

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2012 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	1/13	2/10	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/27	2/24	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163		SR36-2	Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161		SR36-2	Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162		SR36-2	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses		Environmental Certification Board
4139		SR36-2	Environmental Protection Fees (Drinking Water Fees)	1/31/12	Department of Health and Envir Control
4174		SR36-3	Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175		SR36-3	Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176		SR36-3	Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180		SR36-3	Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4187			Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	5/09/12	LLR - OSHA
4191			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/12	Department of Natural Resources
4198			Accreditation Criteria	5/09/12	Board of Education
4200	R.140	SR36-4	End-of-Course Tests	5/09/12	Board of Education
4201			Gifted and Talented	5/09/12	Board of Education
4189			Financing Applications	5/09/12	Public Service Commission
4206			Credential Classification	5/09/12	Board of Education
4207			Requirements for Additional Areas of Certification	5/09/12	Board of Education
4208	R.139	SR36-4	At-Risk Students	5/09/12	Board of Education
4205			Physical Fitness Services Center - Certificate of Authority	5/09/12	Department of Consumer Affairs
4216			Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	5/09/12	Board of Accountancy
4218			Board of Cosmetology	5/09/12	Board of Cosmetology
4197			Access to Restricted Information	5/10/12	Department of Health and Envir Control
4181			Certification of Need for Health Facilities and Services	5/11/12	Department of Health and Envir Control
4199			Adult Education Program	5/12/12	Board of Education
4193			Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	5/16/12	Department of Health and Envir Control
4186			Soil Classifiers	5/24/12	LLR - Soil Classifiers Advisory Council
4217			Mixed Martial Arts	5/24/12	Athletic Commission
4256			Offers of Work	5/25/12	Department of Employment and Workforce
4212			Water Classifications and Standards; and Classified Waters	5/29/12	Department of Health and Envir Control
4257			Mortgage Lending	6/02/12	State Board of Financial Institutions - CFD
4223			Reinstatement and Continuing Professional Education	6/05/12	Board of Accountancy
4263			Reporting of Continuing Education	6/05/12	Auctioneers' Commission
4264			Duplicate Wall or Pocket Card License	6/05/12	Auctioneers' Commission
4225			Requirements of Licensure in the Field of Barbering	6/05/12	Board of Barber Examiners
4265			Fees	6/05/12	Board of Barber Examiners
4226			Duties and Responsibilities of Department; Modular Buildings Construction	6/05/12	Building Codes Council
4228			Organization, Administration and Procedure	6/05/12	Board of Chiropractic Examiners
4267			Emergency Licensure	6/05/12	Contractors' Licensing Board
4229			Requirements of Licensure for Contractors	6/05/12	Contractors' Licensing Board
4230			Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	6/05/12	Board of Cosmetology
4232			Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	6/05/12	Board of Dentistry
4233			Requirements of Licensure for Engineers and Surveyors	6/05/12	Board of Registration for Professional Engineers and Surveyors
4235			General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	6/05/12	Board of Funeral Service
4269			Requirements of Licensure for Funeral Service Providers	6/05/12	Board of Funeral Service
4236			General Registration Provisions for Geologists-in-Training	6/05/12	Board of Registration for Geologists
4270			Special Inspectors	6/05/12	LLR - Office of Elevators and Amusement Rides
4238			Licensing and Permitting Fees; Licensing Requirements	6/05/12	LLR - Division of Labor
4240			Requirements of Licensure for Soil Classifiers	6/06/12	LLR - Soil Classifiers Advisory Council
4241			Requirements of Licensure for Landscape Architects	6/06/12	Board of Landscape Architectural Examiners
4242			Requirements of Licensure for Long Term Health Care Admin.	6/06/12	Board of Long Term Health Care Administrators
4244			Requirements of Licensure for Medical Professionals	6/06/12	Board of Medical Examiners
4271			Fees	6/06/12	Board of Medical Examiners
4246			Definitions; Licensure by Endorsement; and Fees	6/06/12	Occupational Therapy Board
4247			Requirements of Licensure for Opticians	6/06/12	Board of Examiners in Opticianry

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4248	Requirements of Licensure for Physical Therapists	6/06/12	Board of Physical Therapy Examiners
4249	Requirements of Licensure for Pilots	6/06/12	Commissioners of Pilotage
4250	Requirements of Licensure for Podiatrists	6/06/12	Board of Podiatry Examiners
4251	Continuing Education Credits	6/06/12	Board of Examiners in Psychology
4273	Insurance Required for Time Sharing Facilities and Accommodations	6/06/12	Real Estate Commission
4274	Provider, Course, and Instructor Fees; Fees	6/06/12	Real Estate Commission
4252	Residential Specialty Contractors License	6/06/12	Residential Builders Commission
4275	Emergency License and Registration	6/06/12	Residential Builders Commission
4253	Requirements of Licensure for Social Workers	6/06/12	Board of Social Work Examiners
4254	Requirements of Licensure for Speech-Language Pathologists and Audiologists	6/06/12	Board of Examiners in Speech-Language Pathology and Audiology
4255	Requirements of Licensure for Veterinary Medical Professionals	6/06/12	Board of Veterinary Medical Examiners
4276	Fees	6/06/12	Board of Veterinary Medical Examiners
4272	Fees and APRNs	6/06/12	Board of Nursing
4234	Requirements of Licensure for Foresters	6/07/12	Board of Registration for Foresters
4237	Definitions	1/11/13	LLR - Panel for Dietetics
4261	Graduation Requirements	1/12/13	State Board of Education
4258	Defined Program, Grades 9-12	1/13/13	State Board of Education
4224	Requirements of Licensure in the Field of Architecture	1/20/13	Board of Architectural Examiners
4260	Preneed Funeral Contracts	2/02/13	Department of Consumer Affairs
4278	Examinations; Reexaminations	2/06/13	Board of Cosmetology
4279	Administrative Citations and Penalties	2/06/13	Board of Cosmetology
Committee Request Assessment Report			
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Tolled	Department of Health and Envir Control
Committee Request Withdrawal			
4164	Child Labor	Tolled	Division of Labor
4183	International Residential Code	Tolled	LLR-Building Codes Council
4184	Update of International and National Codes	Tolled	LLR-Building Codes Council
4168	Perpetual Care Cemetery Board	Tolled	SC Perpetual Care Cemetery Board
4227	Requirements of Licensure for Perpetual Care Cemeteries	Tolled	Perpetual Care Cemetery Board
4231	Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Tolled	Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4239	Qualification for Licensure	Tolled	LLR - Massage/Bodywork Therapy Panel
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Tolled	Manufactured Housing Board
4268	Fees	Tolled	Board of Funeral Service
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4182	Licensure for the Savannah River	Tolled	Commissioners of Pilotage
4222	Communications Services	Tolled	Department of Revenue
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Tolled	Clemson University-State Crop Pest Comm.
Permanently Withdrawn			
4179	Electronic Equipment Collection and Recovery		Department of Health and Envir Control
4245	Procedure for Disciplinary Hearings; Fees		Board of Nursing
4188	Maximum Allowable Payments to Medical Practitioners		Workers' Compensation Commission
4262	Fees		Athletic Commission

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

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4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4187	Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	Judiciary	Labor, Commerce and Industry
4191	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4198	Accreditation Criteria	Education and Public Works	Education
4200	End-of-Course Tests	Education and Public Works	Education
4201	Gifted and Talented	Education and Public Works	Education
4189	Financing Applications	Labor, Commerce and Industry	Judiciary
4206	Credential Classification	Education and Public Works	Education
4207	Requirements for Additional Areas of Certification	Education and Public Works	Education
4208	At-Risk Students	Education and Public Works	Education
4205	Physical Fitness Services Center - Certificate of Authority	Medical, Military, Pub & Mun Affairs	Medical Affairs
4216	Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	Labor, Commerce and Industry	Labor, Commerce and Industry
4218	Board of Cosmetology	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4197	Access to Restricted Information	Judiciary	Judiciary
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4199	Adult Education Program	Education and Public Works	Education
4193	Surface Water Withdrawal, Permitting, Use and Reporting; Water Use Reporting and Coordination; and Interbasin Transfer of Water	Agriculture and Natural Resources	Agriculture and Natural Resources
4186	Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4217	Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4256	Offers of Work	Labor, Commerce and Industry	Labor, Commerce and Industry
4212	Water Classifications and Standards; and Classified Waters	Agriculture and Natural Resources	Agriculture and Natural Resources
4257	Mortgage Lending	Labor, Commerce and Industry	Banking and Insurance
4223	Reinstatement and Continuing Professional Education	Labor, Commerce and Industry	Labor, Commerce and Industry
4263	Reporting of Continuing Education	Labor, Commerce and Industry	Labor, Commerce and Industry
4264	Duplicate Wall or Pocket Card License; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4225	Requirements of Licensure in the Field of Barbering	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4265	Fees	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4226	Duties and Responsibilities of Department; Modular Buildings Construction	Labor, Commerce and Industry	Labor, Commerce and Industry
4228	Organization, Administration and Procedure	Medical, Military, Pub & Mun Affairs	Medical Affairs
4267	Emergency Licensure	Labor, Commerce and Industry	Labor, Commerce and Industry
4229	Requirements of Licensure for Contractors	Labor, Commerce and Industry	Labor, Commerce and Industry
4230	Requirements of Licensure for Cosmetologists, Estheticians, and Nail Technicians	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4232	Registration of Licenses or Certificates; Annual Election of the Board; and Executive Director	Medical, Military, Pub & Mun Affairs	Medical Affairs
4233	Requirements of Licensure for Engineers and Surveyors	Labor, Commerce and Industry	Labor, Commerce and Industry
4235	General Licensing Provisions for Embalmers and Funeral Directors; Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4269	Requirements of Licensure for Funeral Service Providers	Labor, Commerce and Industry	Labor, Commerce and Industry
4236	General Registration Provisions for Geologists-in-Training	Agriculture and Natural Resources	Labor, Commerce and Industry
4270	Special Inspectors	Labor, Commerce and Industry	Labor, Commerce and Industry
4238	Licensing and Permitting Fees; Licensing Requirements	Labor, Commerce and Industry	Labor, Commerce and Industry
4240	Requirements of Licensure for Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4241	Requirements of Licensure for Landscape Architects	Labor, Commerce and Industry	Labor, Commerce and Industry
4242	Requirements of Licensure for Long Term Health Care Admin.	Medical, Military, Pub & Mun Affairs	Medical Affairs
4244	Requirements of Licensure for Medical Professionals	Medical, Military, Pub & Mun Affairs	Medical Affairs
4271	Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4246	Definitions; Licensure by Endorsement; and Fees	Labor, Commerce and Industry	Medical Affairs
4247	Requirements of Licensure for Opticians	Medical, Military, Pub & Mun Affairs	Medical Affairs
4248	Requirements of Licensure for Physical Therapists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4249	Requirements of Licensure for Pilots	Labor, Commerce and Industry	Transportation

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4250	Requirements of Licensure for Podiatrists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4251	Continuing Education Credits	Medical, Military, Pub & Mun Affairs	Medical Affairs
4273	Insurance Required for Time Sharing Facilities and Accommodations	Labor, Commerce and Industry	Labor, Commerce and Industry
4274	Provider, Course, and Instructor Fees; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4252	Residential Specialty Contractors License	Labor, Commerce and Industry	Labor, Commerce and Industry
4275	Emergency License and Registration	Labor, Commerce and Industry	Labor, Commerce and Industry
4253	Requirements of Licensure for Social Workers	Medical, Military, Pub & Mun Affairs	General
4254	Requirements of Licensure for Speech-Language Pathologists and Audiologists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4255	Requirements of Licensure for Veterinary Medical Professionals	Agriculture and Natural Resources	Agriculture and Natural Resources
4276	Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
4272	Fees and APRNs	Medical, Military, Pub & Mun Affairs	Medical Affairs
4234	Requirements of Licensure for Foresters	Agriculture and Natural Resources	Fish, Game and Forestry
4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4261	Graduation Requirements	Education and Public Works	Education
4258	Defined Program, Grades 9-12	Education and Public Works	Education
4224	Requirements of Licensure in the Field of Architecture	Labor, Commerce and Industry	Labor, Commerce and Industry
4260	Preneed Funeral Contracts	Labor, Commerce and Industry	Judiciary
4278	Examinations; Reexaminations	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4279	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry

Committee Request Assessment Report

4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
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Committee Request Withdrawal

4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4227	Requirements of Licensure for Perpetual Care Cemeteries	Labor, Commerce and Industry	Labor, Commerce and Industry
4231	Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Medical, Military, Pub & Mun Affairs	Medical Affairs
4239	Qualification for Licensure	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4268	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry

Agency Request Withdrawal

4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
4222	Communications Services	Ways and Means	Finance

Resolution Introduced to Disapprove

4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources
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Permanently Withdrawn

4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs
4245	Procedure for Disciplinary Hearings; Fees	Medical, Military, Pub & Mun Affairs	Medical Affairs
4188	Maximum Allowable Payments to Medical Practitioners	Labor, Commerce and Industry	Judiciary
4262	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry

Executive Order No. 2012-03

WHEREAS, on November 1, 2011, the Town of Atlantic Beach held an election for Mayor and two at-large Council seats; and

WHEREAS, the results of that election were protested; and

WHEREAS, on November 5, 2011, the Municipal Election Commission for the Town of Atlantic Beach held a public hearing regarding the election protest. During this hearing, the Municipal Election Commission heard testimony and took evidence regarding voting irregularities associated with the November 1, 2011 election. At the conclusion of the hearing, the Municipal Election Commission declared the results of the November 1, 2011 election void and ordered that a new election for Mayor and two at-large Town Council members would be held within 180 days; and

WHEREAS, the Municipal Election Commission still has not reduced its November 5, 2011 ruling to a written order, nor has it set a date for the new election; and

WHEREAS, Section 5-15-50 of the South Carolina Code of Laws (1976), as amended, requires at least sixty days notice for municipal elections; and

WHEREAS, because of the Municipal Election Commission's delay, it is now too late for the Municipal Election Commission to conduct a new election for Mayor and Town Council members within the time period it previously ordered and comply with the notice requirements of Section 5-15-50; and

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

WHEREAS, this is the second consecutive election for Mayor or Town Council that the Municipal Election Commission has overturned; and

WHEREAS, Town of Atlantic Beach election controversies have reached the South Carolina Supreme Court on three prior occasions. These controversies have highlighted problems in the Town's electoral process such as: poll workers not following proper procedures for challenged ballots (*Taylor v. Town of Atlantic Beach Election Commission*, 363 S.C. 8, 609 S.E.2d 500 (2005)); voters being denied the right to vote despite establishing residency (*Armstrong v. Atlantic Beach Municipal Election Commission* 380 S.C. 47, 668 S.E.2d 400 (2008)); and the Municipal Election Commission failing to comply with the statutory procedure for contesting election results (*Cole v. Town of Atlantic Beach Election Commission*, 393 S.C. 264, 712 S.E.2d 440 (2011)); and

WHEREAS, the South Carolina Supreme Court, in *Cole v. Town of Atlantic Beach Election Commission*, expressed grave doubts about the ability of the Municipal Election Commission to properly conduct future elections; and

WHEREAS, the Horry County Election Commission and the State Election Commission are competent and qualified to conduct and supervise an election in the Town of Atlantic Beach; and

6 EXECUTIVE ORDERS

WHEREAS, continued controversy in this election will erode the public trust in our system of municipal elections, and a properly conducted and supervised election is necessary to ensure the full and fair expression of the citizenry's choice for these elective offices.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held for the office of Mayor and two at-large Town Council members of the Town of Atlantic Beach on May 22, 2012 or at the earliest possible date and time after sixty days notice has been provided to the citizenry and as is permitted by the United State Department of Justice; and (b) designate the Horry County Election Commission and the State Election Commission to perform the necessary official duties pertaining to the election, including noticing the election, conducting the election, counting the votes, declaring the result, and resolving any protest associated with the election.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 16th DAY OF MARCH, 2012.

