F(6)(c) language is changed from "initiate the manifest" to "ensure a manifest is initiated" to clarify language outlining manifest form requirements for generators. Generators retain the responsibility to initiate a manifest but are allowed to delegate the initiation of a manifest.

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F(6)(i) is revised to allow generators to offer waste to the U.S. Postal Service or a registered transporter.

F(6)(j) changes the requirements of generators from requiring the generator to actually weigh the waste at the time of the shipment to requiring the generator to obtain and record accurate weight of waste within 50 days of shipment. An exemption is provided for unabsorbed liquid waste produced during the embalming process.

F(7) adds a requirement that the Department must be notified in writing when a generator relocates, closes, or ceases to generate infectious waste or treatment residue. If a generator relocates, closes, or ceases to generate waste, all treatment residue must be disposed of in accordance with this regulation.

F(8) is added to allow registered generators to accept non-regulated infectious waste generated in private residences and to specify how this waste must be handled, stored, transported, and treated.

G. Small Quantity Generators.

Revises paragraph G(1), G(1)(a) and (b); deletes (b)(i) and (ii). New sections G(2)(b & c) are added to match US DOT requirements, and old G(2)(b & c) are renumbered. G(3) remains the same. G(4) is revised for clarity. Section G revisions define limits and inclusions for requirements of Small Quantity Generators.

I. Packaging Requirements.

I(1) sets standards for packaging of waste by generators and sets the transport standard for infectious waste if it is to be transported by the U.S. Postal Service as established in the Domestic Mail Manual.

I(2) is revised to include the responsibility of all potential parties for packaging sharps.

I(3) revises language to be more realistic in Program expectations.

I(4) is revised to clarify container requirements.

I(5) sets the standards for how and when a container must be sealed to prevent facilities from holding a container indefinitely once it is full by volume or weight or putrescence. Once closed, containers are subject to the time limits in Section K(5)(a). Revise to indicate that containers must be sealed tightly and securely.

I(7) revises the list of examples of containers and explicitly state that they are prohibited from use as rigid containment areas.

I(8) is revised to separate and clarify requirements.

I(9) is revised to clarify what kinds of containers are acceptable.

I(10) is revised to clarify the prevention of compaction.

I(12) After the words “or outer container,” add: “immediately after treatment” to require that treated containers whose appearance does not change due to treatment must be labeled with the word “treated” and date of treatment at the time of treatment.

J. Labeling of Containers.

J(1) is revised to make sure the container is labeled once it is sealed.

J(2)(a) revises the cross reference for the requirements of the Universal biohazard symbol. The reference to “29CFR1910.1030(g)(1)(I)(B)” is deleted.

J(2)(b) is revised to eliminate the requirement for labeling a container with the name of the facility.

J(2)(c) and (f) are deleted to match US DOT regulations. J(2)(d) & (e) are renumbered to J(2)(c) & (d). New J(2)(c) is revised to add the word “and” at the end. J(2)(d) should be revised to delete the word “and.”

K. Storage of Infectious Waste.

K(1) adds: “Storage begins at the time the container is sealed.” to establish when storage begins. No changes are made to K(1)(a), (b), or (c).

K(2) revises list of the examples of outdoor storage to eliminate confusion.

K(4) revises the cross reference for the requirements of the Universal biohazard symbol. The reference to “29CFR1910.1030(g)(1)(I)(B)” and the requirement for other wording is deleted.

K(5)(d) is deleted to eliminate a requirement for continual refrigeration for generators, transporters, intermediate handling facility operators, and transfer facility operators.

M. Manifest Form Requirements For Generators.

This section has been substantially revised to break out lists of requirements into separate sections in an effort to state the requirements for generators more clearly.

M(1) language is changed from “on a form approved by the Department” to “using DHEC Form 2116 or another Department approved form” to let generators and transporters know which DHEC form to use.

M(1)(a) through (m) have been reorganized and renumbered. M(1)(b) is revised to change when the requirements for a registration number on a manifest form is applicable. Delete M(1)(d), (i), (l), and (m) to match US DOT requirements. Revise the old (g) to include radioactive waste as well as radioactive material. Revise the old (j) and (k) to include the word “accept” instead of “receive” to be consistent with the language in the rest of the document. Revise old (e) to match US DOT requirements.

M(2) language is changed from “initiate the manifest” to “ensure a manifest is initiated as” to clarify language outlining manifest form requirements for generators. Generators retain the responsibility to initiate a manifest but are allowed to delegate the initiation of a manifest.

M(3) is revised to match new numbering for M(1)(e), (f), and (g) and to add the option of a generator signing other than by hand.

M(4) is revised to delete reference to transporter signing manifest.

M(5) delete to match US DOT standards.

N. Infectious Waste Transporter Requirements.

N(6) is revised to delete the redundant requirement for transporters to adhere to their waste management plan, as this is also in N(7).

N(6)(d) is removed to ease the burden on transporter requirements by not requiring transporters to do radiological monitoring. Generators are required to hold waste until it is indistinguishable from background

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and radiological monitoring of waste is required of treatment facilities rendering transporter monitoring redundant. Renumber old (6)(e) as (6)(d).

N(7) is revised to clarify that transporters must submit a written infectious waste management plan annually with their registration and to separate clauses into different paragraphs.

N(9) is revised to clarify potential ramifications if a discharge of infectious waste occurs during transport.

N(10) is revised to assure that transporters no longer allow access to transport vehicles by unauthorized personnel.

O. Transporter Registration Requirements.

O(1) is reorganized to break down the requirements into individual sections for clarity.

O(2) Introductory paragraph language is changed from “as outlined in the Environmental Protection Fees, Regulation 61-30” to “as referenced in Section DD.” to reference a different section of the Regulation. Subsections (a), (b) and (c) remain the same.

O(6) After the first sentence, add: “Transporters who only transport into or within this state regulated infectious waste packaged in accordance with United States Postal Service Domestic Mail Manual infectious waste packaging requirements are also exempt from registration.” This revision is reasonable because Domestic Mail packaging requirements are stringent enough to assure safety of the public health and the environment.

Q. Transport Vehicle Requirements.

Q(1)(a) revise language to be more realistic in Program expectations.

Q(1)(g) The requirement that the cargo carrying body be labeled on the front is added to be consistent with U.S. DOT requirements.

Q(1)(g)(i) adds: “registered” to clarify the transporter requirements.

Q(1)(g)(iii) after the words “BIOHAZARDOUS WASTE” add: “and the universal biohazard symbol.”

Q(2) is revised to change which paragraphs of Section E are referred to.

R. Manifest Requirements for Transporters.

R(2)(a) remains the same. Delete (2)(b) to match US DOT standards. Renumber old (2)(c) as (2)(b).

R(2)(b) is revised to delete the reference to signing, as this is no longer required.

R(5)(a) delete to match US DOT standards. Renumber old (5)(b) and (c) as (5)(a) and (b). New R(5)(a) is revised to delete signed and add completed, as signing is no longer required.

R(6) is revised to remove the language requiring the transporter to deliver waste to an entity listed on the manifest to match US DOT standards.

R(7) delete paragraph to be consistent with other proposed changes in Section R. Renumber old R(8) as R(7).

Revise R(8)(a) is revised to add the word “and” at the end.

R(8)(b) delete paragraph to match US DOT standards, renumber old R(8)(c) as R(8)(b).

S. Storage Tank Requirements.

S. This reserved section is revised to add requirements for tanks used for storing treatment residue at generating facilities. Remove “Reserved” status and add requirements for tanks.

T. Infectious Waste Treatment.

T(1) The wording from T(4) is moved to this paragraph to indicate all possible disposition of waste and treatment residue. “Infectious waste must be treated prior to sanitary landfill disposition” is replaced with “After approved and adequate treatment, the treatment residue must be disposed of in accordance with state and federal solid waste requirements” and the second sentence “Any unused treatment media must be characterized, handled, and disposed of in accordance with applicable regulations.” is added.

T(2)(c) “or” is deleted after the paragraph.

T(2)(d) A new paragraph is added to define the concentration levels of embalming fluid that is being regulated. Renumber old T(2)(d) as T(2)(e).

T(4) is deleted since the language was moved to T(1). Old T(5) through (10) are revised and renumbered for clarification and addition of requirements.

U. Infectious Waste Treatment Facility Standards.

U(1) is revised to clarify where exemptions are to be found for infectious waste treatment facilities standards by adding the words: “except as exempted in section T.” after the words: “as required by this regulation.”

U(7)(e) is changed substantially for consistency to “It is unlawful for any person to discharge infectious waste or treatment residue into the environment of this State except as permitted by the Department. If a release of infectious waste or treatment residue to the environment is known or suspected, the facility must report to the Department within twenty-four (24) hours and immediately investigate and confirm all suspected releases. Action may then be required by local, state, or federal officials so that the infectious waste or treatment residue discharge no longer presents an actual or potential hazard to human health or the environment.”

U(8) is revised to clarify who must receive training at an infectious waste treatment facility.

U(10)(a) language is changed from “Division of Radioactive Waste Management” to “Department.”

U(10)(e) language is changed from “Division of Radioactive Waste Management” to “Department.”

U(13)(a) is revised to assure that destruction of infectious waste includes the packaging by adding the words: “and packaging” after the words “of the waste.”

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V. Intermediate Handling Facilities Standards.

V(1) adds a paragraph to explicitly state that intermediate handling facilities must have a permit. Renumber old V(1) through V(8) as V(2) through V(9).

V(5)(e) This revised paragraph changes the reporting requirement for consistency with other parts of this regulation.

V(6). revise to clarify who must receive training at an infectious waste treatment facility.

X. Permit By Rule.

X(1) correct to clarify that infectious waste generators are the only facilities eligible to qualify for a Permit by Rule under this regulation.

X(2) No changes are made.

X(3) revise to specify which facilities must apply for an infectious waste treatment permit.

Y. Manifest Form Requirements For Permitted Treatment Facilities.

Y(2)(a), (d), (e), (f), and (g) are deleted to match US DOT standards. Renumber Y(2)(b), (c), and (h) as (a) (b) and (c); at the new (2)(b) change one percent to ten percent and add the word “and” at the end of the sentence; in the new (2)(c) change three years to two (2) years.

Y(3) delete after combining requirements with those in Y(4) and Y(5). Renumber old Y(4) and Y(5) as Y(3) and Y(4).

AA. Inspections and Record Keeping.

AA. reorganizes the Regulation so that the authority for the Department to inspect facilities and check records are in one section and reorganizes the rest of the section accordingly. The title will be changed to “Inspections and Record Keeping.”

AA(1) moves language from BB(3) which provides authority to Departmental representatives to enter and inspect facilities to ascertain compliance with this regulation.

AA(2) changes three (3) years to two (2) years to match US DOT standards. Renumber original paragraph (1) as(2) Allow record storage as paper or electronically.

