

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2004 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/9	2/13	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/23	2/27	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

REPRODUCING OFFICIAL DOCUMENTS

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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) 734-2145.

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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In order by General Assembly review expiration date
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South Carolina General Assembly Home Page: www.scstatehouse.net

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2810		Fees, Liability Insurance Requirements	2-29-04	LLR: Elevator and Amusement Rides
2824		Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2826		Machines	2-29-04	Department of Revenue
2815		Decisions on a permit, Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2818		Elevator and Amusement Rides, Inspections	3-12-04	LLR: Elevator and Amusement Rides
2821		Highway Patrol Wrecker Regulations	3-15-04	Department Public Safety
2830		Subdivision Water Supply and Sewage Treatment/Disposal	3-22-04	Department of Health and Envir Control
2829		Residential Care Facility Administration	3-22-04	LLR: Board of Long Term Health Care Administrators
2828		Burglar Alarm Systems	3-27-04	LLR: Contractors' Licensing Board
2832		Business Enterprise Program	4-10-04	Commission for the Blind
2845		Failure to Appear	5-11-04	LLR: Occupational Health and Safety Review Board
2844		Determination of Rates of Tuition and Fees	5-11-04	Commission on Higher Education
2841		Forestry Commission Lands	5-11-04	Forestry Commission
2855		Water Classifications and Standards	5-11-04	Department of Health and Envir Control
2859		Standards for Licensing Freestanding or Mobile Technology	5-11-04	Department of Health and Envir Control
2868		Defined Program, Grades 9-12	5-11-04	Department of Education
2857		Frozen Dairy Foods and Frozen Desserts	5-11-04	Department of Health and Envir Control
2856		Soft Drink Bottling Plants	5-11-04	Department of Health and Envir Control
2854		Classified Waters	5-11-04	Department of Health and Envir Control
2870		Recordkeeping	5-11-04	LLR: Division of Labor
2883		Specific Information Service Signing	5-11-04	Department of Transportation
2860		Requirement for Limited License	5-12-04	LLR: Board of Medical Examiners
2881		Flexibility through Deregulation Program	5-20-04	Board of Education
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2882		Prescription Drug Discount Cards	6-02-04	Consumer Affairs
2886		Pilot and Apprentice Age Limitations and Pilot Registration	6-04-04	LLR: Commissioners of Pilotage
2887		Residential Builders Commission	6-04-04	LLR: Residential Builders Commission
2874		Native American Indian Entities, Advisory Committees	6-04-04	Commission on Minority Affairs
2891		Continued Competency	6-09-04	LLR: Board of Medical Examiners
2889		Barrier Free Design, Building Codes Council	6-09-04	LLR: Building Codes Council
2890		Chapter Revisions	6-10-04	LLR: Manufactured Housing Board
2873		Air Pollution	6-23-04	Department of Health and Envir Control

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DOC No.	DATE	SUBJECT	AGENCY
2822	3-26-03	General-Food Stamp Program	6-26-03 Department Social Services

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY
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2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03 Department of Health and Envir Control
2800	4-02-03	Environmental Protection Fees	5-20-03 Department of Health and Envir Control
2753	5-08-03	LIFE Scholarship Program	5-13-03 Commission on Higher Education

WITHDRAWN:

DOC No.	DATE	SUBJECT	AGENCY
2823	5-14-03	S C. Patients' Compensation Fund	Department of Insurance
2729	2-04-03	Fees	LLR: Board of Pharmacy

2 EXECUTIVE ORDERS

2004-04

WHEREAS, pursuant to Section 4-37-10 et seq. of the South Carolina Code of Laws, a sales and use tax referendum was held in Charleston County on November 5, 2002; and

WHEREAS, on August 25, 2003, the South Carolina Supreme Court nullified the results of the November 5, 2002, sales and use tax referendum because the referendum ballot was improperly worded; and

WHEREAS, on January 6, 2004, Charleston County Council approved a resolution requesting that the Governor set a date for a new sales and use tax referendum in response to the Supreme Court's nullification of the November 5, 2002, referendum; and

WHEREAS, on January 15, 2004, Charleston County Council approved a resolution proposing a revised referendum question to be used in a new election to ask voters whether a sales and use tax under Section 4-37-10 et seq. should be levied in Charleston County; and

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

WHEREAS, Section 7-1-40 of the South Carolina Code of Laws provides "[t]his Title shall apply to and control all elections, including elections for the issuance of bonds and other elections in which any question or issue is submitted to a vote of the people"; and

WHEREAS, Section 4-37-30 (A)(2) of the South Carolina Code of Laws requires that a sales and use tax referendum for transportation projects "must be held at the time of the general election"; and

WHEREAS, a general election will be held in South Carolina on November 2, 2004; and

WHEREAS, conducting a new sales and use tax referendum for Charleston County on the same date as the upcoming general election will insure that the will of the electorate is fairly expressed since voter turnout is usually higher during general elections, especially in Presidential election years; will allow voters ample time to study the proposed tax; and will avoid the costs of a special election before that date.