**NIKKI R. HALEY
GOVERNOR**

Executive Order No. 2012-04

WHEREAS, on March 31 through April 3, 2012, heavy rains caused severe erosion to the south abutment of the bridge located on S-182 (Laurens Street) in Aiken County, causing the bridge to settle 10 to 12 inches; and

WHEREAS, the impact of the erosion resulted in closure of the bridge and the need for immediate shoring to stabilize the structure to prevent its collapse onto the short line rail underneath the bridge; and

WHEREAS, a complete bridge replacement required for this bridge is beyond the scope of extraordinary maintenance; and

WHEREAS, these conditions constitute an emergency as is contemplated by the terms of Section 125 of Title 23, United States Code.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby declare that an emergency exists as a result of the erosion caused by heavy rains at the Laurens Street Bridge in Aiken County and direct the South Carolina Department of Transportation to undertake actions to replace the collapsing bridge to ensure the safety and well-being of the traveling public. I further direct the Department of Transportation to obtain the federal approval of the Federal Highway Division Administrator to make Federal Highway Division Emergency Relief assistance available to the State.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF APRIL, 2012.

**NIKKI R. HALEY
Governor**

Executive Order No. 2012-05

WHEREAS, the waters of the Nation are a finite and valuable natural resource, and an adequate supply of high quality water is essential to the health, safety, welfare and quality of life of the citizens of South Carolina; necessary for individual, agricultural, industrial, commercial, and recreational uses; and vital for the existence of fish and wildlife; and

WHEREAS, the Savannah River forms the state boundary between South Carolina and Georgia for almost 200 miles and the states share significant water resources of the Savannah River Basin; and growth and development on both sides of the Savannah River are increasing demand for finite water resources; and

WHEREAS, the Governor's Water Law Review Committee recommended in 2005 that South Carolina begin a process with Georgia whereby water issues of mutual interest may be discussed; and South Carolina and Georgia lacked a formal bi-state context to address demand-related issues including water supply, wastewater disposal, flood control, economic development, and recreation; and

WHEREAS, Executive Order 2005-14 established the Governor's Savannah River Committee of South Carolina, in conjunction with the Governor's Savannah River Committee of Georgia, to convene a bi-state forum to identify and discuss issues of mutual interest related to the water resources of the Savannah River Basin.

NOW, THEREFORE, I do hereby re-establish the Governor's Savannah River Committee of South Carolina (the Committee) in conjunction with the Governor's Savannah River Committee of Georgia.

1. The Committee and their counterparts from the Governor's Savannah River Committee of Georgia shall convene a bi-state forum to identify and discuss issues of mutual interest related to the water resources of the Savannah River Basin and make recommendations to address demand-related issues including, but not limited to, water supply, wastewater disposal, flood control, economic development, and recreation.
2. The respective Committees shall correspond and meet as required in their function as the official forum for engaging water issues between the State of South Carolina and the State of Georgia.
3. The Committee shall be comprised of the Governor or his designee, the Chairman of the Board of the Department of Natural Resources, the Chairman of the Board of the Department of Health and Environmental Control and other members appointed by the Governor to include one representative of the Upper Basin, one representative of the Middle Basin, and one representative of the Lower Basin.
4. The Committee shall be authorized in the furtherance of its mission to hold public hearings and take such other actions as it deems necessary and advisable.
5. The Governor's Office shall provide staff support as necessary to assist the Committee in carrying out the directives of this Executive Order. The Committee may also receive staff support and technical assistance from the Department of Natural Resources, the Department of Health and Environmental Control and the Department of Commerce, as their respective boards and the Committee deem appropriate.

8 EXECUTIVE ORDERS

This Order shall take effect immediately and replace Executive Order 2005-14.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 9th DAY OF APRIL, 2012.**

**NIKKI R. HALEY
Governor**

STATE BUDGET AND CONTROL BOARD**NOTICE OF GENERAL PUBLIC INTEREST**

The State Budget and Control Board elected to terminate the promulgation process on Regulation Document No. 4281, relating to Use of State House, State House Grounds, State Buildings and State Grounds.

BOARD OF CHIROPRACTIC EXAMINERS**ERRATA**

Document No. 4282, Requirements of Licensure for Chiropractors, was published in the February 24, 2012 *State Register* on page 18. The Notice of Public Hearing scheduled for 1:00 p.m. on April 5, 2012, has been rescheduled for 9:00 a.m. on May 16, 2012.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF FINAL AMENDMENT TO AIR QUALITY
STATE IMPLEMENTATION PLAN**

April 27, 2012

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

South Carolina Air Quality Implementation Plan:

The Department of Health and Environmental Control (Department) has amended the South Carolina Air Quality Implementation Plan, also known as the State Implementation Plan, or SIP, to address two matters related to the approvability by the United States Environmental Protection Agency (EPA) of certain previous SIP amendments. Interested persons may contact Alan M. Hancock, Division of Air Assessment, Innovations and Regulation, Bureau of Air Quality, 2600 Bull St., Columbia, SC 29201, by telephone at (803) 898-4139, or by email to hancocam@dhec.sc.gov

Synopsis:

The EPA recently informed the Department of the need to address two matters before it could approve certain previously submitted SIP amendments. First, the EPA notified the Department in January 2012 that the Department needed to place on public notice a clarification letter that the Department sent on November 3, 2009. This letter addressed one element of the "infrastructure" SIPs required under Clean Air Act (CAA) Section 110(a)(1) and (2) (42 U.S.C. Section 7410 (2010)) for the 1997 and 2006 PM_{2.5} (particulate matter 2.5 micrometers and smaller) National Ambient Air Quality Standards (NAAQS). These infrastructure SIPs provide for the implementation, maintenance, and enforcement of the NAAQS. On March 14, 2008, the Department submitted the infrastructure SIP for the 1997 PM_{2.5} NAAQS to the EPA. On September 18, 2009, the Department submitted the infrastructure SIP for the 2006 PM_{2.5} NAAQS to the EPA. On September 24, 2009, the EPA submitted a letter to the Department stating that it had no comments on the 1997 and 2006 PM_{2.5} infrastructure SIPs. Following further discussions with the EPA, the Department submitted the aforementioned letter to the EPA on November 3, 2009. Based on the EPA memorandum entitled Emergency Episode Plan Requirements, dated March 24, 2008, this letter certified that the Department is not required to

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adopt an emergency episode plan for PM_{2.5} because no area of South Carolina has exceeded 140 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) for the 1997 PM_{2.5} NAAQS or the 2006 PM_{2.5} NAAQS, which is the threshold for such a plan. In accordance with CAA Section 110(k), in order to act on the Department's infrastructure SIP amendments addressing the requirements of CAA Section 110(a)(1) and (2) for the 1997 and 2006 PM_{2.5} NAAQS, the EPA required that the Department provide the public with the ability to comment on this certification.

The second matter that this SIP amendment addresses is that the EPA is requiring states to address Section 128 of the CAA (42 U.S.C. Section 7428 (2010)) by amending SIPs to include conflict of interest provisions for state boards that oversee CAA permits and enforcement orders. The EPA made this request based on comments that it has received on other states' SIP submittals. To address this request, the Department has informed the EPA that the Ethics, Government Accountability and Campaign Reform Act of 1991 (S.C. Code Ann. Section 8-13-700 et seq. (2011)) meets the requirements of Section 128.

To address both of these EPA requirements, the Department published a Notice of Intent to Revise the SIP in the *State Register* on February 24, 2012, which included an announcement of a 30-day public comment period and opportunity to request a public hearing. The Department did not receive a request for a public hearing, and the public comment period closed on March 26, 2012. The Department received two written comments, one was not germane to this action and the other was from the EPA offering no comments. The Department addressed both in the final SIP submission to the EPA. This Notice of Intent to Revise the SIP constituted the required public notice for the November 3, 2009, certification, and met the requirement for the Department to seek public input on amending the SIP to address CAA Section 128.

The Department submitted a proposed SIP amendment to the EPA for both of these requirements on February 29, 2012, using the parallel processing procedure. Under this procedure, the EPA works closely with the state during the development of the SIP amendment and solicits public comment in approximately the same time frame that the state notices its proposed revisions and schedules its public hearing. This final amendment to the SIP takes effect upon publication of this Notice in the *State Register* on April 27, 2012.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication April 27, 2012, 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. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Addition of three (3) psychiatric beds for a total of forty-four (44) psychiatric beds, to be located at the Aurora Pavilion

Aiken Regional Medical Center

Aiken, South Carolina

Project Cost: \$16,210

Affecting Charleston County

Expansion and renovation of the Radiation Oncology Department to include the addition of a third (3rd) linear accelerator on the campus of Trident Medical Center
 Trident Medical Center, LLC
 Charleston, South Carolina
 Project Cost: \$8,670,000

Affecting Pickens County

Construction and renovation for the addition of a (64)-slice CT scanner, to be located on the first floor within the current Radiology Department
 Baptist Easley Hospital
 Easley, South Carolina
 Project Cost: \$1,312,463

Affecting Richland County

Construction for the addition of forty-four (44) nursing care beds that will not participate in the Medicaid (Title XIX) program and expansion of rehabilitative therapy and other support services, resulting in a total of eighty (80) nursing care beds
 Rice Estate Rehabilitation and Healthcare
 Columbia, South Carolina
 Project Cost: \$11,321,988

Affecting Spartanburg County

Addition of a third da Vinci Robotic Surgical System to be located in the surgical suite of Spartanburg Regional Medical Center
 Spartanburg Regional Medical Center
 Spartanburg, South Carolina
 Project Cost: \$2,077,600

Affecting York County

Construction for the establishment of a sixty (60) bed nursing care facility that does not participate in the Medicaid (Title XIX) Program
 Wellmore of Tega Cay, LLC
 York, South Carolina
 Project Cost: \$14,757,657

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from April 27, 2012. "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. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

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Affecting Anderson County

Construction for the establishment of a one hundred-fifty (150) bed nursing care facility that does not participate in the Medicaid (Title XIX) Program
Chiquola Maison Skilled Nursing Facility
Honea Path, South Carolina
Project Cost: \$37,964,541

Affecting Charleston County

Purchase and installation of a 1.5T Magnetic Resonance Imaging (MRI) unit to a newly constructed medical office building located at 1122 Chuck Dawley Boulevard, Mount Pleasant, SC
The Southeastern Spine Institute, LLC
Mount Pleasant, South Carolina
Project Cost: \$1,049,721

Affecting Florence County

Replacement of the existing fixed 0.3T Magnetic Resonance Imaging (MRI) unit with a fixed 1.2T Magnetic Resonance Imaging (MRI) unit
InMed Diagnostic Services of SC, LLC
Florence, South Carolina
Project Cost: \$1,845,775

Consolidation and relocation of IV Therapy Services from the Outpatient Surgery Center and the South Medical Office Building (506 E. Cheves St.) to a new Medical Office Building, on the campus of McLeod Regional Medical Center
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$4,800,675

Affecting Greenville County

Addition of a second da Vinci Robotic Surgical System to be located on the 2nd floor of Greenville Memorial Medical Center within the existing operating room suites
Greenville Memorial Medical Center
Greenville, South Carolina
Project Cost: \$1,970,100

Affecting Horry County

Construction and renovation for the addition of thirty-seven (37) acute care beds for a total of three hundred six (306) total acute care beds
Grand Strand Regional Medical Center
Myrtle Beach, South Carolina
Project Cost: \$16,533,598

Affecting Pickens County

Development of a freestanding radiation therapy center with a linear accelerator to be located on the Baptist Easley Hospital Campus
 Baptist Easley Hospital Cancer Center
 Easley, South Carolina
 Project Cost: \$9,042,001

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than May 14, 2012 to:

Contractor Certification Program
 South Carolina Department of Health and Environmental Control
 Bureau of Land and Waste Management - Underground Storage Tank Program
 Attn: Michelle Dennison
 2600 Bull Street
 Columbia, SC 29201

The following companies and/or individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Highlands Environmental Solutions, Inc.
 Attn: Joe Beaman, PG, RSM
 8410-D Falls of Neuse Rd
 Raleigh, NC 27615

Highlands Environmental Solutions, Inc.
 Attn: Kendall Sutler
 3117 Lantern Way
 Wilmington, NC 28409

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

April 27, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the applicable regulation. These corrections do not create new regulatory requirements; the corrections are nonsubstantive and are made to improve the overall quality of the Department's regulations.

R.61-62.5, Standard No. 3, Waste Combustion and Reduction

State Register Doc. No. 3224, October 24, 2008

At R.61-62.5, Standard No. 3, Section I.B, add the word "Part" between the acronym "CFR" and the text "60, Subpart Cb" for clarity and consistency; change the word "part" in the text "40 CFR part 60", adopted herein" from lowercase to uppercase for consistency; add a comma after the word "Administrator" but between the quotation marks for punctuational correctness; and change the word "part" in the text "40 CFR part 60, shall mean" from lowercase to uppercase for consistency to read:

B. Municipal Waste Combustion facilities constructed, reconstructed or modified on or before September 20, 1994, with a unit capacity greater than 250 tons per day of Municipal Solid Waste shall be subject to 40 CFR Part 60, Subpart Cb, Emission Guidelines and Compliance Schedules for Municipal Waste Combustors, promulgated December 19, 1995, 60 FR 65415, and amended August 25, 1997, 62 FR 45119 and 45125 and the South Carolina Air Quality Implementation Plan. For the purposes of this Standard, the definitions contained in the various provisions of 40 CFR Part 60, adopted herein, shall apply except that the term "Administrator," when used in 40 CFR Part 60, shall mean the Department. These Municipal Waste Combustors shall also be subject to any provision of this Standard that would impose a more restrictive emission limit or requirement.

At R.61-62.5, Standard No. 3, Section I.D, strike the word "Number" between the word "Standard" and the number "3.1" and replace with the text "No." for consistency; and strike the word "this" and add the regulation number "61-62.5" for clarity to read:

D. Hospital/medical/infectious waste incinerators are subject to Standard No. 3.1 of Regulation 61-62.5.

At R.61-62.5, Standard No. 3, Section I.F, add the word "Part" after each instance of the acronym "CFR" for consistency and clarity to read:

F. Municipal waste combustors subject to 40 CFR Part 60, Subpart Ea; 40 CFR Part 60, Subpart Eb; or 40 CFR Part 60, Subpart Cb are subject to more restrictive requirements of this Standard applicable to the waste being burned.