AA(3) changes three (3) years to two (2) years to match US DOT standards. Revise last sentence for clarity and to remove off-site manifest requirement. Renumber original paragraph (2) as (3). Allow record storage as paper or electronically.

AA(4) adds new paragraph at AA(4). The added paragraph sets requirements for record maintenance and retention and adds the requirements to the Regulations that authorizes the Department to inspect these records: “If the waste is no longer infectious because of treatment, and the treatment residue is stored onsite in a tank, the generator shall maintain a record of monitoring and pump events for two (2) years afterward to include the

date and type of monitoring, who conducted the monitoring, date and amount of waste pumped, and the name of the business or person that provided the pumping service. Pump event data may be in the form of a manifest or log. Records shall be maintained by the generator for a minimum of two (2) years in a location easily accessible to the Department and shall provide these records to the Department upon request.”

BB. Enforcement.

BB(1) and (2) are unchanged. BB(3) is deleted.

EE. Appeals

“EE. Appeals” is added; EE(1) and (2) add provisions pursuant to Act 387 (2006) at South Carolina Code of Laws, Section 44-1-60.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff conducted informational forum to be held on Wednesday, December 2, 2009 at 10:00 a.m. in Room 2102 at the Stern Building at 8911 Farrow Road, Suite 106. The purpose of the forum is to answer questions and to receive public comments from interested persons on the proposed amendment of R.61-105.

Interested persons are also provided an opportunity to submit written comments on the proposed Regulation at the forum or during a public comment period by writing to Richard Haynes, Director, Division of Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on December 2, 2009, the close of the public comment period.

Information or copies of the proposed text for public notice and comment may be obtained at http://www.scdhec.net/environment/lwm/public_notice.asp. Interested parties may also obtain a copy from the Department’s Regulatory Development update at: <http://www.scdhec.gov/administration/regs/> or by calling Carolyn McLaughlin at: 803 896-4254.

Relevant public comments received at the Forum and during the above-noticed public comment period shall be submitted to the Board of Health and Environmental Control in a “Summary of Public Comments and Department Responses” for consideration at the public hearing as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-105 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on January 14, 2010. 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 on its agenda in the order presented. The Board’s agenda will be 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.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with S. C. Code Ann. Sections 1-23-115(C)(1)-(3) and (9)-(11) and 1-23-110(3)(h).

DESCRIPTION OF REGULATION: Proposed amendment of R.61-105 Infectious Waste Management Regulations.

Purpose: The Department of Health and Environmental Control proposes to amend Regulation 61-105 to include the handling of embalming waste as a regulated infectious waste, provide requirements for the use of formaldehyde as a disinfectant for bodily fluids during the embalming process, provide a method for the inspection, approval and use of holding tanks to hold the treatment residue created by the disinfection of bodily fluids with formaldehyde, and to clarify points in the Regulations for the regulated community. The proposed amendments would add or clarify definitions. Allowances for alternate recordkeeping and communication would be developed for generators and transporters in regards to weight, biohazard marking, and manifesting. Duplicated or outdated requirements would be deleted. New requirements would be added for situations that could create a public health risk that have not been addressed in the past. Clarifications would be made to the Regulation to address the handling and treatment of regulated infectious waste by generators and transporters. In response to comments, adjustments will be made to bring state transportation requirements in line with US Department of Transportation (DOT) requirements. Requirements for those utilizing the United States Postal Service to transport regulated infectious waste will be clarified. Generator registration and fee requirements will be revised and facilities that close will be required to notify the Program.

This revision will also create an appeals section of R.61-105 to comply with statutory changes in the Administrative Appeals process pursuant to S.C. Code Section 44-1-60 (2006 S.C. Act 387).

Legal Authority: South Carolina Infectious Waste Management Act, S.C. Code Sections 44-93-10 et seq. and 44-1-60.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control, approval by the South Carolina General Assembly and publication in the *State Register* as a final Regulation, the amended Regulation will be provided in hard copy and electronic formats to the public at cost through the Department's Freedom of Information Office and at the Bureau web site.

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

This amendment is necessary and reasonable because it would update and clarify the Infectious Waste Management Regulation to protect public health and the environment in areas that are not currently addressed.

Proposed changes are necessary to add new amendments that would require the embalming process to be handled as a potential source of regulated infectious waste and to set storage and treatment standards for this waste and its residue that currently is not regulated under R.61-105.

The proposed revision is needed to include requirements to protect against potential hazards from leaking embalming fluid from tanks and to establish the proper procedures for storing and transporting these materials.

There are five potential methods for disposal of this treatment residue. The residue can be sent directly to a sanitary sewer for disposal at a regulated wastewater treatment facility or sent to an existing septic tank for bacterial decomposition and groundwater dispersal. The residue can be solidified and sent to a regulated solid waste landfill, or incinerated. The residue can be stored in a tank and then pumped out for further treatment and/or disposal.

The EPA has determined that it is not possible to meet the EPA Health Advisory Limit for formaldehyde utilizing a conventional septic system. Therefore, the Department will not issue any new septic tank permits to funeral homes for this embalming waste treatment residue. Facilities that do not have access to municipal wastewater systems must then apply to the Bureau of Water for a holding tank permit. However, facilities that are rural and do not have access to municipal wastewater systems are often small and do not have a large enough volume of waste to be regulated under the Standards for Wastewater Facility Construction regulations. As this waste could still be a risk to public health and the environment, the amendments to this Regulation would provide requirements for these generators to prevent such risk.

This amendment would provide a method for the approval, monitoring, and use of holding tanks to hold the treatment residue created by the disinfection of bodily fluids with formaldehyde. These amendments would apply to all storage tanks for embalming treatment residue installed after the amendments take effect. Tanks that have been installed prior to the time the amendments take effect would only have to meet certain of the requirements; they must meet the use, monitoring, record keeping, and disposal requirements. If discharge occurs, the generating facility may be required to clean up this discharge or take other action so that the discharge no longer presents a potential hazard to human health or the environment. Tanks with high pump-out frequency, or previously permitted septic tanks, would be subject to regulation by other Programs in the Department or on the federal level. Tanks would need to be pumped at a rate of greater than fifty (50) gallons per day or three hundred and fifty (350) gallons per week or one thousand five hundred (1500) gallons per month to be regulated by other parts of the Department as well as the Infectious Waste Program. Previously permitted septic tanks that contain embalming waste are regulated under R.61-56, Onsite Wastewater Systems or R.61-87, Underground Injection Control Regulations and would not be additionally regulated by these amendments.

Amendments would provide an exemption from treatment facility permitting requirements for facilities when the treatment of infectious waste is only related to the embalming process and is performed for the purposes of meeting this standard. The definitions of "Pump Event" and "Treatment Residue" are added to support these requirements.

Allowances for alternate record keeping and communication would make the requirements less burdensome for generators and transporters in regards to weighing waste, biohazard marking, and manifesting. Duplicated requirements would be eliminated. The requirement for radiological monitoring by transporters would be eliminated as well as the requirement for continual refrigeration for generators, transporters, intermediate handling facility operators, and transfer facility operators. The definitions of "Generator registration status," "Manifest," "Site," and "Small Quantity Generator" are added or revised to support these requirements. The definitions of "Storage" and "Universal Biohazard Symbol" are revised for clarification.

Proposed amendments would prevent situations that could create a public health risk that have not been addressed in the past, including a requirement that unattended vehicles carrying infectious waste must prevent access by unauthorized personnel and proposed amendments would provide for regulating the storage and disposal of infectious waste treatment residue. Additionally, clarifications are necessary to address the handling and treatment of sharps containers by small quantity generators.

Revision of the appeal provisions is necessary pursuant to State Law (Act 387 of 2006).

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DETERMINATION OF COSTS AND BENEFITS:

Costs to the State or Political Subdivisions:

There will be no increased costs to the state and its political subdivisions associated with the implementation of these amendments. The proposed changes in the Regulation affect operational procedures by regulated facilities and would protect public health and the environment. Some of the changes in the Regulation stem from Department interpretation of the Regulations and incorporating them into Regulation gives the Department the authority to enforce the requirements. The proposed Regulation provides guidelines for the installation and monitoring of holding tanks for the residue resulting from embalming. This may require an insignificant increase in time spent by Department staff, but will provide direction to the regulated community in dealing with embalming waste treatment residue, which the regulated community has requested.

Generating facilities would be required to notify the Department when they close their businesses or stop generating infectious waste so that the Department would not waste resources attempting to contact facilities that have closed.

Costs to the Regulated Community:

Facilities that have chosen to delay the closing of containers prior to transport to defray costs could see an increase in their pick-up frequency. Depending on their financial arrangements with their transporters, this could increase costs. It has been the Department's interpretation of the Regulations that once a container is full of waste, it should be closed for storage. Language supporting this interpretation would now be part of the Regulations.

The costs to facilities with existing tanks used to store embalming waste treatment residue could be as low as \$20 per facility for a monitor to measure the liquid in the tank. The monitor would aid in the detection of leaks that could potentially result in contamination of the environment. There are potential costs to the facilities for clean-up if contamination of any sort is detected. The facilities will also be responsible for a minimum level of processing required for treatment residue wastes. The treatment media itself, if unused, must be properly characterized, handled and disposed of. If facilities were not already handling treatment media properly, facilities may incur additional costs.

Due to the proposed requirement for labeling trucks with the biohazard symbol sign, if trucks were not already labeled, transporters may incur a small cost associated with purchasing and applying these labels.

There would be a savings to generators, transporters, intermediate handling facility operators, and transfer facility operators who would no longer have to refrigerate waste just because it was refrigerated at the generating facility or by the most recent handler. Transporters would no longer have to perform radiological monitoring, since treatment facilities are required to perform such monitoring and generating facilities are required to prevent radioactive waste from leaving the generating site. Overall, the proposed changes would provide for greater protection of the environment and public health with very little increase in cost to businesses. This may result in some cost savings for some facilities.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The overall effect of these amendments is expected to be beneficial to the public health and environment by requiring monitoring of treatment residue from the embalming process that is no longer infectious by proposed regulatory definition but may contain formaldehyde, a potentially hazardous chemical.

If this waste is to be stored in a holding tank, the tank must be compatible with the material being stored, installed according to the manufacturer's instructions, at the same location as the generating facility, and must be used to store only treatment residue generated onsite. The tank must be monitored to be sure that it is not leaking.

Records must be retained for monitoring and pump events. If any contamination is suspected or confirmed, the Department must be notified and the generating facility is responsible for clean up.

There will now also be a minimum level of treatment required for liquid embalming waste, preventing human health risks. The treatment media itself, if unused, must be properly characterized, handled, and disposed of.

The proposed Regulation changes should also benefit public health by tightening control over storage of regulated infectious waste at generating facilities. The requirement that transporters must prevent unauthorized access to transport vehicles will help prevent risks to the public.