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 sales and use tax referendum pursuant to Section 4-37-10 *et seq.* be held in Charleston County on November 2, 2004, subject to preclearance by the United States Department of Justice; and

B. Designate the Board of Elections and Voter Registration of Charleston County to perform the necessary official duties pertaining to the election, and to declare the result; and

C. Direct the Board of Elections and Voter Registration of Charleston County to take all necessary steps to conduct the referendum and to comply with all applicable federal and state laws and regulations pertaining to and in connection with the referendum.

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF
JANUARY, 2004.**

**MARK SANFORD
Governor**

2004-05

WHEREAS, the National Weather Service issued Winter Storm Warnings for the State with the potential to receive more than one-half inch of ice in some areas creating extremely hazardous conditions; and

WHEREAS, temperatures were forecasted to remain below freezing throughout the day and night keeping road conditions extremely hazardous; and

WHEREAS, these conditions posed a threat to the safety of the state's citizens, and therefore, on January 26, 2004, state offices in the counties of Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Edgefield, Fairfield, Florence, Greenville, Greenwood, Horry, Kershaw, Laurens, Lancaster, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union and York were closed, either in whole or in part as directed; and

WHEREAS, the effects of the storm have required assistance for stranded motorists and medical emergencies, resulted in downed trees, road debris, created power outages, isolated many citizens and surpassed the capability of local governments to respond to and recover from its effects, thus requiring logistical support for local governments.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a State of Emergency exists as of January 26, 2004, and direct the South Carolina Emergency Operations Plan be placed in effect to support the responsibilities and tasks as warranted by these conditions.

I further direct the South Carolina National Guard and their appropriate equipment be placed on standby status and, at the discretion of the Adjutant General and in coordination with the South Carolina Emergency Management Division, that such necessary and prudent actions be taken to respond to the hazards posed by this severe winter weather to protect life and property.

Furthermore, pursuant to Section 8-11-57 of the South Carolina Code of Laws, as added by Act 356 of 2002, Part IX.D, all State employees absent from work, in whole or in part as directed, on January 26, 2004, and January 27, 2004, due to this hazardous weather emergency are hereby granted leave with pay.

The provisions of this Executive Order shall remain in full force and effect until further order of this office.

4 EXECUTIVE ORDERS

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF
JANUARY 2004.**

**MARK SANFORD
Governor**

2004-06

WHEREAS, by Executive Order 2004-05, a state of emergency was declared in South Carolina due to a severe winter storm that began on January 26, 2004; and

WHEREAS, it became necessary for many banks and savings and loan institutions to close as a result of the hazardous weather that occurred on January 26-28, 2004.

NOW THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, and specifically section 53-5-55 of the South Carolina Code of Laws, I hereby declare January 26-28, 2004, legal holidays for banks and savings and loan institutions in the State of South Carolina.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 5th DAY OF
FEBRUARY 2004.**

**MARK SANFORD
Governor**

2004-07

WHEREAS, by Executive Order 2004-05, a state of emergency for the State of South Carolina was declared because of hazardous weather conditions caused by a winter storm; and

WHEREAS, the severe winter storm which began January 26, 2004, and resulted in accumulations of ice throughout the State has concluded and conditions are no longer hazardous.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I declare that a state of emergency no longer exists and hereby declare that Executive Order 2004-05 is cancelled, rescinded, and from this date declared null and void.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 5th DAY OF
FEBRUARY 2004.**

**MARK SANFORD
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF PROPOSED REVISION OF THE
SOUTH CAROLINA STATE IMPLEMENTATION PLAN**Synopsis:**

On October 27, 1998, the United States Environmental Protection Agency (EPA) published a final rule titled, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone." This rule, commonly referred to as the NO_x SIP Call, required South Carolina and certain other states to limit the summertime emissions of oxides of nitrogen (NO_x) which are one of the precursors of ozone pollution. EPA has stated in the rule that sources in these states emit NO_x in amounts that significantly contribute to non-attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ozone in one or more down-wind states. The NO_x SIP Call required reductions of summertime emissions of NO_x in South Carolina and required the Department to submit a revision to the SIP that identified measures necessary to achieve these reductions. The Department promulgated regulations and submitted a SIP revision to comply with the requirements of the NO_x SIP Call on May 28, 2002. EPA published a final rule in the *Federal Register* approving this revision on June 28, 2002 (67 FR 43546).