At R.61-62.5, Standard No. 3, Section I.J.1, change the words "Pulp" and "Paper" from uppercase to lowercase for consistency; change the text in the reference "Section IX" to "Section XI" to correct the typographical error in the Roman numeral; change the word "part" in the text "40 CFR part 60" from lowercase to uppercase for consistency and clarity; change the word "subpart" in the text "subpart BB" from lowercase to uppercase for consistency; and add hyphens to the text "case by case basis" for consistency to read:

1. Industrial furnaces and boilers at pulp and paper facilities burning only black liquor, only total reduced sulfur compounds (TRS), or only black liquor and/or TRS Compounds and/or virgin fuel are not subject to this Standard. Also, total reduced sulfur control devices burning only gaseous TRS and virgin fuel are not subject

to this Standard. Gaseous process streams containing TRS Compounds that are regulated in accordance with Section XI of regulation 61-62.5, Standard 4, Emissions from Process Industries and/or 40 CFR Part 60, Subpart BB, Standards of Performance for Kraft Pulp Mills, are also not subject to this Standard. Exemptions for additional process streams will be considered on a case-by-case basis. Additions to black liquor for the purpose of waste disposal shall not be exempt from this Standard.

At R.61-62.5, Standard No. 3, Section I.J.2, change the word “standard” from lowercase to uppercase for consistency to read:

2. Facilities utilizing a renewable energy resource burned for energy recovery may request an exemption from this Standard by: 1) submitting a site-specific chemical analysis of the renewable energy resource and/or source testing results to the Department for review, and 2) providing additional documentation as necessary so that the Department can confirm that the exemption will be protective of human health and the environment. The Department reserves the right to deny a request for an exemption to Standard 3 for any renewable energy resource(s) that does not satisfy the above conditions.

At R.61-62.5, Standard No. 3, Section I.J.3, change the word “standard” , in both instances, from lowercase to uppercase for consistency; and change the word “part” in the text “40 CFR part 63” from lowercase to uppercase for consistency and clarity to read:

3. A facility with an emission unit and/or control device that complies with all the requirements of an applicable Maximum Achievable Control Technology (MACT) Standard under 40 CFR Part 63, including the testing and reporting requirements, may request an exemption from this Standard. Facilities requesting such an exemption shall provide any documentation as necessary in order for the Department to make a determination. Upon review of such a request, the Department may grant an exemption from this Standard if it determines that compliance with the applicable MACT Standard(s) would be as protective of human health and the environment as the requirements of this Standard. Any new waste and/or process stream must be evaluated by the Department in order to maintain this exemption. Also, any operational change that may impact emissions from the waste must be evaluated by the Department in order to maintain this exemption.

At R.61-62.5, Standard No. 3, Section I.M, add a comma after text “February 26, 1988” for consistency and correct punctuation to read:

M. For the purpose of this Standard, existing sources are sources that are “in existence” on February 26, 1988, unless otherwise noted herein.

At R.61-62.5, Standard No. 3, Section II, change the words “State” and “Federal” in the text “State or Federal” from uppercase to lowercase for consistency; change the uppercase text “Federal or State” to lowercase text “state or federal” for consistency; and strike the letter “s” from the word “Wastes” for grammatical correctness to read:

This Standard will not supersede any other state or federal requirements including but not limited to Federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), state or federal Prevention of Significant Deterioration (PSD) Regulations, Hazardous Waste Management Regulations, nor special permit conditions, unless a more restrictive emission limit or requirement is imposed by this Standard.

At R.61-62.5, Standard No. 3, Section III.A, add hyphen after the word “Limitations” and combine with the subsequent sentence to form one item for completeness and consistency to read:

A. Case-by-Case Limitations - Emission limitations other than those stated below, determined in part by material being incinerated or burned and/or by source testing, may be set on a case-by-case basis.

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At R.61-62.5, Standard No. 3, Section III.B.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent.

At R.61-62.5, Standard No. 3, Section III.B.2, add a period after the word “limit” to read:

2. PM - No established limit.

At R.61-62.5, Standard No. 3, Section III.C.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 10 percent.

At R.61-62.5, Standard No. 3, Section III.C.2, add a period after the word “limit” to read:

2. PM - No established limit.

At R.61-62.5, Standard No. 3, Section III.D.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent.

At R.61-62.5, Standard No. 3, Section III.D.2, change the words “Matter” and “Emissions” from uppercase to lowercase for consistency to read:

2. Particulate matter emissions shall not exceed 1.3 lb/ton of dry sludge.

At R.61-62.5, Standard No. 3, Section III.E.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 10 percent.

At R.61-62.5, Standard No. 3, Section III.E.2, strike the period after the text “4 lb/hr.”; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

2. Hydrochloric acid (HCl) emissions may exceed 4 lb/hr only if they are controlled with an efficiency of at least 99 percent.

At R.61-62.5, Standard No. 3, Section III.E.3, change the words “Matter” and “Emissions” from uppercase to lowercase for consistency; replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

3. Particulate matter emissions shall not exceed 0.08 grains/Dry Standard Cubic Feet (DSCF) corrected to 7 percent O₂ measured on a dry basis.

At R.61-62.5, Standard No. 3, Section III.E.5, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

5. All principal organic hazardous constituents (POHC) must be destroyed with an efficiency of at least 99.99 percent.

At R.61-62.5, Standard No. 3, Section III.E.6, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add serial comma after the text “F026” in the first sentence for consistency and grammatical correctness; remove space between the two paragraphs to form a single paragraph; and add serial comma after the text “F026” in the last sentence for consistency and grammatical correctness to read:

6. All POHC must be destroyed with an efficiency of at least 99.9999 percent when the waste being burned is hazardous wastes F020, F021, F022, F023, F026, or F027 as specified in the South Carolina Hazardous Waste Management Regulation 61-79.264.343(a)(2). A demonstration of this efficiency must be performed as specified in the referenced paragraph. The definitions of hazardous wastes F020, F021, F022, F023, F026, and F027 can be found in the South Carolina Hazardous Waste Management Regulation 61-79.261.31(a).

At R.61-62.5, Standard No. 3, Section III.F.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent.

At R.61-62.5, Standard No. 3, Section III.F.2.a, change the word “existing” from lowercase to uppercase for consistency; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

- a. Existing sources - 0.08 grains/DSCF corrected to 7 percent O₂

At R.61-62.5, Standard No. 3, Section III.F.2.b, change the word “new” from lowercase to uppercase for consistency; strike the word “Number” after the word “Standard” and replace with the text “No.” for consistency; and, in the text “(b)(12)”, strike the number “12” and replace with the number “8” to correct an oversight from the June 24, 2005, State Register Document 2943 whereby Regulation 61-62.5, Standard No. 7, (b) was renumbered but the (b)(12) to (b)(8) change was not amended accordingly in this Standard to read:

- b. New sources - “Best Available Control Technology” (BACT) as defined in Regulation 61-62.5, Standard No. 7, (b)(8).

At R.61-62.5, Standard No. 3, Section III.F.3, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add the word “paragraph” before the text “4 below.” for clarity and consistency; add the word “Part” to footnote “a” of Table II for consistency and clarity; replace the symbol “%” in footnote “b” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and add a comma after the symbol “O₂” and before the symbol “CO” for clarity and punctuational correctness to read:

3. Carbon monoxide (CO) emissions, as measured at a location upstream of the control devices, shall not exceed those values listed in Table II, corrected to 7 percent O₂ on a dry basis except as provided in paragraph 4 below.

TABLE II

Municipal Waste Combustor Technology ^a	CO emission limit (ppmv) ^b	Averaging time (hrs)
Mass burn waterwall	100	4
Mass burn refractory	100	4
Mass burn rotary refractory	100	24
Mass burn rotary waterwall	250	24
Modular starved air	50	4
Modular excess air	50	4
Refuse-derived fuel stoker	200	24

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Municipal Waste Combustor Technology ^a	CO emission limit (ppmv) ^b	Averaging time (hrs)
Bubbling fluidized bed combustor	100	4
Circulating fluidized bed combustor	100	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	150	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	200	24
Other	100	4

^a As defined in 40 CFR Part 60 Subpart Eb.

^b Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent O₂, CO and O₂ shall be measured on a dry basis.

At R.61-62.5, Standard No. 3, Section III.F.4, change the word “Kiln” from uppercase to lowercase for consistency; add the word “Part” after the acronym “CFR” for consistency and clarity; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

4. Cement kilns burning municipal solid waste may exceed the values listed in Table II provided they do not exceed 20 ppmv total hydrocarbons (THC) hourly average, as propane (as determined by EPA reference method 25A or from Continuous Emission Monitors (CEMs) meeting Performance Specification 2.2 of 40 CFR Part 266 Appendix IX), measured at the kiln outlet corrected to 7 percent O₂, both measured on a dry basis.

At R.61-62.5, Standard No. 3, Section III.F.5.a, change the word “existing” from lowercase to uppercase for consistency; replace the symbol “%”, in all instances, which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add a comma after the symbol “O₂” for clarity and punctuation correctness; and add a comma after the word “volume” for punctuation correctness to read:

a. Existing sources - 250 ppmv corrected to 7 percent O₂, both measured on a dry basis, hourly average; or a 50 percent reduction by weight or volume, whichever is less stringent.

At R.61-62.5, Standard No. 3, Section III.F.5.b, change the word “new” from lowercase to uppercase for consistency; replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; strike the word “Number” after the word “Standard” and replace with the text “No.” for consistency; and, in the text “(b)(12)”, strike the number “12” and replace with the number “8” to correct an oversight from the June 24, 2005, State Register Document 2943 whereby Regulation 61-62.5, Standard No. 7, (b) was renumbered but the (b)(12) to (b)(8) change was not amended accordingly in this Standard to read:

b. New sources - 30 ppmv, hourly average, corrected to 7 percent O₂, both measured on a dry basis; or the facility shall install emission controls that, on the date of the permit to construct, meet the criteria of BACT as defined in Regulation 61-62.5, Standard No. 7, (b)(8).

At R.61-62.5, Standard No. 3, Section III.F.6, replace the symbol “%” (after the number “99”) which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; replace the symbol “%” (after the number “7” in CO₂ definition) which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add a semicolon after the word “basis” in the CO₂ definition for correct punctuation; add the word “and” before the text “[CO] =” for consistency; replace the symbol “%” (after the number “7” in CO definition) which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and add a period after the word “basis” in the CO definition for punctuation correctness to read:

6. Combustion efficiency (C.E.) shall be at least 99.9 percent on an hourly basis, computed as follows:

$$C.E. = [CO_2]/([CO_2] + [CO]) \times 100$$

where:

[CO₂] = Concentration of carbon dioxide (ppmv corrected to 7 percent O₂) measured on a dry basis; and [CO]

= Concentration of carbon monoxide (ppmv corrected to 7 percent O₂) measured on a dry basis.

At R.61-62.5, Standard No. 3, Section III.F.9, replace the abbreviation “e.g.”, in all instances, which stands for the phrase “for example” with the text “for example” to avoid confusion and provide clarity to read:

9. Large, bulky non-combustibles (for example, water heaters, refrigerators) and difficult to burn, bulky combustible materials (for example, mattresses, sofas) shall not be charged to the combustor.

At R.61-62.5, Standard No. 3, Section III.F.12, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; add a period after the word ‘observations’ for correct punctuation; and remove space between the two paragraphs to form a single paragraph to read:

12. Any visible emissions of ash from an ash conveying system including conveyor transfer points shall not exceed 5 percent of the observation period (that is, 9 minutes per 3-hour period), as determined by EPA Reference Method 22 observations. The minimum observation time shall be a series of three one-hour observations that include times when the facility is transferring ash from the municipal waste combustor to the area where ash is stored or loaded into containers or trucks. The average duration of visible emissions per hour shall be calculated from the three one-hour observations. This emission limit does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, this emission limit does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

At R.61-62.5, Standard No. 3, Section III.F.13, add a period between the letter “F” and the number “12” of the text “F12” for consistency; add the text “of this Section” after “F12” for clarity; strike the hyphenated words “start-up” and “shut-down” and replace with the unhyphenated words “startup” and “shutdown” to correct typographical error; and strike the semicolon after the word “procedures” and replace with a comma for punctuational correctness to read:

13. The source owner or operator shall prepare and submit for Department approval an inspection and maintenance plan and a plan of action for the facility prior to startup. The inspection and maintenance plan shall include calibration, inspection and maintenance schedules along with operating and monitoring parameters for the combustor, associated control equipment and monitoring devices. The plan of action shall identify the steps and procedures the operator will follow to avoid exceedances of the emission limits and operating conditions specified in paragraphs F.1 thru F.7 and F.12 of this Section. The plan shall include descriptions of startup and shutdown procedures, actions to be taken to correct anomalous operating conditions and training of plant operators.

At R.61-62.5, Standard No. 3, Section III.F.15.a, add a hyphen between the number “15” and the word “minute” for consistency and grammatical correctness; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

a. The average combustion chamber exit temperature drops below the required temperature for a rolling 15-minute period;

At R.61-62.5, Standard No. 3, Section III.F.15.b, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add a hyphen between the number “15” and the word “minute” for consistency and grammatical correctness; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

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b. The average flue gas oxygen level drops below 3 percent (dry basis) for a rolling 15-minute period;

At R.61-62.5, Standard No. 3, Section III.F.15.c, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add a hyphen between the number “15” and the word “minute” for consistency and grammatical correctness; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

c. The average opacity of the visible emissions is equal to or greater than 20 percent for a rolling 15-minute period;

At R.61-62.5, Standard No. 3, Section III.F.15.d, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add a hyphen between the number “15” and the word “minute” for consistency and grammatical correctness; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

d. The average combustion efficiency drops below 99.5 percent for a rolling 15- minute period; or

At R.61-62.5, Standard No. 3, Section III.F.15 (add new number), number the last paragraph in this Subsection as “16.” for purposes of codification to read:

16. Some deviation from the above temperature, flue gas oxygen, and CO limits may be permissible for those combustors utilizing advanced combustion technologies or burning specially prepared municipal solid wastes.

At R.61-62.5, Standard No. 3, Section III.F.16, re-number this Subsection from “16” to “17” to correct for the change in numbering of previous Subsection; and strike the hyphenated words “Start-up” and “Shut-down” and replace with the unhyphenated words “Startup” and “Shutdown” to correct typographical error to read:

17. Startup and Shutdown Requirements:

At R.61-62.5, Standard No. 3, Section III.F.17.a (re-numbered), strike the period after the word “extinguished” and replace with a semicolon for list consistency and punctuational correctness to read:

a. No waste shall be charged to the combustor until the required combustion chamber exit temperature reaches equilibrium. Control equipment shall be operating and functioning properly before waste is introduced into the combustor and until all the wastes are combusted or extinguished;

At R.61-62.5, Standard No. 3, Section III.F.17.b (re-numbered), strike the period after the word “extinguished” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

b. During shutdowns, the required combustion chamber exit temperature is to be maintained using auxiliary burners until the wastes are completely combusted or extinguished; and

At R.61-62.5, Standard No. 3, Section III.F.17.c (re-numbered), strike the hyphenated words “start-up” and “shut-down” and replace with the unhyphenated words “startup” and “shutdown” to correct typographical error to read:

c. A detailed procedure for normal system startup and shutdown shall be submitted as a part of the application for approval including the duration of preheat and burn-out cycles.