The amendment to update the regulatory appeal procedure is necessary to comply with the statutory changes in administrative law.

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

If these amendments are not implemented, any facility that generates only liquid waste during the embalming process will not be regulated, and some potential embalming waste storage and disposal practices may place the environment and public health at risk. Also, the risk to the public from transport vehicles carrying regulated infectious waste left unattended will continue.

Statement of Rationale:

A review of program regulatory interpretations, questions from the regulated community, and new issues brought to the attention of the Department led staff to propose revisions to this Regulation. These amendments will provide greater protections for the public, relieve undue stresses placed on the regulated community, and clarify and strengthen regulatory interpretations of the Program by placing them in the Regulation.

See Statement of Need and Reasonableness above.

Text:

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

44 PROPOSED REGULATIONS

Document No. 4108
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-7-250

61-84. Standards for Licensing Community Residential Care Facilities

Preamble:

The Department proposes to amend Regulation 61-84 to update and enhance the following areas: definitions, *i.e.*, proposed new definitions on airborne infection isolation, blood assay for *Mycobacterium tuberculosis* (BAMT), contact investigation, incident, latent TB infection (LTBI), private sitter, quarterly and risk assessment; revision of definitions: annual, local transportation, and peak hours; Non-Departmental publications referenced in this regulation; compliance with structural and fire standards; the living quarters in the facility for individuals other than residents; application completion; the fiscal responsibilities of the proposed facility licensee and facility licensee; license fees; Department reports availability; conditions affecting the determination of enforcement action; determination of monetary penalty amounts; appeal procedure for enforcement actions; facility responsibilities for written policies and procedures; a criminal background check for direct care staff; administrator licensing law; facility staff provision of care; staff training documentation and verification; staff provision of resident recreational activities; private sitters for residents (proposed new Section at 506); facility compliance with reporting of incidents; change of administrator reporting responsibilities; time period for notes of observation; age of resident photograph; resident assessment documentation requirements; criteria for resident admission and retention; documentation requirements for statement of resident rights and grievance procedures; resident finances fiscal management documentation; resident use of telephone; content of resident physical examination; medication and first aid items availability; medication and treatment orders; time period for physician signing verbal orders; documentation of treatments; clarification of unit dose system; refrigeration of medications; documentation of controlled substances; menu approvals for medically prescribed diets; facility staff use of alcohol-based hand sanitizers; counties affected by letter of agreement for sheltering facilities; documentation of continuity of essential services; resident fire response training; tuberculin skin testing for residents and staff; health screening for facility pets; kitchen firefighting equipment; non-combustible or flame retardant materials; facility 'no smoking' areas; mirrors in resident rooms; use of bar soap in shared bathrooms; facility telephones for resident use; and barriers to natural or manmade bodies of water on or adjacent to the facility property.

Additionally, changes will be proposed throughout the regulation to improve its overall quality, *i.e.*, stylistic changes and language clarifications. The table of contents will be updated, and other minor corrections will be proposed as needed. See Determination of Need and Reasonableness below.

A Notice of Drafting for this proposed amendment was published in the *State Register* on May 22, 2009.

Section-by-Section Discussion of Proposed Revisions:

Table of Contents:

The table has been updated and is being replaced in its entirety with classifications and punctuation added for consistency with the text of the regulation.

Body of Document:

Section 100 includes definitions and references.

101.F. – This proposed subsection added and defines “Airborne Infection Isolation”.

101.H. – This subsection defines “Annual” and is revised from “once every 365 days” to “at least every twelve to thirteen (12 to 13) months.”

101.L. – This proposed subsection added and defines “Blood Assay for *Mycobacterium tuberculosis* (BAMT)”.

101.O. – This proposed subsection added and defines “Contact Investigation”.

101.BB. – This proposed subsection added and defines “Incident”.

101.GG. – This proposed subsection added and defines “Latent TB Infection (LTBI)”.

101.HH. – This subsection defines “Legend Drug” and is revised for wording clarity.

101.LL. – This subsection defines “Local Transportation” and is revised to include “as addressed by the resident written agreement” and deletes the term “and needs.”

101.PP. – This subsection defines “Peak Hours” and is revised to include a requirement for reporting facility peak hours to the Department.

101.WW. – This proposed subsection added and defines “Private Sitter”.

101.YY. – This proposed subsection added and defines “Quarterly”.

101.III. – This proposed subsection added and defines “Risk Assessment”.

Section 102. References

102.B.18. – This proposed subsection added a reference for “Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health Care Settings” (2005).

Section 103. License Requirements

103.B. – This subsection is revised for wording clarity.

103.D. – This subsection is revised to address compliance with current building and fire and life safety codes by adding “By no later than December 31, 2015, the facility shall be in compliance” and deleting changes in ownership and compliance within 24 months.

103.G. – This subsection is revised to clarify who may or may not occupy resident rooms, other bedrooms within the facility or resident recreational or dining areas.

103.J. – This subsection is revised to clarify the requirements for submitting an application for license.

103.K. – This subsection is revised to address a criminal background check for proposed licensees and deletes the requirement for letters of reference.

103.L. – This subsection is revised to address a licensing fees increase from \$10 per licensed bed to \$20 per licensed bed, or a minimum of \$200, whichever is greater, and the conditions under which a portion of the fee may be refunded. In addition, the subsection is revised to address an initial license fee of \$500 for proposed facilities with 16 or more beds and \$250 for proposed facilities with less than 16 beds. Also, in instances where facilities are adding licensed beds, the subsection addresses an initial proposed license bed increase fee of \$500 for proposed facilities with 16 or more beds and \$250 for proposed facilities with less than 16 beds.

Section 200. Enforcing Regulations

202.E. – This subsection is revised to address the posting of inspection reports.

Section 302. Violation Classifications

302.E. – This subsection is revised to address factors that may result in enforcement actions.

302.F. – This subsection is revised and adjusted for consistency with S.C. state statute.

302.G. – This subsection addresses Departmental decisions regarding enforcement actions and the appeal process available to affected parties. Also clarification for code of applicable laws.

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Section 400. Policies and Procedures

401.A. – This subsection requires facility policies and procedures to be written.

Section 500. Staff/Training

501.B. – This subsection addresses the employment requirement for direct care staff/direct care volunteers to include a criminal record check in accordance with applicable law, as amended. This also addresses criminal background checks for contracted private sitters.

502.A. – This subsection addresses the applicable code of laws requiring an administrator to be licensed.

503.B. – This subsection is revised to clarify that direct care duties include “supervision” of residents.

504.A. – This introductory only subsection is revised to update staff and private sitter training requirements and requires documentation of the training.

504.B. – This subsection addresses the designation and training of staff responsible for resident recreational activities and requires documentation of the training.

506. – This proposed subsection is added to address contractual requirements for private sitters, including, but not limited to, policy and procedure requirements; the requirement to check for prior convictions pursuant to Section 501.B.; orientation to the facility; health assessment and determination of TB status; and exclusion from minimum staffing requirements of Section 503.A.

Section 601. Incidents/Accidents

601.A-I. – Subsection title revised. This subsection is revised and addresses changes in incident reporting to the Department and updates examples of incidents to be included in a report as well as the statutory requirement to report resident abuse to the South Carolina Long Term Care Ombudsman Program.

Section 604. Administrator Change

604. – This subsection addresses reporting requirements for a change of administrator and the hours the new appointee will be working. In addition, there is a stylistic change for clarity.

Section 700. Resident Records

701.B.6. – This subsection is revised to require daily and/or monthly notes of observation according to resident’s condition.

701.B.10. – This subsection is revised to address the conditions under which a resident photograph is updated.

702. – This subsection addresses documentation requirements for resident assessments.

Section 800. Admission/Retention

801.B-C. – This subsection is revised to clarify the conditions under which individuals are not eligible for admission or retention in a community residential care facility and to clarify levels of violation classifications.

Section 900. Resident Care/Services

901.A.8. – This subsection is revised to address the requirement for Resident’s Bill of Rights and grievance procedures to be documented.

902.H. – This subsection addresses the availability of resident funds quarterly reports.

Section 1000. Rights and Assurances

1001.L. – This subsection clarifies resident freedom to use the telephone.

Section 1100. Resident Physical Examination and TB Screening

1101.A. – This subsection is revised to include permitting physicians licensed in states other than South Carolina to perform the admission physical examination and to rearrange numerically the required components of the physical examination.

1101.F. – This subsection is revised for consistency and clarity with revised Section 1702.

1101.G. – This subsection is revised for consistency and clarity with revised Section 1702. In addition, there are stylistic changes for clarity.

Section 1200. Medication Management

1201.A. – This subsection addresses the availability of medications and supplies.

1202. – This subsection title is revised to include treatment orders.

1202.A. – This subsection addresses physician orders for medications and treatments.

1202.B. – This subsection addresses the signing and dating of physician orders.

1203. – This subsection title is renamed to include treatment administration.

1203.A. – This subsection addresses the administration and documentation of treatments.

1205.B. – This subsection addresses medication containers, *i.e.*, the multi-dose system.

1206.A. – This subsection addresses the storage of refrigerated medications and adds the requirement for thermometers in medication storage refrigerators.

1206.C. – This subsection addresses control and accountability of controlled medications.

Section 1300. Meal Service

1306.A. – This subsection addresses menu planning and documentation requirements; adds the requirement that all special diet menus be signed and dated by a dietitian, physician or other authorized healthcare provider.

1309.A. – This subsection addresses the use of alcohol-based waterless hand sanitizers.

Section 1400. Emergency Procedures/Disaster Preparedness

1401.B.1.c. – This subsection revises the sheltering plan requirement for Berkeley and Dorchester counties.

1403. – This subsection is revised to require that the continuity of essential services plan be written.

Section 1500. Fire Prevention

1503.C. – This subsection revises the fire response training requirement for residents to assist other residents in case of fire.

Section 1700. Infection Control and Environment

1702.A-D. – This subsection is revised to address the requirement for a facility to conduct an annual tuberculosis risk assessment to determine the facility's risk classification; updates the requirement for staff/volunteer/private sitter and resident tuberculosis screening in accordance with the 2005 CDC guidelines. Proposed items added include the use of alternative tuberculosis screening elements, the BAMT. This subsection also addresses resident isolation requirements that include reference to an Airborne Infection Isolation room as required by the CDC if the resident with contagious pulmonary tuberculosis remains in the facility.

1705.A. – This subsection addresses health screening requirements for pets prior to resident contact. The change was proposed in error to occur at 1705.B in the State Register Notice of Drafting, but will occur at 1705.A. The change, as proposed, was not altered; only the section where placed.

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Section 2200. Fire Protection Equipment and Systems

2201.D. – This subsection addresses fire extinguishers located in the kitchen.

2207.D. – This subsection deletes portable partitions from the furnishings/equipment that must be in accordance with NFPA 701, Standard Methods of Fire Tests for Flame-Resistant Textiles and Films. In addition, there is a stylistic change for clarity.

2207.E. – This proposed subsection item is added to address designated smoking/non-smoking areas of the facility.

2207.F. – The change was proposed in error and is not included in the text as the fire code addresses areas where signage is required.

Section 2700. Physical Plant

2702.J. – This subsection revises the requirement for mirrors in resident rooms. In addition, there is a stylistic change for clarity.

2704.D. – This subsection addresses the communal use of bar soap in resident bathing areas. In addition, there is a stylistic change for clarity.

2715.A. – This subsection addresses fixed line telephone service. In addition, there is a stylistic change for clarity.

2717.A. – This subsection is revised to delete examples of outdoor areas routinely used by residents where unsafe physical hazards exist.

Notice of Staff Informational Forum and Public Comment Period:

The staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a Staff Informational Forum on November 30, 2009, at 1:30 p.m. in the Peebles Auditorium of the Sims Building, DHEC, 2600 Bull Street, Columbia, S.C. The purpose of this forum is to receive comments from interested persons regarding the proposed regulation revision. Comments received shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing scheduled pursuant to S.C. Code Section 1-23-110 and - 111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the forum by writing to Dennis L. Gibbs, Director, Division of Health Licensing, DHEC, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments for the forum and comment period must be received no later than 4:00 p.m. on November 30, 2009.

Oral and written comments received during the forum comment period shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing on January 14, 2010, as noticed below. Comments received by the deadline date shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the Public Hearing.

Copies of the proposed regulation revision for public notice and comment may be obtained by contacting Mr. Dennis L. Gibbs at the above address. A copy of the Notice of Proposed Regulation and text of the proposed regulations may also be obtained through the Department's *Regulation Development Update* at <http://www.scdhec.gov/regulatory.htm>; click on the *Update*, then the Health Licensing category for this proposal and download.

Comments received at the forum or during the write-in public comment period above-noticed shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments regarding the proposed regulation revision at a Public Hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on January 14, 2010. 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, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The 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 copies of their presentations for the record.

Preliminary Fiscal Impact Statement:

There will not be cost to the Department, the State and its political subdivisions. There will be costs to the regulated community.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to the SC Code, Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: 61-84. Standards for Licensing Community Residential Care Facilities.

Purpose: This revision will update certain sections of the regulation that need to be addressed as determined by staff review. The Department proposes to amend Regulation 61-84 to update and enhance the following areas: definitions, *i.e.*, proposed new definitions of airborne infection isolation, blood assay for *Mycobacterium tuberculosis* (BAMT), contact investigation, incident, latent TB infection (LTBI), private sitter, quarterly and risk assessment; revision of definitions: annual, local transportation, and peak hours; Non-Departmental publications referenced in this regulation; compliance with structural and fire standards; the living quarters in the facility for individuals other than residents; application completion; the fiscal responsibilities of the proposed facility licensee and facility licensee; license fees; Department reports availability; conditions affecting the determination of enforcement action; determination of monetary penalty amounts; appeal procedure for enforcement actions; facility responsibilities for written policies and procedures; a criminal background check for direct care staff; administrator licensing law; facility staff provision of care; staff training documentation and verification; staff provision of resident recreational activities; private sitters for residents (proposed new Section at 506); facility compliance with reporting of incidents; change of administrator reporting responsibilities; time period for notes of observation; age of resident photograph; resident assessment documentation requirements; criteria for resident admission and retention; documentation requirements for statement of resident rights and grievance procedures; resident finances fiscal management documentation; resident use of telephone; content of resident physical examination; medication and first aid items availability; medication and treatment orders; time period for physician signing verbal orders; documentation of treatments; clarification of unit dose system; refrigeration of medications; documentation of controlled substances; menu approvals for medically prescribed diets; facility staff use of alcohol-based hand sanitizers; counties affected by letter of agreement for sheltering facilities; documentation of continuity of essential services; resident fire response training; tuberculin skin testing for residents and staff; health screening for facility pets; kitchen firefighting equipment; non-combustible or flame retardant materials; facility 'no smoking' areas; mirrors in resident rooms; use of bar soap in shared bathrooms; facility telephones for resident use; and barriers to natural or manmade bodies of water on or adjacent to the facility property.

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Additionally, changes will be proposed throughout the regulation to improve its overall quality, *i.e.*, stylistic changes and language clarifications. The table of contents will be updated, and other minor corrections will be proposed as needed. See Determination of Need and Reasonableness below.

Legal Authority: Section 44-7-250, S.C. Code of Laws (1976, as amended).

Plan for Implementation: The proposed revision will take effect upon publication in the *State Register* following approval by the Board and the General Assembly. The proposed revision will be implemented by providing the regulated community with copies of the regulation and enforced through inspections by DHEC.

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

This regulation revision is needed and reasonable because its development will satisfy a legislative mandate pursuant to S.C. Code Ann. Section 1-23-120.

The regulation was last amended July 27, 2001. Since that time there have been changes in applicable laws, *e.g.*, criminal record checks of direct care staff, and there have been certain guidelines, directives, interpretations, and changes in Division policy that have led to the necessity to amend these regulations in order to make them more up-to-date. The proposed amendment is needed and reasonable because it will clarify/add to the current regulation in a manner that will improve methods to provide quality care and services to residents and it will update the current regulation by incorporating certain exceptions/guidances that the Department has implemented since the last revision.

DETERMINATION OF COSTS AND BENEFITS:

There will be no cost to political subdivisions of the state. There will be minimal costs to the regulated community. The Department proposes fee increases; the proposed fee of \$20 per licensed bed, or \$200, whichever is greater per year, and the initial fee for proposed facilities and those facilities seeking bed increases of \$500 for facilities with 16 or more beds and \$250 for those facilities with less than 16 beds is not excessive on a per license basis. This revision does include a provision that all community residential care facilities will comply with current building and fire and life safety codes by December 31, 2015. This requirement may have a significant financial impact on those facilities that are currently noncompliant with these codes.

Processing applications for the community residential care facility licensing program requires considerable commitment of the Department's fiscal resources. Inflation has increased the costs associated with inspections, investigations, processing licenses, and travel. Program costs have been incurred for increased confidentiality requirements of Department records, all contributing to an overall increase in costs to run an effective program. The anticipated growth of elderly citizens needing community residential care in South Carolina will increase the demands on Department staff and resources. In addition, in expanding its enforcement of the regulation, the Department has increased its onsite consultation efforts to foster regulatory compliance and such activity is an added cost.

The program will be able to continue service to the state's community residential care facility providers and residents in a timely, effective and efficient manner. The public's health and environment will be protected by the continued vigilance of regulatory oversight of this program.

Community residential care facility fees have not increased since 2001. Even though there was a fee increase in 2001, since 2001 fiscal year, the fees have still generated less money than needed to operate the program. The program remains underfunded until such time as a fee increase is authorized.

Monies generated over and above the costs of the current program go into the general fund to cover the costs of inflation and increased costs incurred over the years. According to the U.S. Department of Labor, Bureau of Labor Statistics, costs have increased on average approximately 3% per year since 2001, including a Consumer Price Index average for 2008 that reflected a 3.8% increase. With the probable continued increases in costs, the proposed fee increase is both reasonable and necessary.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The regulation revision will promote public health by updating standards for regulating community residential care facilities.

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

There will be an adverse effect on the public health if the regulation revision is not implemented since it is likely that continuing to utilize an outdated regulation for regulatory purposes would not advance the promotion of prevention of negative health outcomes. There will be possible detrimental effect on public health in general and vulnerable adults specifically because the program will not have the resources to continue vigilant regulatory oversight of community residential care facilities in a timely, effective and efficient manner.

Statement of Rationale:

Department staff determined during its review of R.61-84 that it was appropriate to revise the regulation. R.61-84 was last amended in 2001. See the Statement of Determination of Need and Reasonableness above for more information regarding the factors influencing the Department staff decision to revise the regulation.

Text:

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

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Document No. 4098
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110, 38-13-80, 38-90-150 and 38-90-630

69-70. Annual Audited Financial Reporting Regulation

Preamble:

This regulation requires insurers and designated entities to comply with certain best practices related to auditor independence, corporate governance, and internal controls over financial reporting. The proposed amendments to the regulation will provide clarification of the application of the regulation to certain captive insurance companies and will provide a definition of the term “captive insurer” as used in the regulation. A scrivener’s error in Section 14.A (2) will also be corrected.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on August 28, 2009.

Section-by-Section Discussion

- | | |
|-------------|---|
| Section 1. | Sets forth the authority of the Director to promulgate the regulation. |
| Section 2. | Sets forth the purpose and scope of the regulation. |
| Section 3. | Sets forth terms and definitions contained within the regulation. |
| Section 4. | Sets forth the general requirements related to filing and extensions for filing of annual audited financial reports and audit committee appointments. |
| Section 5. | Sets forth the contents of annual audited financial report. |
| Section 6. | Sets forth the requirements for designation of independent certified public accountant. |
| Section 7. | Sets forth the qualifications of independent certified accountant. |
| Section 8. | Sets forth the requirements for consolidated or combined audits. |
| Section 9. | Sets forth scope of audit and report of independent certified public accountant. |
| Section 10. | Sets forth the requirements for notification of adverse financial condition. |
| Section 11. | Sets forth the requirements for communication of internal control related matters noted in an audit. |
| Section 12. | Sets forth the information to be contained in the accountant’s letter of qualifications. |
| Section 13. | Sets forth the definitions, availability and maintenance of independent certified public accountants workpapers. |
| Section 14. | Sets forth the requirements for audit committee. |
| Section 15. | Sets forth the conduct of insurer in connection with the preparation of required reports and documents. |

- Section 16. Sets forth the requirements for management's report of internal control over financial reporting.
- Section 17. Sets forth the requirements for exemptions from filing the annual audited financial report.
- Section 18. Sets forth the requirements for Canadian and British companies.
- Section 19. Sets forth the effective dates.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted on December 15, 2009 at 10:00 A.M. at the Administrative Law Court Division, 1205 Pendleton Street Suite 224, Columbia, South Carolina 29201. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments and hearing requests may be submitted to Rachel Harper, South Carolina Department of Insurance, P.O. Box 100105, Columbia, South Carolina 29202-3105, on or before 5:00 P.M. on November 23, 2009. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purposes of the amendments to this regulation are to clarify the application of the regulation to certain captive insurance companies and to provide a definition of the term "captive insurer" as used in the regulation. The amendments clarify that for purposes of determining insurers subject to the regulation all premiums written or assumed by a captive insurer shall be deemed to be written in this state. The amendments also clarify that in the case of a conflict between a provision of Regulation 69-60 and this regulation, this regulation will control. The regulation authorizes the Director to require a captive not otherwise subject to this regulation to comply with any provision of the regulation and details the factors that the Director may consider. The amendments also set forth the date that the Audited Financial Report is due which is on or before the date six months after the company's fiscal year end.