At R.61-62.5, Standard No. 3, Section III.G.1, replace the symbol “%”, in all instances, which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent, except that an opacity level of up to 35 percent is permitted during startup periods during the first 30 minutes of operation of the unit.

At R.61-62.5, Standard No. 3, Section III.G.4.a, strike the period after the word “request” and replace with a semicolon for list consistency and punctuational correctness to read:

a. The amount of material to be incinerated shall not exceed 38,325 tons per year without a PSD review. Records of tons per year incinerated shall be kept and maintained for at least two years and made available to the Department upon request;

At R.61-62.5, Standard No. 3, Section III.G.4.b, strike the period after the word “minimum” and replace with a semicolon for list consistency and punctuational correctness to read:

b. Onsite storage of debris to be incinerated shall be kept to a minimum;

At R.61-62.5, Standard No. 3, Section III.G.4.c, strike the period after the word “Department” and replace with a semicolon for list consistency and punctuational correctness to read:

c. Material to be incinerated shall be incinerated within one week of storage unless otherwise approved by the Department;

At R.61-62.5, Standard No. 3, Section III.G.4.d, strike the hyphenated word “un-treated” and replace with the unhyphenated word “untreated” to correct typographical error; and strike the period after the text “clean wood” and replace with a semicolon for list consistency and punctuational correctness to read:

d. This incinerator is permitted to burn only yard waste (excluding plastic bags), land clearing waste consisting of only untreated natural wood debris, untreated or unfinished woodwaste, and clean wood;

At R.61-62.5, Standard No. 3, Section III.G.4.e, strike the period after the word “facility” and replace with a semicolon for list consistency and punctuational correctness to read:

e. An operation and maintenance program shall be developed and adhered to at all times to ensure the proper operation of this facility;

At R.61-62.5, Standard No. 3, Section III.G.4.f, strike the period after the word “incinerator” and replace with a semicolon for list consistency and punctuational correctness to read:

f. Good operation practices shall be exercised to minimize emissions from incineration. This shall include the wetting of ash prior to removal from the incinerator;

At R.61-62.5, Standard No. 3, Section III.G.4.g, strike the period after the word “site” and replace with a semicolon for list consistency and punctuational correctness to read:

g. Winds during the time of burning or ash removal must be away from any area in which the ambient air may be significantly affected by the smoke or ash from this operation if that area contains a public roadway or a residential, commercial, or industrial site;

At R.61-62.5, Standard No. 3, Section III.G.4.h, strike the text “s, 25A SC Code Ann.” to remove outdated code citation and maintain consistency within this Standard; and strike the period after “61-107.12” and replace with a semicolon for list consistency and punctuational correctness to read:

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h. All ash shall be stored in compliance with the requirements of the South Carolina Solid Waste Management Regulation 61-107.12;

At R.61-62.5, Standard No. 3, Section III.G.4.i, strike the period after the word “flow” and replace with a semicolon for list consistency and punctuational correctness to read:

- i. No burning shall take place if the air curtain is not operating properly or at its design air flow;

At R.61-62.5, Standard No. 3, Section III.G.4.j, strike the hyphenated word “start-up” and replace with the unhyphenated word “startup” to correct typographical error; and strike the period after the word “ignited” and replace with a semicolon for list consistency and punctuational correctness to read:

j. The air curtain shall be used at all times that the pit contains burning permitted material except during startup to get the fire ignited;

At R.61-62.5, Standard No. 3, Section III.G.4.k, strike the period after the word “properties” and replace with a semicolon for list consistency and punctuational correctness to read:

k. The incinerator shall be located so as to maximize the distance to business and residential areas and shall be located at least 500 feet from any business or residence located on adjacent properties;

At R.61-62.5, Standard No. 3, Section III.G.4.l, strike the period after the word “systems” and replace with a semicolon for list consistency and punctuational correctness to read:

l. Access roads and loader work areas shall be maintained in such a manner so as to minimize fugitive emissions. This shall include the use of water sprays, dust controlling chemicals (but not volatile organic compounds) or other Department approved dust suppression systems;

At R.61-62.5, Standard No. 3, Section III.G.4.m, strike the period after the word “burned” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

m. Stacking rakes or similar devices shall be utilized on loader equipment when loaders are used to charge the pit in order to minimize dirt on the material to be burned; and

At R.61-62.5, Standard No. 3, Section III.G.5, add a period after the word “limit” for consistency and correct punctuation to read:

5. PM - No established limit.

At R.61-62.5, Standard No. 3, Section III.H.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent.

At R.61-62.5, Standard No. 3, Section III.H.2, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

2. Particulate matter emissions shall not exceed 0.15 grains / DSCF corrected to 7 percent O₂ on a dry basis.

At R.61-62.5, Standard No. 3, Section III.H.3, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and add a period after the symbol “O₂” for punctuational correctness to read:

3. CO emissions shall not exceed 100 ppmv hourly average corrected to 7 percent O₂. CO and O₂ shall be measured on a dry basis.

At R.61-62.5, Standard No. 3, Section III.H.7, strike the hyphenated words “Start-up” and “Shut-down” and replace with the unhyphenated words “Startup” and “Shutdown” to correct typographical error to read:

7. Startup and Shutdown Requirements:

At R.61-62.5, Standard No. 3, Section III.H.7.a, strike the period after the word “equilibrium” and replace with a semicolon for list consistency and punctuational correctness to read:

a. No waste shall be charged to the incinerator until the required combustion chamber exit temperature reaches equilibrium;

At R.61-62.5, Standard No. 3, Section III.H.7.b, add a comma after the word “shutdowns” for punctuational correctness; strike the period after the word “extinguished” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

b. During shutdowns, the required combustion chamber exit temperature is to be maintained using auxiliary burners until the wastes are completely combusted or extinguished; and

At R.61-62.5, Standard No. 3, Section III.I.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

1. Opacity shall not exceed 20 percent.

At R.61-62.5, Standard No. 3, Section III.I.2, change the words “Matter” and “Emissions” from uppercase to lowercase for consistency; and strike the apostrophe from the acronym “BTU’s” in the second sentence of the paragraph for consistency and punctuational correctness to read:

2. Particulate matter emissions shall not exceed 0.5 lbs/10⁶ BTU total heat input. The total heat input value from waste and virgin fuel used for production shall not exceed the BTUs used to affect the combustion of the waste and shall not include any BTU input from auxiliary burners located outside of the primary combustion chamber such as those found in secondary combustion chambers, tertiary combustion chambers or afterburners unless those auxiliary burners are fired with waste. In the case where waste is fired in the auxiliary burners located outside of the primary combustion chamber, only the BTU value of the fuel for the auxiliary burner which is from waste shall be added to the total heat input value.

At R.61-62.5, Standard No. 3, Section III.I.3, change the word “Incinerators” from uppercase to lowercase for consistency to read:

3. Industrial incinerators with a total design capacity of less than 1x10⁶ BTU/hr including auxiliary devices used to recondition parts shall be exempt from all requirements of this Standard except for the following:

At R.61-62.5, Standard No. 3, Section III.I.3.a, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; strike the period that follows the text “20%” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

a. Opacity shall not exceed 20 percent; and

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At R.61-62.5, Standard No. 3, Section III.J.1, strike the word “Number” for consistency to read:

1. Emission limits as stated in Table III shall apply. More restrictive opacity and/or mass emission limits than specified in Regulation 61-62.5, Standard No. 1 may be imposed based on source test results to ensure compliance with these limits.

At R.61-62.5, Standard No. 3, Section III.J.2, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

2. HCl emissions may exceed 0.45 lb/10⁶ BTU total heat input only if the HCl emissions are controlled with an efficiency of at least 99 percent.

At R.61-62.5, Standard No. 3, Section III.J.3, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

3. All principal organic hazardous constituents (POHC) must be destroyed with an efficiency of at least 99.99 percent (only if burning hazardous waste).

At R.61-62.5, Standard No. 3, Section III.J.4, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add serial comma after the text “F026” in the first sentence for consistency and grammatical correctness; remove space between the two paragraphs to form a single paragraph; and add serial comma after the text “F026” in the last sentence for consistency and grammatical correctness to read:

4. All POHC must be destroyed with an efficiency of at least 99.9999 percent when the waste being burned is hazardous wastes F020, F021, F022, F023, F026, or F027 as specified in the South Carolina Hazardous Waste Management Regulation 61-79.264.343(a)(2). A demonstration of this efficiency must be performed as specified in the referenced paragraph. The definitions of hazardous wastes F020, F021, F022, F023, F026, and F027 can be found in the South Carolina Hazardous Waste Management Regulation 61-79.261.31(a).

At R.61-62.5, Standard No. 3, Section III.J.6.a, strike the period after the word “burned” and replace with a semicolon for list consistency and punctuational correctness to read:

a. There must be a valid permit for the boiler which specifies the exact waste to be burned;

At R.61-62.5, Standard No. 3, Section III.J.6.b, strike the period after the word “permit” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

b. Analysis may be required to prove that the material to be burned is one of the substances authorized by the permit; and

At R.61-62.5, Standard No. 3, Section III.J.6.c, replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; and add a comma after the text “that is” for consistency and punctuational correctness to read:

c. Records of the material being burned (that is, gallons per month or tons per month) and its firing rate must be kept and made available to the Department upon request.

At R.61-62.5, Standard No. 3, Section III.K, add hyphen after the word “Boilers” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

K. Non-Industrial Boilers - Regardless of size, non-industrial boilers, with the exception of utility boilers, are restricted to the use of virgin fuels and/or spec. oil.

At R.61-62.5, Standard No. 3, Section III.L.1, strike the word “Number” after the word “Regulation” for consistency and to avoid confusion; and strike the word “Number” after the word “Standard” and replace with the text “No.” for consistency to read:

1. Emission limits as stated in Section III, Table III, shall apply. More restrictive opacity and/or mass emission limits than specified in Regulation 61-62.5, Standard No. 4 may be required based on source test results to ensure compliance with these limits.

At R.61-62.5, Standard No. 3, Section III.L.2, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

2. All principal organic hazardous constituents (POHC) must be destroyed with an efficiency of at least 99.99 percent (only if burning hazardous waste).

At R.61-62.5, Standard No. 3, Section III.L.3, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add serial comma after the text “F026” in the first sentence for consistency and grammatical correctness; remove space between the two paragraphs to form a single paragraph for consistency and clarity; and add serial comma after the text “F026” in the last sentence for consistency and grammatical correctness to read:

3. All POHC must be destroyed with an efficiency of at least 99.9999 percent when the waste being burned is hazardous wastes F020, F021, F022, F023, F026, or F027 as specified in the South Carolina Hazardous Waste Management Regulation 61-79.264.343(a)(2). A demonstration of this efficiency must be performed as specified in the referenced paragraph. The definitions of hazardous wastes F020, F021, F022, F023, F026, and F027 can be found in the South Carolina Hazardous Waste Management Regulation 61-79.261.31(a).

At R.61-62.5, Standard No. 3, Section III.L.5.a, strike the period after the word “burned” and replace with a semicolon for list consistency and punctuational correctness to read:

- a. There must be a valid permit for the furnace which specifies the exact waste to be burned;

At R.61-62.5, Standard No. 3, Section III.L.5.b, strike the period after the word “permit” and replace with a semicolon for list consistency and punctuational correctness; and add the word “and” for list consistency and clarity to read:

b. Analysis may be required to prove that the material to be burned is one of the substances authorized by the permit; and

At R.61-62.5, Standard No. 3, Section III.L.5.c, replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; and add a comma after the text “that is” for consistency and punctuational correctness to read:

c. Records of the material being burned (that is, gallons per month or tons per month) and its firing rate must be kept and made available to the Department upon request.

At R.61-62.5, Standard No. 3, Section III.L.7, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

7. HCl emissions may exceed 0.45 lb/10⁶ BTU total heat input only if the HCl emissions are controlled with an efficiency of at least 99 percent.

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At R.61-62.5, Standard No. 3, Section III.M, add hyphen after the word “Furnaces” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

M. Non-Industrial Furnaces - Regardless of size, non-industrial furnaces are restricted to the use of virgin fuels and/or spec. oil.

At R.61-62.5, Standard No. 3, Section III.N, add hyphen after the word “Sources” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

N. Combination Sources - When a source engages in activities that can be construed as being in more than one classification, the more restrictive limitations will apply.

At R.61-62.5, Standard No. 3, Section IV.A, change the words “In”, “On”, “The” (first instance), “Of”, and “The” (second instance), from uppercase to lowercase for consistency and grammatical correctness to read:

A. Sources in Existence on the Effective Dates of the Standard

At R.61-62.5, Standard No. 3, Section IV.A.1, add a comma after the date “February 26, 1988” for consistency and punctuational correctness to read:

1. All sources subject to source testing must be in compliance within one year of February 26, 1988, unless otherwise stated in this Standard. Other requirements for specific source types are listed below

At R.61-62.5, Standard No. 3, Section IV.A.2.a, add hyphen after the word “Incinerators” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

a. Retail Business Incinerators - Compliance will be required as of February 26, 1988.

At R.61-62.5, Standard No. 3, Section IV.A.2.b, add hyphen after the word “Incinerator” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

b. Crematory Incinerator - Compliance will be required as of February 26, 1988.

At R.61-62.5, Standard No. 3, Section IV.A.2.c, add hyphen after the word “Incinerators” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

c. Sludge Incinerators - Compliance with the opacity limitation will be required as of February 26, 1988.

At R.61-62.5, Standard No. 3, Section IV.A.2.d(i), change the words “Hazardous”, “Waste”, and “Incinerarors” from uppercase to lowercase for consistency; and add a comma after the date “February 26, 1988” for consistency and punctuational correctness to read:

(i) All hazardous waste incinerators must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of February 26, 1988, unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.d(ii), change the words “Waste” and “Incinerators” from uppercase to lowercase for consistency to read:

(ii) Hazardous waste incinerators that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.e(i), change the words “Municipal”, “Waste”, and “Combustors” from uppercase to lowercase for consistency to read:

(i) All municipal waste combustors must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of [DATE PUBLISHED IN THE STATE REGISTER] unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.e(ii), change the words “Waste” and “Combustors” from uppercase to lowercase for consistency to read:

(ii) Municipal waste combustors that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.f(iii), add a comma after each instance of the date “May 25, 1990” for consistency and punctuational correctness; replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; and add a comma after the text “that is” for consistency and punctuational correctness to read:

(iii) Compliance with Section III.G.3. shall be required within 180 days of May 25, 1990, for all permanent sites (that is, sites used more than 6 months) and within 3 years of May 25, 1990, for all portable air curtain incinerators used at temporary sites.