Legal Authority: 1976 Code Sections 38-3-110, 38-13-80, 38-90-150 and 38-90-630.

Plan for Implementation: This regulation will take effect January 1, 2010. The amendments to the regulation will clarify the application of the regulation. Legislative review is required.

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

The regulation is needed to provide clarification of the application of the regulation to certain captive insurance companies.

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DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs to the state or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any effect on the environment or public health.

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

There will be no detrimental effect on the environment or public health if the amendments to this regulation are not implemented.

Statement of Rationale:

The proposed amendments to the regulation are needed to clarify the application of the regulation and to provide a definition of the term “captive insurer” as used in the regulation.

Text

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

Document No. 4097

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2) and 38-43-106

69-50. Continuing Insurance Education

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-50, Continuing Insurance Education. The amendments to Regulation 69-50 will update and provide guidance to producers, continuing education sponsors, instructors and administrators on compliance with the statutory continuing education requirements for producers. The updates will bring the regulation into compliance with the statutory amendments enacted by South Carolina Act 326 of 2008 and South Carolina Act 69 of 2009.

Notice of drafting for the proposed regulation was published in the *State Register* on August 28, 2009.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69-50, Section I	Purpose	This section sets forth the purpose of the regulation. The regulation is designed to establish rules and standards for continuing education requirements for licensed producers.
69-50, Section II	Scope	This section provides that it applies to licensed producers in this state and lists certain exceptions to the continuing education requirements.
69-50, Section III	Definitions	This section provides definitions of terms used in the regulation. Terms such as approved course, approved instructor, competency examination, credit hour and others are defined.
69-50, Section IV	Sponsor Approval	This section sets forth the requirements for sponsor approval by the Department. The section also sets forth record keeping requirements for sponsors.
69-50, Section V	Course Approval	This section provides details regarding the course material that must be submitted by an approved sponsor to the Department for its approval. The section also sets forth an appeal process in the event a submitted course is disapproved.
69-50, Section VI	Instructor Approval	This section sets forth the requirements for instructor approval by the Department. The section also sets forth the responsibilities of instructors in presenting the course materials and record keeping.
69-50, Section VII	Certification	This section provides that Approved Sponsors of approved courses must submit class rosters to the Continuing Education Administrator and must provide a certification of course completion to an individual who successfully completes an approved course.
69-50, Section VIII	Forms	This section provides that all applications for course approval, sponsor approval and instructor approval shall be on forms specified by the Director. The section further provides that class completion rosters must be submitted electronically to the CE Administrator; individual course completion certificates must be provided to the producer.

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69-50, Section IX	Advertising	This section provides that a course may not be advertised as an approved course until approval has been received from the Department. It further provides that announcements, advertisements and information about courses designated as approved courses by the Department shall contain a statement that the course has been approved and provide information on the number of credit hours approved and the type of license to which the credit may apply.
69-50, Section X	Fees	This section provides that producers subject to continuing insurance education requirements are responsible for payment of a reasonable annual recordkeeping fee to the Continuing Education Administrator and that the license and appointment(s) of any producer who does not pay the continuing education recordkeeping fee by the biennial compliance deadline will lapse. The section also sets forth the requirements to reactivate the producer's license and appointment(s).
69-50, Section XI	Continuing Education Hours	This section sets forth the requirement that a producer must complete twenty-four hours of approved continuing education credits by the biennial compliance deadline or his license and appointment(s) will be suspended. The section also sets forth the requirements for a producer to reactivate the license within a six month period. If not reactivated within six months, the license is canceled.
69-50, Section XII	Noncompliance	This section sets forth the consequences of noncompliance with the continuing education requirements by producers, approved sponsors and approved instructors. Sponsors and instructors who fail to comply with the provisions of Section 38-43-106 of the South Carolina Code of Laws or with the provisions of these regulations are subject to a fine, suspension of approval or termination of approval. Producers who fail to comply are subject to license lapse

69-50, Section XIII	Hardship Waiver	and cancellation. This section sets forth the procedure and requirements for a producer to apply for a hardship waiver of the continuing education requirements.
69-50, Section XIV	Administration of Continuing Education Requirements	This section provides that the Director is responsible for administering the continuing insurance education requirements and that he may designate a Continuing Education Administrator within the Department or contract with an outside service provider to function as continuing education administrator and to provide record-keeping services. The section also provides that the Director may specify the application of the requirements during the period of transition to individual compliance deadlines.
69-50, Section XV	Effective Date	This section provides the effective date of the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on December 2, 2009 at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 P.M. on November 23, 2009. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Continuing Insurance Education.

Purpose: The proposed regulation will provide guidance to producers and continuing education sponsors, instructors and continuing education administrators on compliance with the statutory continuing education requirements for producers.

Legal Authority: 1976 Code Sections 1-23-10 et seq., 38-3-110(2) and 38-43-106.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed regulation is needed to provide direction to producers and course sponsors, instructors, proctors and continuing education administrators regarding the continuing education requirements for producers. The regulation provides information regarding necessary qualifications, procedures and recordkeeping requirements for approved courses, approved sponsors, approved instructors and proctors. The regulation also provides producers licensed in this state with details regarding their continuing education requirements and consequences for failure to meet those requirements within the compliance period.

DETERMINATION OF COSTS AND BENEFITS:

Any costs associated with promulgation of this regulation have already been accounted for and will be offset by revenue from the twenty-five dollar producer license renewal fee. The proposed regulation will benefit our state by ensuring that the Department complies with uniformity standards of the National Association of Insurance Commissioners (NAIC) and will clarify producer education guidelines.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include clarification of producer continuing education requirements and requirements for approval of sponsors, courses and instructors.

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

Promulgation of this regulation is crucial to providing guidance and clarification to insurance producers on their continuing education requirements and to setting out qualifications and procedures for sponsors and instructors of continuing education courses designed to meet those requirements.

Statement of Rationale:

The Continuing Insurance Education regulation is being updated to reflect the statutory amendments enacted by South Carolina Act 326 of 2008 and South Carolina Act 69 of 2009. The amendments to the regulation are needed to clarify and update the continuing insurance education requirements for producers and to provide direction to sponsors, instructors and administrators offering continuing education courses and maintaining records of continuing education compliance by producers.

Text:

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

Document No. 4099
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10 et seq., 38-2-10, 38-3-110(2), 38-39-60, 38-43-80, 38-43-130, 38-45-50, 38-47-40, 38-48-160, 38-49-20, 38-53-20, 38-70-50 and 38-78-110

69-33. Dates for Payment of Annual License Fees/Appointment Fees for Insurance Agents, Brokers, Adjusters, Agencies, and Motor Vehicle Damage Appraisers

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-33, Dates for Payment of Annual License Fees for Insurance Agents, Brokers, Adjusters, Agencies, and Motor Vehicle Damage Appraisers. The amendments to Regulation 69-33 will update terminology, clarify the requirements related to license renewal fees, and add in the applicable requirements for additional licenses issued by the department. The amendments will also allow the department to be uniform with the National Association of Insurance Commissioners (NAIC) standards by conforming the regulation to the statutory amendments enacted by South Carolina Act 69 of 2009. This will benefit South Carolina Producers to have their state of domicile in compliance with national standards which will speed up their licensing process in other states.

Notice of drafting for the proposed regulation was published in the *State Register* on August 28, 2009.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69-33, Section I	Purpose	This section sets forth the purpose of the regulation. The regulation is designed to establish the dates for payment of license fees.
69-33, Section II	Scope	This section provides that the regulation applies to all Adjusters, Agencies, Bail Bondsman/Runners, Brokers, Motor Vehicle Physical Damage Appraisers, Premium Service Companies, Producer Appointments, Producers, Public Adjusters, Rental Car Companies, Service Contract Providers, Third Party Administrators and Utilization Review Agents except for Producers and entities if the initial license was issued within 180 days of the first renewal deadline.
69-33, Section III	Dates for Payment of License and Appointment Fees	This section provides the dates for payment of various license fees to the Department.

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69-33, Section IV	Effect of Failure to Pay Fees by Deadline	This section provides the consequences of failure to pay the license fees by the deadline provided in the regulation.
69-33, Section V	Reinstatement	This section provides the details for reinstatement of a license that has lapsed or been canceled for failure to pay the license fees by the deadline of the compliance period.
69-33, Section VI	Effective Date	This section provides the effective date of the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on December 8, 2009 at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 P.M. on November 23, 2009. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Dates for Payment of License Fees/Appointment Fees for Adjusters, Agencies, Bail Bondsmen/Runners, Brokers, Motor Vehicle Physical Damage Appraisers, Premium Service Companies, Producer Appointments, Producers, Public Adjusters, Rental Car Companies, Service Contract Providers, Third Party Administrators and Utilization Review Agents.

Purpose: The proposed regulation will provide guidance to licensees of the Department of Insurance on the process and requirements for payment of license fees.

Legal Authority: 1976 Code Sections 1-23-10 et seq., 38-2-10, 38-3-110(2), 38-39-60, 38-43-80, 38-43-130, 38-45-50, 38-47-40, 38-48-160, 38-49-20, 38-53-20, 38-70-50 and 38-78-110.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed regulation is needed to provide direction to licensees of the Department regarding the requirements and process for payment of license fees.

DETERMINATION OF COSTS AND BENEFITS:

Any costs associated with promulgation of this regulation have already been accounted for and will be offset by revenue from the license fees that are retained by the department. The proposed regulation will benefit our state by ensuring that the Department complies with uniformity standards of the National Association of Insurance Commissioners (NAIC) and will clarify license fee payment requirements. This will benefit South Carolina Producers to have their state of domicile in compliance with national standards which will speed up their licensing process in other states.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include clarification of fee payment requirements.

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

Promulgation of this regulation is crucial to providing guidance and clarification to licensees of the Department on payment of license fees.

Statement of Rationale:

The Dates for Payment of License Fees regulation is being updated to provide guidance to additional licensees of the department and to reflect the statutory amendments enacted by South Carolina Act 69 of 2009. The amendments to the regulation are needed to clarify and update the dates for payment of fees for licensees of the Department.

Text:

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

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Document No. 4102
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71
Statutory Authority: 1976 Code Sections 23-9-40 and 23-9-45

71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems

Preamble:

The Office of State Fire Marshal is proposing to amend Regulations 71-8303.4, 71-8303.5, 71-8303.8, 71-8303.12, and 71-8303.13 regarding Portable Fire Extinguishers and Fixed Fire Extinguishing Systems by updating the language and clarifying requirements with current industry standards.

Section-by-Section Discussion

Regulation 71-8303.4. Licensing and Permitting Requirements.

(A)(1)-(4) no substantive changes.

(A)(5) corrects punctuation typographical error.

(A)(6)-(B)(6) no substantive changes.

(B)(7) corrects pronoun agreement typographical error.

(B)(8)-(E)(2) no substantive changes.

(E)(3) rewords for clarity.

(E)(4) new section adding manufacturer's certification or affidavit requirement for each additional type of preengineered fire extinguishing system to reflect language in S.C. Code Section 23-9-45.

(F)-(G)(1) no substantive changes.

(G)(2) and (3) rewords for clarity, adds NPFA standards.

(H) no substantive changes.

Regulation 71-8303.5. Renewal of Licenses and Permits.

Deletes "Class 'D'" from the title.

Adds new (A) and (B) for renewals for Classes "A", "B", and "C" licenses; renumbers for clarity.

(C)(1)-(2) no substantive changes, except for renumbering.

(C)(3) and (4) rewords for clarity, adds NPFA standards.

(D)(1)-(2) no substantive changes, except for renumbering.

(D)(3) adds languages for alternative components listed for use with specific extinguishing systems to reflect language in S.C. Code Section 23-9-45.

Regulation 71-8303.8. Installation and Maintenance Procedures.

(A)-(B) no substantive changes.

(C) new section adds language for tamper seals on portable fire extinguishers.

Regulation 71-8303.12. Administrative Sanctions.

(A)-(B) deletes "Judge" to reflect correct title of the Administrative Law Court.

(B)(1)-(7) no substantive changes.

Regulation 71-8303.13. Sanctions for Unlawful Practice.

(A) deletes "Judge" to reflect correct title of the Administrative Law Court.

(B) no substantive changes.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 9:00 a.m. on Monday, December 7, 2009. Written comments may be directed to John Reich, State Fire Marshal, Office of State Fire Marshal, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, November 23, 2009. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Office of State Fire Marshal has determined that these regulations are needed in order to reflect the changes in the International Codes.

DESCRIPTION OF REGULATION:

Purpose: To amend the guidelines for the Portable Fire Extinguishers and Fixed Fire Extinguishing Systems to conform to national guidelines.

Legal Authority: 1976 Code Sections 23-9-40 and 23-9-45.

Plan for Implementation: Administratively, the Office of State Fire Marshal will see that these provisions are implemented by informing the applicants through written and oral communications.

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

These regulations need to be amended in order to ensure compliance with standards for safe and effective Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. Conforming to these guidelines and to the national standards will enhance the public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

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Statement of Rationale:

The amendments are made in response to an industry showing that there are sufficient similarities between Class D systems from different manufacturers that formal training on each system is not necessary to the public safety which can be protected by a showing that the licensee has appropriate reference materials and access to appropriate parts.

Text:

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

Document No. 4103
MANUFACTURED HOUSING BOARD
CHAPTER 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-10

79-2. License Classifications
79-3. License Application Requirements
79-19. Salesperson
79-26. Fees

Preamble:

To satisfy the requirements of licensure in the field of manufactured housing, Regulations 79-2, 79-3, 79-19 and 79-26 must be revised and updated in conformance with the current Manufactured Housing Board Practice Act.

Section-by-Section Discussion

Regulation 79-2.
Adds new (5), which is the licensure classification of Manufactured Home Apprentice Salesperson; renumbers for clarity.

Regulation 79-3.
Corrects punctuation in (A); adds new section (D) regarding manufactured housing apprentice salesperson's license application requirements.

Regulation 79-19.
Adds new section (H) for manufactured housing apprentice salesperson's license.

Regulation 79-26.
Adds new (D)(5) for apprentice salesperson; renumbers for clarity.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted before the Manufactured Housing Board at 10:00 a.m. on Tuesday, December 8, 2009. Written comments may be directed to Micheal Anderson, Administrator, South Carolina Manufactured Housing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, November 23, 2009. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with Manufactured Housing Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to include apprentice salesperson licensure requirements.

Legal Authority: 1976 Code Sections 40-1-70 and 40-29-10.

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

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

The proposed regulations reflect requirements for apprentice salesperson licensure, including applicable fees.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are updated in conformance with the current Manufactured Housing Board Practice Act.

Text:

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

66 PROPOSED REGULATIONS

Document No. 4109
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(d) and 45 CFR 302.56

114-4710 – 114-4750. Child Support Guidelines

Preamble:

The Department of Social Services is required to perform a quadrennial review of the Child Support Guidelines. The Guidelines are used to calculate the appropriate amount of child support to be paid and they are used to review and adjust existing orders for support. The following proposed regulation is the product of the most recent Guidelines Review Committee, which included representatives from the Department of Social Services, members of the private bar, advocates for both primary residential parents and the parents with a legal duty to pay support, and representatives from the Legislature and Court Administration. Issues covered include the update of the support tables and charts themselves, deviation from the guidelines, periodic review, and an enhancement of the language concerning medical support. The latter two issues were prompted by the passage of the Deficit Reduction Act of 2005 and the revisions of the medical support provisions to the Federal Code, contained in 45 CFR §303.31(a)(1).

Notice of Drafting for the proposed amendments was published in the *State Register* on August 28, 2009.

Section-by-Section Discussion

Sec. 114-4710, A, A1.	There were no changes to this section, which covers the general application of the Guidelines and addresses the minimum support obligation.
Sec. 114-4710, A2.	As elsewhere in the document, the words “custodial parent” and “noncustodial parent” are replaced with terms more appropriate. Most often, the terms “parent to whom support is owed” and “parent with the legal duty to pay support” are used.
Sec. 114-4710, A3.	The combined household income covered by the tables has been increased from \$240,000 per year to \$360,000 per year.
Sec. 114-4710, B, B1, B2, B3, B4.	There were no changes to these sections, which delineate circumstances under which the court may deem it appropriate to deviate from the Guidelines.
Sec. 114-4710, B5.	The provision is clarified that a reason for deviation might include extraordinary expenses incurred as a result of travel pursuant to court-ordered visitation.
Sec. 114-4710, B6 – B9.	There were no changes in these sections.
Sec. 114-4710, B10.	The language was modified to indicate that income disparity might occur on either side of the equation.
Sec. 114-4710, B11, B12.	This is reconciliation between the enumeration of previous editions of the Guidelines and the Regulations.
Sec. 114-4720, A, A1.	These changes, found throughout the document, are pursuant to recommendations from the Federal Office of Child Support Enforcement (FOCSE). FOCSE has urged States to use language more appropriate throughout all child support situations.

Sec. 114-4720, 2 – 8.	There are no changes in these sections, which, among other issues, define income to be used in calculating support, appropriate forms of verification, and correct provisions for providing credit.
Sec. 114-4720, 9 – 11.	These changes are a change in the terms used to distinguish between parents.
Sec. 114-4720, 12.	Wording was added here to ensure compliance with the Federal OCSE's guidelines for Medical Rules, contained in 45 CFR §303.31(a)(1).
Sec. 114-4720, 13.	These changes were made to recognize both the South Carolina and Federal tax credit given in situations where the parent receiving support and their earnings qualify them to also receive a tax credit for paid child care expenses.
Sec. 114-4720, 14.	This section was removed. Research is inconclusive on this aspect of support.
Sec. 114-4720, 15.	This section was renumbered as a result of the removal of number fourteen (14).
Sec. 114-4730, A.	This section's language was modified both to clarify the Guidelines' role in shared parenting and custody and to underscore judicial discretion.
Sec. 114-4730, A3.	This section was added to minimize the disparity of support in sole custody and shared custody cases, creating a graduated support determination in cases where overnight visits just pass the threshold for using the shared parenting worksheet.
Sec. 114-4730, A4.	This section was renumbered and modified due to the addition of subsection A. 3.
Sec. 114-4730, B.	This section, defining split custody situations, was rewritten to bring it into conformity with the methodology behind the Guidelines.
Sec. 114-4740.	This section was modified so that the State's Guidelines are in conformity with the Federal Code, 42 U.S.C. Section 466(a)(10)(A)(a), which outlines the review requirements for orders on which there is an assignment under Title IV, part A or D, of the Social Security Act.
Sec 114-4750.	There were no changes to this section.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing, should be submitted to South Carolina Department of Social Services, Child Support Enforcement Division, Attn: Steve Yarborough, PO Box 1469, Columbia, SC 29202-1469. Comments must be received by 5:00 PM on November 23, 2009. Should a hearing be requested, pursuant to Section 1-12-110(A)(3) of the S.C. Code, as amended, such hearing will be held on Monday, December 14, 2009 at 10:00 AM at the Administrative Law Court, 2nd Floor Hearing Room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina 29201.

68 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Social Services estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 114, Sections 1410-1450.

Statement of Need and Reasonableness:

DESCRIPTION OF THE REGULATION: South Carolina Child Support Guidelines.

Purpose: Every four years, the Department of Social Services is required to review the Guidelines that are used to calculate child support amounts for support and review hearings.

Legal Authority: SC Code 43-4-580(b), 63-17-470(d) and 45 CFR 302.56.

Plan for Implementation: The proposed amendments would be incorporated into Chapter 114 upon publication in the State Register as final regulations and will be implemented in the same manner as the existing regulations. The South Carolina Department of Social Services will make the new regulations available to its staff and to the judiciary.

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

The Guidelines were last updated in 2006. Changes in the cost of living, the IRS Tax Code related to child care tax credit, and Federal requirements that the Child Support Guidelines adequately address medical coverage and provisions for the review and adjustment of child support orders, have changed. These updated regulations will ensure that child support is calculated in an appropriate, reasonable and effective manner.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

In accordance with the Mission Statement of the Department of Social Services, it is incumbent upon the Child Support Enforcement Division to, “. . . ensure the safety and health of children . . . and to assist those in need . . .” The purpose of the quadrennial review of the Guidelines is to ensure that the integrity of the Income Shares Model is maintained by ongoing assessment and reassessment of the numerous issues inherent in the formulae. This model, based on the concept that children should receive the same proportion of parental income that they would have received had the parents lived together, is the one best suited to the needs of the children and families of South Carolina.

Text:

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

70 EMERGENCY REGULATIONS

Filed: October 9, 2009 10:54am

Document No. 4104
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-15, 46-9-40, and 46-9-60

27-78. *Phytophthora ramorum* (*P. ramorum*) Quarantine

Emergency situation:

The South Carolina General Assembly has enacted Regulation 27-78 which designated certain areas as quarantine areas and which imposed certain restrictions on plant materials being shipped into South Carolina from those areas. It has become apparent that in order to safeguard the best interests of South Carolina growers, nurserymen and landowners that the regulated areas would have to be increased. This regulation does this by enlarging the designated regulated areas to any area designated as a regulated area for *Phytophthora ramorum* by a state or federal plant pest regulatory agency.