At R.61-62.5, Standard No. 3, Section IV.A.2.g(i), change the words “Commercial” and “Incinerators” from uppercase to lowercase for consistency; remove space from either side of the hyphen in the text “specification / analysis”; add the date “June 25, 1999” for clarity; and add a comma after the date “June 25, 1999” for consistency and punctuational correctness to read:

(i) All commercial incinerators must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analysis) and method of operation within 60 days of [DATE PUBLISHED IN THE STATE REGISTER] unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.g(ii), change the word “Incinerators” from uppercase to lowercase for consistency to read:

(ii) Commercial incinerators that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.h(i), change the words “Industrial” and “Incinerators” from uppercase to lowercase for consistency; and add a comma after the date “February 26, 1988” for consistency and punctuational correctness to read:

(i) All industrial incinerators must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of February 26, 1988, unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.h(ii), change the word “Incinerators” from uppercase to lowercase for consistency and to read:

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(ii) Industrial incinerators that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.i(i), change the words “Industrial”, “Boilers”(both instances), and “Utility” from uppercase to lowercase for consistency; and add a comma after the date “February 26, 1988” for consistency and punctuational correctness to read:

(i) All industrial boilers and utility boilers must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of February 26, 1988, unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.i(ii), change the words “Boilers”(both instances) and “Utility” from uppercase to lowercase for consistency to read:

(ii) Industrial boilers and utility boilers that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.j, add hyphen after the word “Boilers” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

j. Non-Industrial Boilers - Compliance will be required as of February 26, 1988.

At R.61-62.5, Standard No. 3, Section IV.A.2.k(i), change the words “Industrial” and “Furnaces” from uppercase to lowercase for consistency; and add a comma after the date “February 26, 1988” for consistency and punctuational correctness to read:

(i) All industrial furnaces must notify the Department in writing of their intent to operate, including information regarding the fuel and waste (amount, type(s), specification/analyses) and method of operation within 60 days of February 26, 1988, unless otherwise stated in this Standard. The Department will notify the source within 30 days of receipt of this information if a formal permit application is needed.

At R.61-62.5, Standard No. 3, Section IV.A.2.k(ii), change the word “Furnaces” from uppercase to lowercase for consistency to read:

(ii) Industrial furnaces that require a permit application must make this submittal within 90 days of notification by the Department that a permit application is required.

At R.61-62.5, Standard No. 3, Section IV.A.2.l, add hyphen after the word “Furnaces” and combine with the subsequent sentence to form one paragraph for completeness and consistency to read:

l. Non-Industrial Furnaces - Compliance will be required as of February 26, 1988.

At R.61-62.5, Standard No. 3, Section IV.B, add hyphen after the word “Sources” and combine with the subsequent sentence to form one paragraph for completeness and consistency; and change the word “the” to “this” before the second instance of the word “Standard” for consistency and clarity to read:

B. New Sources - Any source to which this Standard is applicable and which is not in existence on the effective dates of this Standard must be in compliance with the applicable portions of this Standard on the date operation of the source begins.

At R.61-62.5, Standard No. 3, Section V.B, strike the period from the text “BTU/lb.” for consistency; and change the words “Nitrogen” and “Sulfur” from uppercase to lowercase for consistency and grammatical correctness to read:

B. Regardless of the type of source involved, with the exception of crematory and air curtain incinerators, each waste stream (if the waste is deemed to be consistent in composition) or each waste batch/shipment (if the waste is deemed inconsistent in composition) that is to be burned shall be analyzed for heat value (BTU/gal and/or BTU/lb), total halogen, percent nitrogen and percent sulfur.

At R.61-62.5, Standard No. 3, Section V.C, strike the word “Number” after the word “Standard” and replace with the text “No.” for consistency; and add the word “the” before the phrase “waste stream” for clarity and grammatical correctness to read:

C. Regardless of the type of source involved (except retail business, crematory and air curtain incinerators), each waste stream (if the waste is deemed to be consistent in composition) or each waste batch/shipment (if the waste is deemed inconsistent in composition) that is to be burned shall be identified by waste analysis or special knowledge of the waste (MSDS, waste profiles, etc.) for those air toxic compounds identified in Regulation 61-62.5, Standard No. 8 that can reasonably be expected to be in the waste stream.

At R.61-62.5, Standard No. 3, Section V.D, add a period after the word “spec”, in all instances, for consistency to read:

D. Regardless of the type of source involved, each burner of used oil shall have each batch or shipment of used oil analyzed in order to determine if the used oil is spec. oil or non-spec. oil.

At R.61-62.5, Standard No. 3, Section V.E, change the word before HCl from “a” to “an” for grammatical correctness.

E. If a source has an air pollutant emission rate established in a permit other than opacity, particulate matter, NO_x, SO₂, and/or carbon monoxide, each waste stream (if the waste is deemed to be consistent in composition) or each waste batch/shipment (if the waste is deemed inconsistent in composition) that is to be burned shall be analyzed for those pollutants for which the emission rate was established that may reasonably be expected to be in the waste. When an HCl emission rate is set, HCl testing shall be required. Total halogens analysis may be performed as an alternative to HCl testing although this method will yield a high HCl bias.

At R.61-62.5, Standard No. 3, Section V.F, change the words “State” and “Federal” from uppercase to lowercase for consistency to read:

F. Other analyses as may be required by the Department in order to demonstrate compliance with applicable state or federal regulations and/or permit conditions

At R.61-62.5, Standard No. 3, Section V.G, add the word “paragraphs” before the text “A-F” for clarity to read:

G. Waste may be exempted from all or part of the analyses required in paragraphs A-F above on a case-by-case basis for any of the following reasons at the facility’s discretion, unless the Department has a valid reason to require the analyses:

At R.61-62.5, Standard No. 3, Section V.G.1, strike the period after the word “waste” and replace with a semicolon for list consistency and punctuational correctness to read:

1. Special knowledge of the waste;

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At R.61-62.5, Standard No. 3, Section V.G.2, strike the period after the word “knowledge” and replace with a semicolon for list consistency and punctuational correctness to read:

2. The waste composition is deemed to be consistent through prior analysis or special knowledge;

At R.61-62.5, Standard No. 3, Section V.G.3, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and strike the period after the word “throughput” and replace with a semicolon for list consistency and punctuational correctness to read:

3. The waste constitutes less than 0.1 percent by weight of the daily design capacity throughput;

At R.61-62.5, Standard No. 3, Section V.G.4, strike the word “Number” in all instances and replace with the text “No.” for consistency; strike the period after the word “Standard” and replace with a semicolon for list consistency and punctuational correctness; and add the word “or” for list consistency and clarity to read:

4. Ambient air modeling for compliance with Regulation 61-62.5 Standards No. 2 and No. 8 indicates that at the maximum waste firing rate and storage volume a particular constituent at its maximum potential concentration will be in compliance with the applicable Standard; or

At R.61-62.5, Standard No. 3, Section V.H, add the word “paragraphs” before the text “A-F” for clarity; replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; change the word “methods” after the word “Standard” from lowercase to uppercase for consistency and clarity; and change the words “State”, “Federal” and “Regulations” from uppercase to lowercase for consistency to read:

H. Analytical methods to be utilized in paragraphs A-F above include but are not limited to ASTM Standard Test Methods; those methods contained in the South Carolina Hazardous Waste Management Regulation 61-79.261 Subpart C and Subpart D which are incorporated by reference in the South Carolina Hazardous Waste Management Regulation 61-79.260.11; and/or other methodologies (that is, Standard Methods, state or federal regulations, or proposed methods) approved by the Department as long as proper QA/QC is provided.

At R.61-62.5, Standard No. 3, Section V.J, replace the abbreviation “i.e.” which stands for the phrase “that is” with the text “that is” to avoid confusion and provide clarity; and add a comma after the text “that is” for consistency and punctuational correctness to read:

J. All information used to determine compliance with this Section (that is, MSDS, waste manifests, waste analyses) must be kept on site for a period of five (5) years and made available to the Department upon request.

At R.61-62.5, Standard No. 3, Section V.M, add an apostrophe (‘) and the letter “s” after the word “Department” along with the phrase “Bureau of Air Quality” for clarity and to avoid confusion to read:

M. Combustion of any new or modified waste stream must be consistent with terms and conditions of any applicable regulation or permit requirement. Written notification shall be submitted to the Director of the Division of Engineering Services of the Department’s Bureau of Air Quality at least 30 days prior to combusting any new or modified waste stream unless otherwise approved through permit conditions.

At R.61-62.5, Standard No. 3, Section VI.A.2.a, add hyphen after the word “Incinerators” and combine with the word “None” to form one item for completeness and consistency to read:

- a. Retail Business Incinerators - None.

At R.61-62.5, Standard No. 3, Section VI.A.2.b, add hyphen after the word “Incinerator” and combine with the word “None” to form one item for completeness and consistency to read:

b. Crematory Incinerator - None.

At R.61-62.5, Standard No. 3, Section VI.A.2.c, add hyphen after the text “(effective [DATE PUBLISHED IN THE STATE REGISTER])” and combine with the subsequent sentence to form one item for completeness, consistency and clarity; and add the word “Part” after the acronym “CFR” in the text “40 CFR 60 Subpart O” for consistency and clarity to read:

c. Sludge Incinerator (effective [DATE PUBLISHED IN THE STATE REGISTER]) - Monitoring devices if required by 40 CFR Part 60 Subpart O.

At R.61-62.5, Standard No. 3, Section VI.A.2.e, change the word “Effective” from uppercase to lowercase for consistency to read:

e. Municipal Waste Combustor (effective [DATE PUBLISHED IN THE STATE REGISTER])

At R.61-62.5, Standard No. 3, Section VI.A.2.e(vi), replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

(vi) The O₂, CO and CO₂ (and THC if applicable) monitors shall be co-located upstream of the air pollution control devices. If the applicant chooses to comply with the HCl emission limitations by meeting the percent reduction or BACT reduction requirement, the HCl monitors, when required, shall be located upstream and downstream from the air pollution control device. If the applicant chooses to monitor the two locations with a single detector, the two locations should be sampled at an interval previously approved by the Department.

At R.61-62.5, Standard No. 3, Section VI.A.2.f, add hyphen after the word “Incinerator” and combine with the word “None” to form one item for completeness and consistency to read:

f. Air Curtain Incinerator - None.

At R.61-62.5, Standard No. 3, Section VI.A.2.g, add hyphen after the text “[DATE PUBLISHED IN THE STATE REGISTER]” and combine with the subsequent sentence to form one item for completeness, consistency and clarity to read:

g. Commercial Incinerator (effective [DATE PUBLISHED IN THE STATE REGISTER]) - The combustion chamber exit temperature shall be continuously measured and recorded. Sensors shall be located such that flames from the burners do not impinge on the sensors.

At R.61-62.5, Standard No. 3, Section VI.A.2.h, add hyphen after the word “Incinerators” and combine with the subsequent sentence to form one item for completeness and consistency to read:

h. Industrial Incinerators - Monitoring may be required as in item d. or e. above depending on the material being incinerated or burned and source test results.

At R.61-62.5, Standard No. 3, Section VI.A.2.i, add hyphen after the word “Boilers” and combine with the subsequent sentence to form one item for completeness and consistency to read:

i. Industrial Boilers and Utility Boilers - Monitoring may be required as in item d. or e. above depending on the material being incinerated or burned and source test results.

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At R.61-62.5, Standard No. 3, Section VI.A.2.j, add hyphen after the word “Boilers” and combine with the word “None” to form one item for completeness and consistency to read:

j. Non-Industrial Boilers - None.

At R.61-62.5, Standard No. 3, Section VI.A.2.k, add hyphen after the word “Furnaces” and combine with the subsequent sentence to form one item for completeness and consistency to read:

k. Industrial Furnaces - Monitoring may be required as in item d. or e. above depending on the material being incinerated or burned and source test results.

At R.61-62.5, Standard No. 3, Section VI.A.2.l, add hyphen after the word “Furnaces” and combine with the word “None” to form one item for completeness and consistency to read:

l. Non-Industrial Furnaces - None.

At R.61-62.5, Standard No. 3, Section VI.B.1, strike the number “1” and replace with the word “one” for consistency; replace the symbol “°” which stands for the word “degrees” with the text “degrees” to avoid confusion and provide clarity; and add the word “Fahrenheit” in parentheses after the letter “F” to provide clarity and avoid confusion to read:

1. Temperature:

Monitors subject to this requirement shall take a minimum of one measurement every 15 seconds with this data recorded at least every successive 60 seconds. The minimum data recorder resolution shall be 50 degrees F (Fahrenheit).

At R.61-62.5, Standard No. 3, Section VI.B.2, strike the number “1” and replace with the word “one” for consistency; replace the symbol “” which stands for the word “inches” with the text “inches” to avoid confusion and provide clarity; and add the word “water” in parentheses after the formula “H₂O” to provide clarity and avoid confusion to read:

2. Pressure Drop:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with this data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 0.2 inches of H₂O (water).

At R.61-62.5, Standard No. 3, Section VI.B.3, strike the number “1” and replace with the word “one” for consistency; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

3. Waste Flowmeters:

Monitors subject to this requirement shall take a minimum of one measurement every 60 seconds with this data recorded at least every successive 5 minutes. The minimum data recorder resolution shall be 5 percent of the design flow rate.

At R.61-62.5, Standard No. 3, Section VI.B.4, strike the number “1” and replace with the word “one” for consistency; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

4. O₂ Monitor:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with this data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 0.2 percent O₂.

At R.61-62.5, Standard No. 3, Section VI.B.5, strike the number “1” and replace with the word “one” for consistency; add the words “parts per million” after the number “5” to avoid confusion and provide clarity; and place parentheses before and after the acronym “PPM” for consistency to read:

5. CO Monitor:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with this data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 5 parts per million (PPM).

At R.61-62.5, Standard No. 3, Section VI.B.6, strike the number “1” and replace with the word “one” for consistency; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

6. CO₂ Monitor:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with this data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 0.2 percent CO₂.

At R.61-62.5, Standard No. 3, Section VI.B.7, strike the number “1” and replace with the word “one” for consistency to read:

7. HCl Monitor:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with this data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 5 PPM.

At R.61-62.5, Standard No. 3, Section VI.B.8, place a hyphen between the number “10” and the word “second” for consistency and correctness; place a hyphen between the number “6” and the word “minute” for consistency and correctness; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

8. Opacity Monitor:

Monitors subject to this requirement shall complete a minimum of one cycle of sampling and analysis for each successive 10-second period and one cycle of data recording for each successive 6-minute period. The minimum data recorder resolution shall be 0.5 percent opacity.

At R.61-62.5, Standard No. 3, Section VI.B.9, strike the number “1” and replace with the word “one” for consistency to read:

9. THC Monitor:

Monitors subject to this requirement shall take a minimum of one measurement every 15 minutes with the data recorded at least every successive 15 minutes. The minimum data recorder resolution shall be 1 PPM.

At R.61-62.5, Standard No. 3, Section VI.C.1, add the word “and” before the word “adjustments” for grammatical correctness to read:

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1. Any owner or operator subject to any of the provisions of this Standard shall maintain a file of all measurements, data and correspondence relating to continuous monitoring systems, other monitoring devices, performance testing measurements, all continuous monitoring system performance evaluations, all continuous monitoring system or monitoring device calibration checks, and adjustments and maintenance performed on these systems or devices.

At R.61-62.5, Standard No. 3, Section VI.C.3, strike the word “ten” and replace with the number “10” and place a hyphen between the number “10” and the word “working” for consistency and grammatical correctness to read:

3. Copies of all records and reports required under this Section shall be available for inspection during normal working hours and copies shall be furnished within 10-working days after receipt of a written request from the Department.

At R.61-62.5, Standard No. 3, Section VI.D.1, strike the hyphenated word “post-marked” and replace with the unhyphenated word “postmarked” to correct typographical error to read:

1. All sources subject to the monitoring provisions of this Section will be required to report quarterly all exceedances of limits specified in the source's permit and this Standard. All quarterly reports must be postmarked by the 30th day following the end of each calendar quarter.

At R.61-62.5, Standard No. 3, Section VI.D.2, replace the misspelled word “feed” with the correct word “fed” to read:

2. Any source subject to this Standard must report any changes in operating or monitoring parameters and/or any equipment malfunctions which result in exceedances of the emissions limitations herein, within 24 hours after the occurrence unless otherwise approved in a Department approved malfunction plan. This report shall be made to the appropriate District Environmental Quality Control Office. In addition, the flow of hazardous waste fed to the combustion source must be stopped until proper operating conditions are restored.

At R.61-62.5, Standard No. 3, Section VI.D.3, strike the text “R.” from the text “R.61-62.1” and replace with the word “Regulation” for clarity and consistency to read:

3. For those sources not required to have a continuous emission monitor for the specified pollutant, a detailed report shall be submitted to the Department within 30 days following any exceedance of limits specified in the sources permit and/or this Standard unless otherwise approved in a Department approved malfunction plan. The report shall include at a minimum all of the elements listed in Regulation 61-62.1 Section II.J.1.c.

At R.61-62.5, Standard No. 3, Section VII.A, change the word “Federal”, in all instances, from uppercase to lowercase for consistency; and add the word “Part” after the acronym “CFR” in the text “40 CFR 60.13(d)(1)” for consistency and clarity to read:

A. Provisions of this Section or other procedures approved by the Department, unless superseded by federal air regulations, are applicable to monitoring devices required under Section VI or required by permit conditions to establish compliance with this Standard. The daily zero and span calibrations for all categories of continuous emission monitors shall comply with the requirements of 40 CFR Part 60.13(d)(1) and (d)(2) unless superseded by federal air regulations.

At R.61-62.5, Standard No. 3, Section VII.B.1.a(ii), replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

(ii) Accuracy: ± 2.5 percent.

At R.61-62.5, Standard No. 3, Section VII.B.1.b, add a colon after the word “Assurance” for consistency; add the word “above” after the text “B.1.a”; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

b. Quality Assurance:

Conduct weekly single or multipoint reference checks against NIST traceable thermometers/thermocouples or other methods approved by the Department, and recalibrate according to paragraph B.1.a above if this difference is greater than 2.5 percent.

At R.61-62.5, Standard No. 3, Section VII.B.2.a(ii), replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

(ii) Accuracy: ± 5 percent.

At R.61-62.5, Standard No. 3, Section VII.B.2.b, add the word “above” after the text “B.2.a”; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

b. Quality Assurance:

Conduct weekly single point reference checks against a certified gauge-oil manometer and recalibrate according to paragraph B.2.a. above if the difference is greater than 5 percent.

At R.61-62.5, Standard No. 3, Section VII.B.3.a(ii), replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

(ii) Accuracy: ± 3.0 percent.

At R.61-62.5, Standard No. 3, Section VII.B.3.b, add the word “above” after the text “B.3.a”; and replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

b. Quality Assurance:

Conduct weekly single point flowrate checks using a gravimetric vs. time procedure as described in manufacturer's specifications or other methods approved by the Department, and recalibrate according to paragraph B.3.a. above if the difference is greater than 3 percent.

At R.61-62.5, Standard No. 3, Section VII.B.4.a, add the word “Part” after the acronym “CFR”, in all instances, for consistency and clarity to read:

a. Initial Calibration:

The O₂ monitor must meet Performance Specifications 3, in 40 CFR Part 60, Appendix B and 40 CFR Part 60.13 (c), (d)(1), (e), (e)(2) and (f).

At R.61-62.5, Standard No. 3, Section VII.B.4.b, move the colon following the word “Assurance” to after the parenthesis for punctuational correctness; change the word “Low” from uppercase to lowercase for consistency; in all instances, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add the word “above” after the text “B.4.a” for clarity; and combine the subsequent sentence beginning with the word “NOTE” to form one paragraph for completeness and consistency to read:

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b. Quality Assurance (To Be Done Quarterly):

Challenge the monitor with low (25 percent of instrument span) and mid (50 percent of instrument span) EPA Protocol Number 1 or NBS traceable audit gases or challenge the monitor as prescribed in 40 CFR Part 60, Appendix F, Section 5.1.2. Recalibration according to paragraph B.4.a. above is required if the quarterly audit deviates by more than ± 15 percent from the audit gas concentrations. **NOTE:** Sufficient time for instrument stabilization must be allowed when challenging the monitor with audit gases.

At R.61-62.5, Standard No. 3, Section VII.B.5.a, add a colon after the word “Calibration” for consistency; and add the word “Part” after the acronym “CFR”, in all instances, for consistency and clarity to read:

a. Initial Calibration:

The CO monitor must meet Performance Specification 4 or 4A if applicable, in 40 CFR Part 60, Appendix B, and 40 CFR Part 60.13 (c), (d)(1), (e), (e)(2) and (f).

At R.61-62.5, Standard No. 3, Section VII.B.5.b, move the colon following the word “Assurance” to after the parenthesis for punctuational correctness; change the words “be” and “done” from lowercase to uppercase for consistency; change the word “Low” from uppercase to lowercase for consistency; in all instances, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add the word “above” after the text “B.5.a.”; and combine the subsequent sentence beginning with the word “NOTE” to form one paragraph for completeness and consistency to read:

b. Quality Assurance (To Be Done Quarterly):

Challenge the monitor with low (25 percent of instrument span) and mid (50 percent of instrument span) EPA Protocol Number 1 or NBS traceable audit gases or challenge the monitor as prescribed in 40 CFR Part 60, Appendix F, Section 5.1.2. Recalibration according to paragraph B.5.a. above is required if the quarterly audit deviates by more than ± 15 percent from the audit gas concentrations. **NOTE:** Sufficient time for instrument stabilization must be allowed when challenging the monitor with audit gases.

At R.61-62.5, Standard No. 3, Section VII.B.6.a, add the word “Part” after the acronym “CFR”, in all instances, for consistency and clarity to read:

a. Initial Calibration:

The CO₂ monitor must meet Performance Specifications 3, in 40 CFR Part 60, Appendix B, and 40 CFR Part 60.13 (c), (d)(1), (e), (e)(2) and (f).

At R.61-62.5, Standard No. 3, Section VII.B.6.b, move the colon following the word “Assurance” to after the parenthesis for punctuational correctness; change the word “Low” from uppercase to lowercase for consistency; in all instances, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; add the word “above” after the text “B.6.a.”; and combine the subsequent sentence to form one paragraph for completeness and consistency to read:

b. Quality Assurance (To Be Done Quarterly):

Challenge the monitor with low (25 percent of instrument span) and mid (50 percent of instrument span) EPA Protocol Number 1 or NBS traceable audit gases or challenge the monitor as prescribed in 40 CFR Part 60, Appendix F, Section 5.1.2. Recalibration according to paragraph B.6.a. above is required if the quarterly audit deviates by more than ± 15 percent from the audit gas concentrations. **NOTE:** Sufficient time for instrument stabilization must be allowed when challenging the monitor with audit gases.

At R.61-62.5, Standard No. 3, Section VII.B.7, add a colon after the word “Monitor” for consistency to read:

7. HCl Monitor:

Reserved (HCl continuous emission monitor performance specification currently under EPA development).

At R.61-62.5, Standard No. 3, Section VII.B.8.a, add the word “Part” after the acronym “CFR”, in all instances, for consistency and clarity to read:

a. Initial Calibration:

The opacity monitor must meet Performance Specification 1, in 40 CFR Part 60, Appendix B and 40 CFR Part 60.13 (c), (d)(1), (d)(2), (e), (e)(1) and (f).

At R.61-62.5, Standard No. 3, Section VII.B.8.b, move the colon following the word “Assurance” to after the parenthesis for punctuational correctness to read:

b. Quality Assurance (To Be Done Annually):

Must be audited with low, medium and high neutral density filters.

At R.61-62.5, Standard No. 3, Section VII.B.9.a, add the word “Part” after the acronym “CFR” for consistency and clarity to read:

a. Initial Calibration:

The THC monitor must meet the Performance Specification 2.2 in 40 CFR Part 266, Appendix IX.

At R.61-62.5, Standard No. 3, Section VII.B.9.b, add the word “Part” after the acronym “CFR” for consistency and clarity to read:

b. Quality Assurance and Recalibration:

As specified in Performance Specification 2.2 in 40 CFR Part 266, Appendix IX.

At R.61-62.5, Standard No. 3, Section VII.C, add hyphens to the text “case by case basis” for consistency to read:

C. For monitoring devices not specified above, calibration and quality assurance of monitoring devices shall be approved by the Department on a case-by-case basis.

At R.61-62.5, Standard No. 3, Section VIII.A, strike the text “R.” from the text “R.61-62.1” and replace with the word “Regulation” for clarity and consistency to read:

A. An owner or operator of any source listed in paragraph D below shall ensure that scheduled periodic tests for the parameters associated with that source are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests. These tests shall be performed within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the facility and every two years thereafter, except as otherwise noted herein. This requirement to conduct tests may be waived if an alternative method for determining compliance with emission limits can be developed which is acceptable to the Department. Department approval of the alternative method for determining compliance must be given prior to the compliance demonstration.

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At R.61-62.5, Standard No. 3, Section VIII.B, change the word “Federal” from uppercase to lowercase for consistency; add the phrase “Resource Conservation and Recovery Act” for consistency and clarity; place parenthesis before and after the acronym “RCRA” for consistency; change the word “standard” after the text “(MACT)” from lowercase to uppercase for consistency; replace the abbreviation “e.g.” which stands for the phrase “for example” with the text “for example” to avoid confusion and provide clarity; add a comma after the text “for example” for consistency and punctuation correctness; and change the word “Nickel” from uppercase to lowercase for consistency to read:

B. Unless more frequent testing is required by an applicable federal requirement, sources subject to a more restrictive requirement in Resource Conservation and Recovery Act (RCRA) or a promulgated Maximum Achievable Control Technology (MACT) Standard shall be excluded from the testing frequency requirements of Section VIII provided any additional parameters required by this Section (for example, nickel) are tested and compliance demonstrations are performed at least every three years. Compliance demonstrations must be performed with a maximum frequency of three years for all pollutants listed in Section VIII, as applicable. Spiking for metals and HCl are not required for these periodic retests, but sources must conduct these tests on their normal highest metals and HCl containing waste streams.

At R.61-62.5, Standard No. 3, Section VIII.D (Table), strike “a.” from Parameter “a. PM” for Source “5. Industrial Incinerators” for consistency; and change the word “Initially” from uppercase to lowercase for Parameter “c” of Source “6” to read:

D. Tests Required

Sources	Parameters
1. Sludge Incinerators	a. Particulate Matter (PM) b. Mercury (Hg)
2. Hazardous Waste Incinerators	a. Hydrochloric Acid (HCl) b. PM c. Oxygen (O ₂) initially only d. Carbon Monoxide (CO) initially only e. Metals f. POHC Destruction & Removal Efficiency (DRE) initially only
3. Municipal Waste Combustors	a. PM b. HCl (effective 5/25/90) c. CO (effective 5/25/90) d. O ₂ (effective 5/25/90) e. CO ₂ (effective 5/25/90)
4. Commercial Incinerator (effective [DATE PUBLISHED IN THE STATE REGISTER])	a. PM b. CO
5. Industrial Incinerators	PM
6. Industrial Boilers and Utility Boilers	a. PM b. Metals c. POHC Destruction & Removal Efficiency (DRE) initially only if burning hazardous waste d. CO if burning hazardous waste e. O ₂ if burning hazardous waste f. HCl
7. Industrial Furnaces	a. PM b. Metals c. POHC Destruction & Removal Efficiency (DRE) initially only if burning hazardous waste d. CO if burning hazardous waste e. O ₂ if burning hazardous waste f. HCl

At R.61-62.5, Standard No. 3, Section VIII.E, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity to read:

E. A waiver of the POHC DRE test requirement may be granted for boilers operating under special conditions that ensure 99.99 percent DRE. Such conditions may include but are not limited to the following:

At R.61-62.5, Standard No. 3, Section VIII.E.1, replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and add a semicolon after the word “coal” for list consistency and punctuational correctness to read:

1. >50 percent of boiler heat input from fuel oil, natural gas, or pulverized coal;

At R.61-62.5, Standard No. 3, Section VIII.E.2, change the word “minimum” from lowercase to uppercase for list consistency; and add a semicolon after the text “BTU/lb” for list consistency and punctuational correctness to read:

2. Minimum waste heat value of 8000 BTU/lb;

At R.61-62.5, Standard No. 3, Section VIII.E.3, change the word “waste” from lowercase to uppercase for list consistency; and add a semicolon after the word “system” for list consistency and punctuational correctness to read:

3. Waste must be fired with an atomization system;

At R.61-62.5, Standard No. 3, Section VIII.E.4, change the word “boiler” from lowercase to uppercase for list consistency; replace the symbol “%” which stands for the word “percent” with the text “percent” to avoid confusion and provide clarity; and add a semicolon and the word “and” after the word “load” for list consistency and punctuational/grammatical correctness to read:

4. Boiler must be operated at >25 percent load; and

At R.61-62.5, Standard No. 3, Section IX.A, strike the hyphenated word “start-up” and replace with the unhyphenated word “startup” to correct typographical error; add a comma after the date “May 25, 1990” for consistency and punctuational correctness; and change the word “satisfactory” to “satisfactorily” for grammatical correctness to read:

A. Prior to the startup for new facilities and within 1 year of May 25, 1990, for existing facilities, all incinerator operators shall be trained by the equipment manufacturers’ representatives and/or other Department approved qualified individuals and/or organizations as to proper operating practices and procedures. The content of the training program shall be submitted to the Department for approval. The applicant shall submit certification verifying the satisfactory completion of a training program prior to issuance of the operating permit. The applicant shall not operate the incinerator without an operator on site who has satisfactorily completed the training program.