Text:

27-78. *Phytophthora ramorum* Quarantine.

1. Regulated Plant Pest. *Phytophthora ramorum*.

2. Regulated Area. Any area of any state, territory or country under state or federal quarantine for *Phytophthora ramorum*, or any area of any state, territory, or country designated as a regulated area for *Phytophthora ramorum* by the cognizant state or federal plant pest regulatory agency.

3. Regulated Articles:

- a. All host and associated plants for *Phytophthora ramorum*.
- b. Any other product, article, or means of conveyance of any character whatsoever, not covered by the above, when it is determined by a quarantine officer of a state or federal plant pest regulatory agency that they present a hazard of spreading *Phytophthora ramorum*.
- c. A complete listing of host material may be found at
http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/usdaprlist.pdf

4. Movement of Regulated Articles.

- a. A state Phytosanitary certificate is required for movement of any regulated article from any regulated or quarantined area into South Carolina.
- b. Prior notification of movement of *Phytophthora ramorum* host and associated plant material is required. The shipper shall send by mail, facsimile or e-mail a copy of the State Phytosanitary Certificate to: Clemson University Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670; facsimile 864-646-2178; email nedward@clemson.edu. The Certificate must list the type and quantity of plants, the address of shipper, the name and address of recipient, the date and results of last *P. ramorum* nursery test, and contact number(s) of the shipper and recipient. Notice must arrive at least 24 hours prior to scheduled shipment arrival. Commodities shipped in violation of the requirements or with positive test results may be returned to their point of origin or destroyed at the expense of the owner.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S. C. Code Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 27-78. *P. ramorum* Quarantine.

Purpose: Regulation 27-78 is a regulation which provides for the quarantine of an important plant pest, harmful to a wide variety of plant material including oak trees (*Quercus*). It is being modified by these amendments.

Legal Authority: The legal authority for Regulation 27-78 is Section 46-9-40, South Carolina Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing copies to the regulated community and media notices to the general public.

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

The proposed amendments will provide a greater degree of protection to the agricultural community by focusing efforts at preventing the further introduction of *P. ramorum* into the State.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if *P. ramorum* is not brought into South Carolina, and if the regulated articles exported from quarantined areas is properly treated prior to movement.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation should allow a greater probability that *P. ramorum* will not be introduced into or spread within this State.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If these amendments are not adopted, there is the possibility that *P. ramorum* will be introduced this State and adversely affect the export of plant materials or the quality of existing plant material.

Statement of Rationale:

These amendments are necessary to enhance the ability of the Commission to prevent the introduction of *P. ramorum* into the State and to minimize administrative burdens on nursery operators.

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Document No. 4082

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards

Synopsis:

The Department has amended R.61-62, Air Pollution Control Regulations and Standards, to adopt U.S. Environmental Protection Agency (EPA) federally mandated regulations pursuant to 40 CFR Parts 50, 60, 61, 63, and 72. The federal amendments include clarification, guidance and technical amendments regarding *Standards of Performance for New Stationary Sources*, *National Emission Standards For Hazardous Air Pollutants*, and *National Emission Standards for Hazardous Air Pollutants For Source Categories*.

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS), R. 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP), R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and R. 61-62.72, Acid Rain, to incorporate Federal amendments promulgated during the period from January 1, 2008, through December 31, 2008. R. 61-62.5, Standard No. 2, Ambient Air Quality Standards was revised to adopt the Federal change in the National Ambient Air Quality Standards (NAAQS) for the 8-hour primary and secondary standard for ozone, and rolling 3-month average primary and secondary standard for lead.

The Notice of Drafting was published in the *State Register* on March 27, 2009.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

R. 61-62.5, Std. No. 2

Amend Table to reflect changes in 8-hour primary and secondary standard for ozone, and rolling 3-month average primary and secondary standard for lead.

R. 61-62.60

Tables in Subparts A, J, VV, VVa, GGG, and GGGa are amended to incorporate revisions.

R. 61-62.60

Subparts Ja and JJJJ are added.

R. 61-62.61

Table in Subpart A is amended to incorporate revisions.

R.61-62.63

Tables in subparts A, G, H, M, R, U, HH, EEE, GGG, HHH, JJ, VVV, EEEE, FFFF, UUUU, ZZZZ, BBBB, EEEEE, GGGGG, HHHHH, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, and QQQQQQ are amended to incorporate revisions.

R. 61-62.63

Subparts ZZZZZ, BBBBBB, CCCCCC, HHHHHH, WWWWWW, XXXXXX, and YYYYYY are added.

R. 61-62.72

Table in Subpart A is amended to incorporate revisions.

Instructions:

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, pursuant to each individual instruction provided below with the text of the amendments.

Text:

R.61-62.5, Standard No. 2 - Ambient Air Quality Standards:

Regulation 61-62.5, Standard No. 2 shall be revised as follows:

The following table constitutes the ambient air quality standards for the State of South Carolina. The analytical methods to be used will be those applicable Federal Reference Methods published in 40 CFR 50, Appendices A-N as revised July 18, 1997. In the case of fluorides, either the double paper tape sampler methods (ASTM D-3266-79) or the sodium bicarbonate-coated glass tube and particulate filter method (ASTM D3268-78) may be used.

Pollutant	Measuring Interval	Micrograms Per Cubic Meter Unless Noted Otherwise ^{(1) (2)}
Sulfur Dioxide	3 hours	1300 ⁽⁴⁾
	24 hours	365 ⁽⁴⁾
	Annual	80
Total Suspended Particulates	Annual Geometric Mean	75
PM ₁₀	24 hours	150 ⁽³⁾
	annual	50 ⁽³⁾
PM _{2.5} (Primary and Secondary Standards)	24 hours	35 ⁽³⁾
	annual	15 ⁽³⁾
Carbon Monoxide	1 hour	40 mg per cubic meter
	8 hour	10 mg per cubic meter
Ozone	8 hours	0.08 ppm ⁽³⁾⁽⁵⁾
	8 hours	0.075 ppm ⁽³⁾
Gaseous Fluorides (as HF)	12 hr. avg.	3.7
	24 hr. avg.	2.9
	1 wk. avg.	1.6
	1 mo. avg.	0.8
Nitrogen Dioxide	annual	100
Lead	Rolling 3-month Average	0.15

⁽¹⁾ Arithmetic Average except in case of total suspended particulate matter.

⁽²⁾ At 25° C and 760 mm Hg.

⁽³⁾ Attainment determinations will be made based on the criteria contained in 40 CFR 50 Appendices H, I, K and N.

⁽⁴⁾ Not to be exceeded more than once a year.

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⁽⁵⁾ The 1997 standard – and the implementation rules for that standard – will remain in place for implementation purposes as EPA undertakes rulemaking to address transition from the 1997 ozone standard to the 2008 ozone standard.

R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS):

Regulation 61-62.60, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]

Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.60, Subpart J shall be revised as follows:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart J as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]

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40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]

Regulation 61-62.60, Subpart Ja shall be added in alpha-numeric order as follows:

Subpart Ja – “Standards Of Performance For Petroleum Refineries For Which Construction, Reconstruction, Or Modification Commenced After May 14, 2007”

The provisions of Title 40 CFR Part 60, subpart Ja as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]

Regulation 61-62.60, Subpart VV shall be revised as follows:

Subpart VV - “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry”

The provisions of Title 40 CFR Part 60, subpart VV as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 49	May 30, 1984	[49 FR 22607]
Revision	Vol. 49	June 29, 1984	[49 FR 26738]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 60	August 18, 1995	[60 FR 43258]

40 CFR Part 60 subpart VV			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Regulation 61-62.60, Subpart VVa shall be revised as follows:

Subpart VVa - “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart VVa, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VVa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Regulation 61-62.60, Subpart GGG shall be revised as follows:

Subpart GGG - “Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart GGG as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 49	May 30, 1984	[49 FR 22606]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Regulation 61-62.60, Subpart GGGa shall be revised as follows:

Subpart GGGa - “Standards Of Performance For Equipment Leaks Of VOC In Petroleum Refineries For Which Construction, Reconstruction, Or Modification Commenced After November 7, 2006”

The provisions of Title 40 CFR Part 60, subpart GGGa, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart GGGa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 73	June 2, 2008	[73 FR 31372]
Revision	Vol. 73	June 2, 2008	[73 FR 31376]

Regulation 61-62.60, Subpart JJJJ shall be added in alpha-numeric order as follows:

Subpart JJJJ - “Standards Of Performance For Stationary Spark Ignition Internal Combustion Engines”

The provisions of Title 40 CFR Part 60, subpart JJJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]

R. 61-62.61, National Emission Standards For Hazardous Air Pollutants:

Regulation 61-62.61, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 61, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]

Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]

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R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Regulation 61-62.63, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 63, subpart A as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]

Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart G shall be revised as follows:

Subpart G - “National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater”

The provisions of Title 40 CFR Part 63, subpart G as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19468]
Revision	Vol. 59	June 6, 1994	[59 FR 29201]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	December 5, 1996	[61 FR 64575]

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Revision	Vol. 62	January 17, 1997	[62 FR 2742]
Revision	Vol. 63	December 9, 1998	[63 FR 67792]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	December 23, 2004	[69 FR 76859]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart H shall be revised as follows:

Subpart H – “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks”

The provisions of Title 40 CFR Part 63, subpart H, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart H			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19568]
Revision	Vol. 59	September 20, 1994	[59 FR 48176]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63631]
Revision	Vol. 61	June 20, 1996	[61 FR 31439]
Revision	Vol. 62	January 17, 1997	[62 FR 2788]
Revision	Vol. 64	April 26, 1999	[64 FR 20198]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart M shall be revised as follows:

Subpart M - “National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities”

The provisions of Title 40 CFR Part 63 subpart M as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart M			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	September 22, 1993	[58 FR 49376]
Revision	Vol. 58	December 20, 1993	[58 FR 66289]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	June 11, 1996	[61 FR 29485]

Revision	Vol. 61	September 19, 1996	[61 FR 49265]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	July 27, 2006	[71 FR 42724]
Revision	Vol. 71	September 21, 2006	[71 FR 55280]
Revision	Vol. 73	April 1, 2008	[73 FR 17252]
Revision	Vol. 73	July 11, 2008	[73 FR 39871]

Regulation 61-62.63, Subpart R shall be revised as follows:

Subpart R - “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)”

The provisions of Title 40 CFR Part 63, subpart R, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart R			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 14, 1994	[59 FR 64318]
Revision	Vol. 60	February 8, 1995	[60 FR 7627]
Revision	Vol. 60	June 26, 1995	[60 FR 32913]
Revision	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	December 8, 1995	[60 FR 62992]
Revision	Vol. 61	February 29, 1996	[61 FR 7723]
Revision	Vol. 62	February 28, 1997	[62 FR 9092]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 71	April 6, 2006	[71 FR 17352]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart U shall be revised as follows:

Subpart U - “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart U, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart U			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 5, 1996	[61 FR 46924]
Revision	Vol. 62	January 14, 1997	[62 FR 1837]
Revision	Vol. 62	March 17, 1997	[62 FR 12549]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 64	March 9, 1999	[64 FR 11542]
Revision	Vol. 64	May 7, 1999	[64 FR 24511]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38030]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]

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Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart HH shall be revised as follows:

Subpart HH - “National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities”

The provisions of Title 40 CFR Part 63, subpart HH, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32628]
Revisions	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart EEE shall be revised as follows:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	June 14, 2005	[70 FR 34538]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 70	December 19, 2005	[70 FR 75042]
Revision	Vol. 71	March 23, 2006	[71 FR 14655]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Revision	Vol. 71	October 25, 2006	[71 FR 62388]
Revision	Vol. 73	April 8, 2008	[73 FR 18970]
Revision	Vol. 73	October 28, 2008	[73 FR 64068]

Regulation 61-62.63, Subpart GGG shall be revised as follows:

Subpart GGG - “National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production”

The provisions of Title 40 CFR Part 63, subpart GGG as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 66	August 2, 2001	[66 FR 40121]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	May 13, 2005	[70 FR 25666]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart HHH shall be revised as follows:

Subpart HHH - “National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities”

The provisions of Title 40 CFR Part 63, subpart HHH, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32647]
Revision	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 66	September 27, 2001	[66 FR 49299]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart JJJ shall be revised as follows:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38094]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	June 2, 2004	[69 FR 31008]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart VVV shall be revised as follows:

Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart EEEE shall be revised as follows:

Subpart EEEE - “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)”

The provisions of Title 40 CFR Part 63, subpart EEEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 73	April 23, 2008	[73 FR 21825]
Revision	Vol. 73	July 17, 2008	[73 FR 40977]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart FFFF shall be revised as follows:

Subpart FFFF - “National Emission Standards For Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing”

The provisions of Title 40 CFR Part 63, subpart FFFF as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	November 10, 2003	[68 FR 63852]
Revision	Vol. 70	July 1, 2005	[70 FR 38554]
Revision	Vol. 70	August 30, 2005	[70 FR 51269]
Revision	Vol. 71	March 1, 2006	[71 FR 10439]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 14, 2006	[71 FR 40316]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart UUUU shall be revised as follows:

Subpart UUUU - “National Emission Standards For Hazardous Air Pollutants for Cellulose Products Manufacturing”

The provisions of Title 40 CFR Part 63, subpart UUUU as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]
Revision	Vol. 70	June 24, 2005	[70 FR 36523]
Revision	Vol. 70	August 10, 2005	[70 FR 46684]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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Regulation 61-62.63, Subpart ZZZZ shall be revised as follows:

Subpart ZZZZ - “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”

The provisions of Title 40 CFR Part 63, subpart ZZZZ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart ZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]

Regulation 61-62.63, Subpart BBBB shall be revised as follows:

Subpart BBBB - “National Emission Standards For Hazardous Air Pollutants For Semiconductor Manufacturing”

The provisions of Title 40 CFR Part 63, subpart BBBB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BBBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 22, 2003	[68 FR 27913]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	July 22, 2008	[73 FR 42529]

Regulation 61-62.63, Subpart EEEE shall be revised as follows:

Subpart EEEE - “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries”

The provisions of Title 40 CFR Part 63, subpart EEEE as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 22, 2004	[69 FR 21906]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	February 7, 2008	[73 FR 8408]

Regulation 61-62.63, Subpart GGGGG shall be revised as follows:

Subpart GGGGG - “National Emission Standards For Hazardous Air Pollutants: Site Remediation”

The provisions of Title 40 CFR Part 63, subpart GGGGG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	October 8, 2003	[68 FR 58172]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	November 29, 2006	[71 FR 69011]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart HHHHH shall be revised as follows:

Subpart HHHHH - “National Emission Standards For Hazardous Air Pollutants: Miscellaneous Coating Manufacturing”

The provisions of Title 40 CFR Part 63, subpart HHHHH as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	December 11, 2003	[68 FR 69164]
Revision	Vol. 68	December 29, 2003	[68 FR 75033]
Revision	Vol. 70	May 13, 2005	[70 FR 25676]
Revision	Vol. 70	July 6, 2005	[70 FR 38780]
Revision	Vol. 70	December 21, 2005	[70 FR 75924]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	October 4, 2006	[71 FR 58499]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart ZZZZZ shall be added in alpha-numeric order as follows:

Subpart ZZZZZ – “National Emission Standards For Hazardous Air Pollutants For Iron And Steel Foundries Area Sources”

The provisions of Title 40 CFR Part 63, subpart ZZZZZ, as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart ZZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 2, 2008	[73 FR 226]

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Regulation 61-62.63, Subpart BBBBBB shall be added in alpha-numeric order as follows:

Subpart BBBBBB – “National Emission Standards For Hazardous Air Pollutants For Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, And Pipeline Facilities”

The provisions of Title 40 CFR Part 63, subpart BBBBBB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BBBBBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]

Regulation 61-62.63, Subpart CCCCCC shall be added in alpha-numeric order as follows:

Subpart CCCCCC – “National Emission Standards For Hazardous Air Pollutants For Source Category: Gasoline Dispensing Facilities”

The provisions of Title 40 CFR Part 63, subpart CCCCCC, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart CCCCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]

Regulation 61-62.63, Subpart HHHHHH shall be added in alpha-numeric order as follows:

Subpart HHHHHH – “National Emission Standards For Hazardous Air Pollutants: Paint Stripping And Miscellaneous Surface Coating Operations At Area Sources”

The provisions of Title 40 CFR Part 63, subpart HHHHHH, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	February 13, 2008	[73 FR 8408]

Regulation 61-62.63, Subpart LLLLLL shall be revised as follows:

Subpart LLLLLL - “National Emission Standards For Hazardous Air Pollutants For Acrylic And Modacrylic Fibers Production Area Sources”

The provisions of Title 40 CFR Part 63, subpart LLLLLL, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LLLLLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

Regulation 61-62.63, Subpart MMMMMM shall be revised as follows:

Subpart MMMMMM - “National Emission Standards For Hazardous Air Pollutants For Carbon Black Production Area Sources”

The provisions of Title 40 CFR Part 63, subpart MMMMMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MMMMMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

Regulation 61-62.63, Subpart NNNNNN shall be revised as follows:

Subpart NNNNNN - “National Emission Standards For Hazardous Air Pollutants For Chemical Manufacturing Area Sources: Chromium Compounds”

The provisions of Title 40 CFR Part 63, subpart NNNNNN, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart NNNNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

Regulation 61-62.63, Subpart OOOOOO shall be revised as follows:

Subpart OOOOOO - “National Emission Standards For Hazardous Air Pollutants For Flexible Polyurethane Foam Production and Fabrication Area Sources”

The provisions of Title 40 CFR Part 63, subpart OOOOOO, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart OOOOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

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Regulation 61-62.63, Subpart P P P P P P shall be revised as follows:

Subpart P P P P P P - “National Emission Standards For Hazardous Air Pollutants For Lead Acid Battery Manufacturing Area Sources”

The provisions of Title 40 CFR Part 63, subpart P P P P P P, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart P P P P P P			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

Regulation 61-62.63, Subpart Q Q Q Q Q Q shall be revised as follows:

Subpart Q Q Q Q Q Q - “National Emission Standards For Hazardous Air Pollutants For Wood Preserving Area Sources”

The provisions of Title 40 CFR Part 63, subpart Q Q Q Q Q Q, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart Q Q Q Q Q Q			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 73	March 26, 2008	[73 FR 15923]

Regulation 61-62.63, Subpart W W W W W W shall be added in alpha-numeric order as follows:

Subpart W W W W W W - “National Emission Standards For Hazardous Air Pollutants: Area Source Standards For Plating And Polishing Operations”

The provisions of Title 40 CFR Part 63, subpart W W W W W W, as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart W W W W W W			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	July 1, 2008	[73 FR 37728]

Regulation 61-62.63, Subpart X X X X X X shall be added in alpha-numeric order as follows:

Subpart X X X X X X - “National Emission Standards For Hazardous Air Pollutants Area Source Standards For Nine Metal Fabrication And Finishing Source Categories”

The provisions of Title 40 CFR Part 63, subpart X X X X X X, as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXXXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	July 23, 2008	[73 FR 42978]

Regulation 61-62.63, Subpart YYYYYY shall be added in alpha-numeric order as follows:

Subpart YYYYYY - “National Emission Standards For Hazardous Air Pollutants For Area Sources: Ferroalloys Production Facilities”

The provisions of Title 40 CFR Part 63, subpart YYYYYY, as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YYYYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	December 23, 2008	[73 FR 78637]

R. 61-62.72, Acid Rain:

Regulation 61-62.72, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 72, subpart A as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 72 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	January 11, 1993	[58 FR 3650]
Revision	Vol. 58	March 23, 1993	[58 FR 15634]
Revision	Vol. 58	June 21, 1993	[58 FR 33769]
Revision	Vol. 58	July 30, 1993	[58 FR 40746]
Revision	Vol. 59	November 22, 1994	[59 FR 60218]
Revision	Vol. 60	April 4, 1995	[60 FR 17100]
Revision	Vol. 60	April 11, 1995	[60 FR 18462]
Revision	Vol. 60	May 17, 1995	[60 FR 26510]
Revision	Vol. 62	October 24, 1997	[62 FR 55460]
Revision	Vol. 62	December 18, 1997	[62 FR 66278]
Revision	Vol. 63	October 27, 1998	[63 FR 57356]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	May 13, 1999	[64 FR 25834]
Revision	Vol. 64	May 26, 1999	[64 FR 28564]
Revision	Vol. 66	March 1, 2001	[66 FR 12974]
Revision	Vol. 67	June 12, 2002	[67 FR 40394]
Revision	Vol. 67	August 16, 2002	[67 FR 53503]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 71	April 28, 2006	[71 FR 25328]
Revision	Vol. 72	January 24, 2008	[72 FR 4312]

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Statement of Need and Reasonableness:

This 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: Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan (SIP).

Purpose: These amendments will maintain conformity with Federal requirements and ensure compliance with Federal standards pursuant to 40 CFR 50, 60, 63 and 72.

Legal Authority: The legal authority for R. 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Sections 48-1-10 et seq.

Plan for Implementation: The amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the State Register.

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

Each year the United States Environmental Protection Agency (EPA) promulgates amendments to Federal regulations to include clarification, guidance and technical amendments. States are mandated by law to adopt these Federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both State and Federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

The EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.