At R.61-62.5, Standard No. 3, Section IX.B, add the word “paragraph” before the text “A above” for clarity to read:

B. The operator training requirement in paragraph A above is also applicable to all municipal waste combustors effective [DATE PUBLISHED IN THE STATE REGISTER].

40 DRAFTING NOTICES

DEPARTMENT OF AGRICULTURE

CHAPTER 5

Statutory Authority: 1976 Code Section 39-25-180

Notice of Drafting:

The South Carolina Department of Agriculture is considering the amendment of regulations which govern, to the extent authorized by the S.C. Code, Title 39, Chapter 25 related to the manufacturing of cheese in South Carolina.

Interested parties should submit written comments to Anne E. Crocker, South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280. To be considered, comments should be received no later than May 31, 2012, the close of the drafting comment period.

Synopsis:

The proposed regulations are to provide guidance and standards for cheese products that are manufactured for sale in South Carolina.

These proposed regulations will require legislative action.

Document No. 4285
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-19-90(10) (2004), 59-63-30 (2004), 59-63-420 (2004), 59-63-470 (2004), 59-63-480 (2004), 59-63-490 (2004), 59-63-500 (2004), 59-63-510 (2004), 59-63-520 (2004), 59-63-530 (2004), 59-65-30 (2004), 59-65-90 (2004), and 20 U.S.C. 7165 (2002)

43-273. Transfers and Withdrawals

Preamble:

This regulation needs to be amended to expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

Notice of Drafting was published in *State Register* on February 24, 2012.

Section-by-Section Discussion

Transfer of Students	New requirements for Transfer of Students in the Kindergarten and Grades 1–6, 7–8, and 9–12.
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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 regulation at a public hearing to be conducted by the State Board of Education at its meeting on July 11, 2012, at 1:00 p.m. in the Rutledge Conference Center, Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606A, Columbia, South Carolina 29201 or e-mail mbounds@ed.sc.gov. Comments submitted by May 29, 2012, at 5:00 p.m., shall be submitted to the Board.

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: R.43-273, Transfers and Withdrawals.

Purpose: Regulation 43-273, Transfers and Withdrawals, is being amended.

Legal Authority: 1976 Code Sections 59-19-90(10) (2004), 59-63-30 (2004), 59-53-420 (2004), 59-63-470 (2004), 59-63-480 (2004), 59-63-490 (2004), 59-63-500 (2004), 59-63-510 (2004), 59-63-520 (2004), 59-63-530 (2004), 59-65-30 (2004), 59-65-90 (2004), and 20 U.S.C. 7165 (2002).

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education’s Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

There is an ongoing problem with the proper and timely transfer of student records which impacts student funding and school accountability. Amendments to Regulation 43-273 will expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

DETERMINATION OF COSTS AND BENEFITS:

None.

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 this regulation is not implemented.

Statement of Rationale:

Amendments to Regulation 43-273 will expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

There is an ongoing problem with the proper and timely transfer of student records which impacts student funding and school accountability. Amendments to Regulation 43-273 will expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

Text:

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

Document No. 4286

WORKERS' COMPENSATION COMMISSION**CHAPTER 67**

Statutory Authority: 1976 Code Sections 42-3-30, 42-9-10 and 42-9-30(21)

- 67-1801. Mediation.
- 67-1802. Mediation Required with Certain Claims.
- 67-1803. Mediation Requested by Parties.
- 67-1804. Selection of Mediator and Required Schedule.
- 67-1805. Parties Represented.
- 67-1806. Mediation Communications Confidential.
- 67-1807. Expense of Mediation.
- 67-1808. Penalties.
- 67-1809. Forms Required Upon Completion.

Preamble:

The South Carolina Workers' Compensation Commission proposes to amend Chapter 67 of the Regulations of South Carolina Workers' Compensation Commission by adding Article 18 for the purposes of establishing a defined mechanism to resolve disputes pursuant to Title 42 of the SC Code of Laws without the necessity of a hearing. The Notice of Drafting regarding this regulation was published on February 24, 2012 in the *State Register*.

Section-by-Section Discussion

67-1801. Mediation. This regulation is added to establish the purpose and parameters for a Commissioner ordering mediation, selecting a mediator and retaining jurisdiction over the case.

67-1802. Mediation Required with Certain Claims. This regulation is added to set forth the types of claims required to be mediated prior to a hearing.

67-1803. Mediation Requested by Parties. This regulation is added to set forth the proper forms for requesting a mediation.

67-1804. Selection of Mediator and Required Schedule. This regulation is added to establish the use of a mediator by consent of the parties, qualifications of an individual to mediate a workers' compensation case, the schedule for selecting a mediator and completing the mediation. The Commissioner has the authority to appoint a mediator if the parties cannot agree.

67-1805. Parties Represented. This regulation is added to require the representatives of the parties to participate either in person or via telephone. Further it requires the representative to have the authority to enter into negotiations and be available during the mediation. Reasonable notice must be provided to the opposing party concerning attendance via telephone.

67-1806. Mediation Communications Confidential. This regulation is added to require all communications taking place within the context of the mediation shall be confidential and not subject to disclosure. Executed agreements resulting from the mediation are not subject to the confidentiality requirement. The mediator or any third party observer may be subpoenaed or required to testify concerning the mediation. The mediator's notes shall not be placed in the Commission's file or used as evidence in any proceeding.

67-1807. Expense of Mediation. This regulation is added to require the parties to share the cost of the mediation equally unless otherwise agreed by the parties or ordered by the Commission.

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67-1808. Penalties. This regulation is added to impose penalties in the form of a fine not to exceed the actual cost of the mediation on a party who refuses or neglects to act in good faith during the mediation

67-1809. Forms Required Upon Completion. This regulation is added to require the proper forms to be completed and submitted to the Commission upon completion of the mediation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the South Carolina Workers' Compensation Commission, attention Gary M. Cannon, Executive Director, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on Monday, May 28, 2012.

The South Carolina Workers' Compensation Commission has scheduled a public hearing for May 29, 2012 at 10:30 a.m. in Hearing Room A at the SC Workers' Compensation Commission, 1333 Main Street, Columbia, SC 29202.

Preliminary Fiscal Impact Statement:

The fiscal impact of the proposed changes to this regulation is \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Chapter 67, Article 18. Mediation.

Purpose: The purpose of the regulation is to establish a defined mechanism to resolve disputes without the necessity of a hearing.

Legal Authority: The Commission is authorized to promulgate rules and regulations relating to the administration of the workers' compensation laws necessary to implement the provisions of this title Section 42-3-30. The regulation will cover claims pursuant to Title 42 of the SC Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The promulgation of Regulation Chapter 67, Article 18 will provide a defined mechanism by which disputes arising out of claims made under Title 42 of the SC Code of Laws may be resolved without the necessity of a hearing.

DETERMINATION OF COSTS AND BENEFITS:

There are no additional costs to the agency related to the proposed regulation. The benefit of the new regulation is to afford a meaningful opportunity to the parties to achieve an efficient and just resolution of their disputes in a timely and a cost-effective manner.

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:

The Commission is proposing a new regulation to establish a defined mechanism to resolve disputes without the necessity of a hearing. The goal is not to mandate mediation of all cases, but to afford a meaningful opportunity to the parties to achieve an efficient and just resolution of their disputes in a timely and a cost-effective manner.

Text:

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

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Document No. 4208
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004 & Supp. 2010), and 59-59-10 et seq. (Supp. 2010)

43-274.1. At-Risk Students

Synopsis:

The State Board of Education proposes to amend R.43-274.1, At-Risk Students, to change the South Carolina Department of Education's acronym to SCDE, change the references to the statewide student information system from SASI™ to PowerSchool™, and note the use of the Palmetto Assessment of State Standards (PASS), rather than PACT, as one of several assessments used to diagnose academic difficulties.

The Notice of Drafting was published in the *State Register* on August 26, 2011.

Instructions: Regulation 43-274.1 is modified as provided below.

Text:

43-274.1. At-Risk Students.

I. At-Risk Student Definition

A. A student at risk of dropping out of school is any student who, because of his or her individual needs, requires temporary or ongoing intervention in order to achieve in school and to graduate with meaningful options for his or her future.

B. Students--depending on their degree of resiliency and connectedness to caring adults in the home, in the community, and/or at school--may respond differently to those things frequently cited as barriers, predictors, or indicators of being "at risk." Therefore, educators and other responsible adults working with students should consider the whole child, who might have both short-term and long-term needs requiring intervention.

II. At-Risk Student Indicators, Predictors, and Barriers

The South Carolina Education and Economic Development Act mandates the promulgation of State Board of Education regulations outlining specific objective criteria for districts to use in identifying students who may be poorly prepared for the next level of study or who are at risk of dropping out of school. The Act calls for these criteria to include diagnostic assessments for districts to use in order to identify the strengths and weaknesses of individual students in the core academic areas.

A. Poor academic performance--generally, a grade point average of 2.0 or lower on a 4.0 scale--in the core content areas is a significant predictor that districts must consider in identifying at-risk students. Careful consideration should be given to students demonstrating declining academic performance. School districts are encouraged to carefully review a variety of assessments, including the following, in diagnosing students' academic difficulties and selecting appropriate short-term and long-term interventions:

1. Palmetto Assessment of State Standards (PASS) test results,
2. High School Assessment Program (HSAP) test results,
3. Preliminary Scholastic Assessment Test (PSAT) or PLAN test results,

4. district- or school-adopted CAI (computer-aided instruction) assessments,
5. end-of-course examination results,
6. classroom-level assessments related to the state’s academic standards, and
7. other district-approved diagnostic assessments.

B. The following are among the specific behaviors and characteristics that school districts must consider as indicators, predictors, and barriers in identifying at-risk students:

1. being overage for their grade level due to retention attributable to risk factors such as a high rate of absences and truancy;
2. showing a lack of effort or interest in their academic work;
3. working an excessive number of hours per day or week;
4. having a history of discipline problems leading to suspension, expulsion, and/or probation;
5. showing or expressing feelings of being disconnected from the school environment;
6. showing evidence of physical and/or emotional abuse;
7. coming from and/or living in a disadvantaged socioeconomic environment;
8. living in a home situation that does not include at least one parent;
9. being a single parent; and
10. having limited proficiency in the English language.

III. At-Risk Student Model, Initiative, and Program Selection

By the 2007-08 school year each high school of the state must implement one or more model programs approved by the South Carolina Department of Education (SCDE).

Schools must select at-risk student models, initiatives, and programs that meet the needs of the at-risk populations to be served and must ensure that models, initiatives, and programs selected provide students with the opportunity to graduate with a high school diploma. The SCDE will provide an implementation document that will include a tiered matrix of approved evidence-based models, initiatives, and programs to facilitate the selection process in accordance with the Education and Economic Development Act requirements for implementing evidence-based models, initiatives, and programs. The document will also contain a more extensive list of indicators, predictors, and barriers as well as one-page descriptions for each evidence-based model, initiative, and program included in the matrix.

IV. Population and Model, Initiative, and Program Identification Parameters

Each high school either must implement a model, initiative, or program that is chosen from a list provided by the SCDE or must submit to the SCDE for approval a specific dropout prevention model, comprehensive initiative, or multifaceted program that it wants to use. High schools may explore and implement newly

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developed models with approval from the SCDE. One criterion for SCDE approval of any newly developed model will be evidence presented by the district and/or school that the model is centered in research-based dropout-prevention strategies.

A. Implementation efforts related to any model, initiative, or program (or combination of models, initiatives, and programs) must ensure that students are properly identified and provided timely, appropriate guidance and assistance and must ensure that no group is disproportionately represented.

B. When subpopulations are identified, high schools must ensure that these groups reflect the demographics of populations identified as at risk of dropping out of school.

C. When no subpopulations are identified, high schools implementing comprehensive initiatives will not have to address the disproportionate representation of any one group of students. In such cases, methods of determining the effectiveness of the at-risk initiative must be given careful consideration with regard to collecting data and preparing necessary reports.

D. Parental involvement must be part of final placement decisions in any model, initiative, or program where small groups of students are identified for services in a particular school or district.

E. The target population must reflect the demographics of the population identified in Section II, above, as being at risk of dropping out of school.

F. High schools must provide relevant data related to identifying the at-risk student population and to addressing the needs of these at-risk students as required for SCDE reports.

V. Building-Level Program Evaluation

A. Evaluation Criteria

All high schools must annually evaluate their dropout-prevention models, initiatives, and/or programs using, at a minimum, the following criteria:

1. an identification process, including (where appropriate and based on the particular model, initiative, or program) the number of at-risk students identified and the specific risk factors identified;
2. the extent of parental involvement in the school's dropout-prevention efforts;
3. the number of students served;
4. a formative assessment of strengths and weaknesses of the model, initiative, and/or program; and
5. a qualitative assessment of desired outcomes (see item B, immediately below).

B. Desired Outcomes

Schools should establish desired outcomes or performance criteria based on the specific needs of the at-risk population identified and on the nature and structure of the particular model, initiative, and/or program they are implementing. Examples of desired outcomes among the target population include, but are not limited to, the following:

1. decreased percentages of truancy, absenteeism, discipline problems, and retentions;
2. increases in students' grade point averages; and

3. increased percentages of students who are on grade level and students who graduate on time.

Model-, initiative-, and/or program-specific data and PowerSchool™ data elements should be used to assess desired outcomes on the basis of specific evaluation criteria. The state's PowerSchool™ data management system can be used to collect, sort, and report data related to each student's attendance record; age and grade level; gender; ethnicity; grade point average; and retention, truancy, and dropout status.

C. Teacher and/or counselor assessments may be used to provide supplemental anecdotal documentation and insights related to the effectiveness of the model, initiative, and/or program implemented. A district or school checklist may be beneficial in the evaluation process.

VI. Model, Initiative, and/or Program Evaluation and Assessment Reporting

All high schools must annually provide reports requested by the SCDE that relate to the implementation and effectiveness of models, initiatives, and/or programs addressing the needs of students at risk of dropping out of school. District and school report card contents must contain information on the disciplinary climate, promotion and retention ratios, dropout ratios, dropout reduction data, and attendance data. Districts and schools must be prepared to provide accurate and relevant data to the SCDE.

Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-274.1.

Statement of Rationale:

Because school districts are encouraged to carefully review a variety of assessments in diagnosing students' academic difficulties, it is important that the current state assessment be identified in the regulation. Furthermore, because data are collected via the statewide student information system, it is important that the current system be correctly identified.

Document No 4200
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004), 59-18-300 (Supp. 2010),
59-18-310(B) (Supp. 2010) and 59-18-320(C) (Supp. 2010)

43-262.4. End-of-Course Tests

Synopsis:

The State Board of Education proposes to amend R.43-262.4 in response to requests from parents. Students who take two courses based on the same academic standards for which there is an end-of-course test would take the test for the first course and the score would count as 20% of the final grade. If the student passes the first course, the second course would not be a gateway course for that student. The student would not take an end-of-course test for the second course and the student's final grade would be calculated without an end-of-course score.

A Notice of Drafting was published in the *State Register* on July 22, 2011.

Instructions: Replace in its entirety R.43-262.4. End-of-Course Tests, with the following.

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Text:

43-262.4. End-of-Course Tests.

I. Courses Tested

A. The following courses in State Board Regulation 43-234, "Defined Program, Grades 9-12," are "gateway" and "benchmark" courses. For the purposes of this regulation, however, these courses shall be referred to only as "gateway" courses.

1. English/language arts: English 1

2. Mathematics: Algebra 1. After completion of Mathematics for the Technologies 2, students shall be administered the end-of-course examination for Algebra 1.

3. Science: Biology 1. After completion of Applied Biology 2, students shall be administered the end-of-course assessment for Biology 1.

4. Social Studies: United States History and Constitution

5. A course by any title for which the instructional basis is the academic standards for any of the abovementioned courses will be considered the equivalent of the appropriate abovementioned gateway course and one for which an end-of-course test must be administered.

B. The end-of-course tests shall be administered to all public school students who take a gateway course for which credit can be applied toward the requirements for a high school diploma, regardless of the grade in which a student takes the course. An exception is when a student takes two courses based on the same academic standards. The student would take the end-of-course test at the end of the first course, and the test score would count as 20 percent of the final grade. If the student passes the first course, the student would not take an end-of-course test for the second course, and the student's final grade would be calculated without an end-of-course score. The second course would not be a gateway course for that student.

II. Purposes and Uses

The purposes and uses of the end-of-course tests shall be as follows:

A. The tests shall promote instruction in the specific academic standards for the courses, encourage student achievement, and document the level of students' mastery of the academic standards.

B. The tests shall serve as indicators of program, school, and school district effectiveness in the manner prescribed by the Education Oversight Committee in accordance with the provisions of the Education Accountability Act of 1998 (EAA).

C. The tests shall be weighted 20 percent in the determination of students' final grades in the gateway courses.

The test may be used for such other purposes as the State Board of Education may determine to be appropriate and consistent with the Standards for Educational and Psychological Testing (Joint Standards) of the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education.

III. Content of the Tests

The content of the subject-area tests that are selected or developed pursuant to the provisions of this policy shall be aligned with the academic standards approved by the State Board of Education.

IV. Student Performance Standards

Student performance standards for the tests shall be established by the South Carolina Department of Education.

V. Review of Academic Standards and End-of-Course Tests

The academic standards for the tests shall be reviewed on a schedule that is consistent with the requirements of the EAA. Following any revisions of the academic standards, the tests will be reviewed and revised as necessary to ensure their continued alignment with the standards.

VI. Notice to Students

Students who are enrolled in the gateway courses shall be provided with paper copies of the academic standards that pertain to those particular courses. Students will be advised that the final examination for each gateway course will be based on the skills and content represented in the academic standards. District personnel shall provide this information to students not later than the first day of instruction in the course.

Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43-262.4.

Statement of Rationale:

Students who have successfully completed a gateway course and then take a course based on the same academic standards should not be required to take the same subject end-of-course test a second time.

Document No. 4280

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:

(1) The Department has amended Regulations 61-62.60, New Source Performance Standards; 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; to incorporate by reference recent federal amendments published from January 1, 2010, through December 31, 2010. (2) The Department has also amended R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate a 2008 amendment to 40 CFR Part 63 based on a final rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008). (3) The Department has also amended R. 61-62.5, Standard 2, Ambient Air Quality Standards, and the State Implementation Plan to reformat the Ambient Air Quality Standards table and revise R. 61-62.5, Standard 2, to incorporate the deletion of an annual standard for particulate matter 10 micrometers

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in diameter and smaller (PM₁₀) that the EPA revoked in 2006 (71 FR 61144; October 17, 2006). (4) The Department has also amended R. 61-62.5, Standard 7, Prevention of Significant Deterioration, and the State Implementation Plan to incorporate maximum allowable increases in ambient pollutant concentrations (“increments”) required by the rule entitled Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) – Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864; October 20, 2010). The Department has also amended R. 61-62, Air Pollution Control Regulations and Standards, as necessary for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R. 61-62.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

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

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

Table is revised to make the information found therein more consistent with information found on the EPA’s National Ambient Air Quality Standards table which can be found at <http://www.epa.gov/air/criteria.html>. This reformatting consists of deleting all footnotes and adding applicable CFR references in order to minimize confusion. Unit columns are added to ease standard use, comparison, and conversion. Test method references are updated and the annual standard for particulate matter 10 micrometers in diameter and smaller (PM₁₀), which the EPA revoked in 2006, is deleted (71 FR 61144; October 17, 2006).

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (b)(5)(i) and (ii), “Baseline area”:

The definition of “baseline area” is amended to incorporate two citation changes and to specify pollutants with their respective air quality impact annual averages.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (b)(31)(i)(a) through (c), “Major source baseline date”:

The definition of “Major source baseline date” is amended to remove the term “particulate matter,” to distinguish between PM₁₀ and PM_{2.5}, and to add item (c) which institutes a major source baseline date for PM_{2.5}.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (b)(31)(ii)(a) through (c), “Minor source baseline date”:

The definition of “Minor source baseline date” is amended to remove the term “particulate matter,” to distinguish between PM₁₀ and PM_{2.5}, and to add item (c) which institutes a major source baseline date for PM_{2.5}.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (b)(31)(iii)(a):
Amended to incorporate a citation change and to incorporate a reference to “40 CFR 51.166.”

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (c), “Ambient air increments”:

Table is amended to replace “particulate matter” with “PM₁₀,” to remove “PM₁₀” from the center column, and to institute Class I, II, and III allowances for PM_{2.5}.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, paragraph (p)(5), “Class I variances”:

Amended to replace the text “and particulate matter” with “PM_{2.5}, PM₁₀” and a succeeding comma. The table is amended to replace the phrase “Particulate matter” with “PM₁₀,” to remove “PM₁₀” from the center column, and to make allowances for PM_{2.5}.

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

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

Tables in Subparts A and F are amended to incorporate revisions by reference.

Regulation, 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS), Subpart F:

In the introductory paragraph, a comma is added after the phrase “subpart F.”

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP):

Table in Subpart A is amended to incorporate revisions by reference.

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

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

Tables in Subparts A, CC, LLL, ZZZZ, CCCCCC, VVVVVV, AAAAAA, and CCCCCC are amended to incorporate revisions by reference.

Regulation, 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart A:

In the introductory paragraph, a comma is added after the phrase “subpart A.”

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

In the introductory paragraphs of Subparts CCCCCC, VVVVVV, AAAAAA, and CCCCCC, the phrase “and as subsequently amended upon publication in the Federal Register” is added after the phrase “as originally published in the Federal Register” and a comma is added after the word “below.”

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

Subpart DDDDDDD is added to incorporate revisions by reference.

Instructions:

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

Text:

R.61-62.5, Std. 2, Ambient Air Quality Standards

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Regulation 61-62.5, Std. 2, shall be revised as follows:

The following table, unless otherwise noted, constitutes the primary and secondary ambient air quality standards for the State of South Carolina. The computations for determining if the applicable standard is met, along with the analytical methods to be used, will be those applicable Federal Reference Methods and Interpretations published in the Appendices to 40 CFR 50, or those methods designated as Federal Equivalent Methods (FEM) in accordance with 40 CFR 53. In the case of Gaseous Fluorides, either the double paper tape sampler method (ASTM D-3266-91 or later), the sodium bicarbonate-coated glass tube and particulate filter method (ASTM D-3268-91 or later), or an approved method may be used.

Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m ³	µg/m ³	ppm	ppb
Sulfur Dioxide	40 CFR 50.4 40 CFR 50.5	3 hour (secondary)	-	1300	0.5	-
		24 hour (primary)	-	365	0.14	-
		Annual (primary)	-	80	0.030	-
PM ₁₀	40 CFR 50.6	24 hour	-	150	-	-
PM _{2.5}	40 CFR 50.13	24 hour	-	35	-	-
		Annual	-	15	-	-
Carbon Monoxide	40 CFR 50.8	1 hour (no secondary)	40	-	35	-
		8 hour (no secondary)	10	-	9	-
Ozone	40 CFR 50.10	8 hour (1997)	-	-	0.08	-
	40 CFR 50.15	8 hour (2008)	-	-	0.075	-
Gaseous Fluorides (as HF)	State Regulation (1978)	12 hour	-	3.7	-	-
		24 hour	-	2.9	-	-
		1 week	-	1.6	-	-
		1 month	-	0.8	-	-
Nitrogen Dioxide	40 CFR 50.11	Annual	-	100	0.053	53
Lead	40 CFR 50.16	Rolling 3- month Average	-	0.15	-	-

R. 61-62.5, Std. 7, Prevention of Significant Deterioration

Regulation 61-62.5, Std. 7, paragraph (b)(5)(i) and (ii), shall be revised as follows:

(5)(i) **“Baseline area”** means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act in which the major source or major

modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than $1 \mu\text{g}/\text{m}^3$ (annual average) for SO_2 , NO_2 , or PM_{10} ; or equal to or greater than $0.3 \mu\text{g}/\text{m}^3$ (annual average) for $\text{PM}_{2.5}$.

(ii) Area redesignations under section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(a) Establishes a minor source baseline date; or

(b) Is subject to 40 CFR 51.166 and would be constructed in the same state as the state proposing the redesignation.

Regulation 61-62.5, Std. 7, paragraph (b)(31)(i) through (iii)(b), shall be revised as follows:

(31)(i) “**Major source baseline date**” means:

(a) In the case of PM_{10} and sulfur dioxide, January 6, 1975;

(b) In the case of nitrogen dioxide, February 8, 1988; and

(c) In the case of $\text{PM}_{2.5}$, October 20, 2010.

(ii) “**Minor source baseline date**” means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:

(a) In the case of PM_{10} and sulfur dioxide, August 7, 1977;

(b) In the case of nitrogen dioxide, February 8, 1988; and

(c) In the case of $\text{PM}_{2.5}$, October 20, 2011.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Federal Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and

(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

Regulation 61-62.5, Std. 7, paragraph (c), shall be revised as follows:

(c) Ambient air increments.

In areas designated as Class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

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CLASS I		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
PM _{2.5} :	annual arithmetic mean	1
	24-hr maximum	2
PM ₁₀ :	annual arithmetic mean	4
	24-hr maximum	8
Sulfur dioxide:	annual arithmetic mean	2
	24-hr maximum	5
	3-hr maximum	25
Nitrogen dioxide:	annual arithmetic mean	2.5

CLASS II		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
PM _{2.5} :	annual arithmetic mean	4
	24-hr maximum	9
PM ₁₀ :	annual arithmetic mean	17
	24-hr maximum	30
Sulfur dioxide:	annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	512
Nitrogen dioxide:	annual arithmetic mean	25

CLASS III		
Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
PM _{2.5} :	annual arithmetic mean	8
	24-hr maximum	18
PM ₁₀ :	annual arithmetic mean	34
	24-hr maximum	60
Sulfur dioxide:	annual arithmetic mean	40
	24-hr maximum	182
	3-hr maximum	700
Nitrogen dioxide:	annual arithmetic mean	50

For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

Regulation 61-62.5, Std. 7, paragraph (p)(5), shall be revised as follows:

(5) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies, the State may authorize the Administrator: Provided, That the applicable requirements of this regulation are otherwise met, to issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, PM_{2.5}, PM₁₀, and nitrogen oxides would not

exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

Pollutant		Maximum Allowable Increase (micrograms per cubic meter)
PM _{2.5} :	annual arithmetic mean	4
	24-hr maximum	9
PM ₁₀ :	annual arithmetic mean	17
	24-hr maximum	30
Sulfur dioxide:	annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	325
Nitrogen dioxide:	annual arithmetic mean	25

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

Subpart A - “General Provisions”

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

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]

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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
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	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]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]

Subpart F - “Standards of Performance for Portland Cement Plants”

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

The provisions of Title 40 CFR Part 60, subpart F, 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 F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]

R. 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)

Subpart A - “General Provisions”

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

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]

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40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
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]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]

40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 75	September 13, 2010	[75 FR 55636]

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

Subpart A - “General Provisions”

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

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]

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40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
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]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]

Subpart CC - “National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries”

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

The provisions of Title 40 CFR Part 63, subpart CC, 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 CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]

Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

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

The provisions of Title 40 CFR Part 63, subpart LLL, 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 LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]

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

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

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]

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40 CFR Part 63 subpart ZZZZ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 75	March 3, 2010	[75 FR 9648]
Revision	Vol. 75	June 30, 2010	[75 FR 37732]
Revision	Vol. 75	August 20, 2010	[75 FR 51570]

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

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

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]
Revision	Vol. 73	June 25, 2008	[73 FR 35939]

Subpart VVVVVV - “National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources”

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

The provisions of Title 40 CFR Part 63, subpart VVVVVV, 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 VVVVVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	October 29, 2009	[74 FR 56008]
Revision	Vol. 75	December 14, 2010	[75 FR 77760]

Subpart AAAAAA - “National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing”

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

The provisions of Title 40 CFR Part 63, subpart AAAAAA, 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 AAAAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	December 2, 2009	[74 FR 63236]
Revision	Vol. 75	March 18, 2010	[75 FR 12988]

Subpart CCCCCC - “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing”

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

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. 74	December 3, 2009	[74 FR 63504]
Revision	Vol. 75	March 5, 2010	[75 FR 10184]
Revision	Vol. 75	June 3, 2010	[75 FR 31317]

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

Subpart DDDDDDD – “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing”

The provisions of Title 40 CFR Part 63, subpart DDDDDDD, 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 DDDDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 75	January 5, 2010	[75 FR 522]
Revision	Vol. 75	July 20, 2010	[75 FR 41991]

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: (1) Amendments to Regulations 61-62.60, New Source Performance Standards (NSPS); 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. (2) Amendments to Regulations 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate a 2008 rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008). (3) Amendments to R. 61-62.5, Standard 2, Ambient Air Quality Standards, to reformat the Ambient Air Quality Standards table and revise R. 61-62.5, Standard 2, to delete an annual standard for particulate matter 10 micrometers in diameter and smaller (PM₁₀) that the EPA revoked in 2006 (71 FR 61144; October 17, 2006). (4) Amendments to R. 61-62.5, Standard 7, Prevention of Significant Deterioration, to incorporate maximum allowable increases in ambient pollutant concentrations (“increments”) required by the rule entitled Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) – Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864; October 20, 2010). The Department also proposes other changes to R. 61-62, *Air Pollution Control Regulations and Standards*, which include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R. 61-62.

66 FINAL REGULATIONS

Purpose: These amendments will maintain conformity with Federal requirements and ensure compliance with federal standards pursuant to 40 CFR Parts 50, 51, 52, 60, 61, and 63.

Legal Authority: The legal authority for R. 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10, et seq.

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

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

The EPA promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, and 63 throughout each calendar year. Recent federal amendments included revisions to the Prevention of Significant Deterioration program for PM_{2.5} to incorporate increments and screening tools, the deletion of an annual standard for particulate matter 10 micrometers in diameter and smaller (PM₁₀), as well as new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. 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 resulting from this revision. The standards to be adopted are already effective and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

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:

Adoption of the recent changes in federal regulations through the 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:

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.