One of the significant features of the NO_x SIP Call regulation is that it establishes a NO_x budget trading program. In accordance with the trading program, each state subject to the NO_x SIP Call rule is given a NO_x budget which the state then allocates to applicable sources, referred to as NO_x budget units, according to a formula specified in the regulations. NO_x budget units then have the flexibility to buy and sell budget allowances at their own discretion in order to comply with the regulation.

South Carolina's state trading program budget, as specified in section 96.40 of Regulation 61-62.96, *Nitrogen Oxides (NO_x) Budget Trading Program*, is 19,678 tons. According to section 96.41 of this regulation, the Department is required to reallocate the budget by April 1, 2004, and every five years thereafter. If the state fails to submit a revised budget to EPA by this date, the EPA will allocate the same number of NO_x allowances as were allocated for the preceding control period.

The Department is proposing to revise the SIP to amend the NO_x budget allowances. The Department intends to revise the NO_x budget allowances in accordance with the requirements specified in section 96.42 of the above-mentioned regulation.

Public Hearing:

Staff of the Department will conduct a public hearing to receive public comments on the proposed revision of the State Implementation Plan on March 29, 2004 at 10:00 a.m. in Room 2380 of the Aycock Building, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. Interested members of the public are invited to attend and comment on the proposed revisions. Interested persons may also submit comments in writing to Frank Cramer at the South Carolina Department of Health and Environmental Control, Regulation Development Section, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by March 29, 2004, the close of the comment period.

Copies of the proposed SIP revision for public notice and comment will be available at the public hearing. Copies may also be obtained by contacting Frank Cramer at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3218.

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication February 27, 2004, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Provide Mobile PET Scanner Services one day per week.

Aiken Regional Medical Center

Aiken, South Carolina

Project Cost: \$298,375

Development of a freestanding Positron Emission Tomography/Computerized Tomography (PET/CT) imaging center.

PET Imaging of Greater Augusta

North Augusta, South Carolina

Project Cost: \$2,947,000

Affecting Beaufort County

Construction for the addition of 65 acute care beds by converting 6 psychiatric beds, 18 nursing home beds, and 14 rehabilitation beds to acute care beds for a total of 195 acute care beds and 14 psychiatric beds.

Beaufort Memorial Hospital

Beaufort, South Carolina

Project Cost: \$2,043,174

Conversion of a procedure room to an endoscopy procedure room (OR) restricted to gastrointestinal procedures only for a total of two (2) Operating Rooms (ORs) and one endoscopy procedure room (OR).

Bluffton-Okatie Outpatient Surgery Center

Okatie, South Carolina

Project Cost: \$40,000

Affecting Charleston County

Conversion of seventeen (17) CRCF beds to seventeen (17) nursing home beds that do not participate in the Medicaid (Title XIX) Program for a total of ninety nine (99) nursing home beds.

Heartland of West Ashley Rehabilitation and Nursing Center

Charleston, South Carolina

Project Cost: \$350,598

Affecting Florence County

Addition of third MRI to be located in the diagnostic imaging center.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$3,535,541

Affecting Georgetown County

Renovation for the addition of 28 acute care beds for a total of 82 acute care beds and 29 comprehensive rehabilitation beds.

Waccamaw Community Hospital

Murrells Inlet, South Carolina

Project Cost: \$ 5,285,023

Affecting Greenville County

Relocation, consolidation, and upgrade of the existing radiology services, to include replacement of the current Computed Tomography (CT) Scanner with a 16 Slice CT Scanner, and the addition of a 1.5T Magnetic Resonance Imaging (MRI) unit.

St. Francis Hospital, Inc.

Greenville, South Carolina

Project Cost: \$9,923,773

Affecting Lexington County

Construction of two (2) additional Residential Treatment Facility (RTF) beds for children and adolescents resulting in a total of twenty (20) RTF beds for children and adolescents.

Three Rivers Behavioral Health

West Columbia, South Carolina

Project Cost: \$111,618

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning February 27, 2004. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Beaufort County

Renovation to Radiology Department to construct a dedicated angiography suite and replacement of radiography equipment to include a mobile angiography unit during renovations; minor renovations to laboratory and operating room HVAC.

Beaufort Memorial Hospital

Beaufort, South Carolina

Project Cost: \$3,494,000

Affecting Charleston County

Purchase of Sandpiper Convalescent Center by Sandpiper Rehab and Nursing Center, LLC.

Sandpiper Rehab and Nursing Center, LLC

Mt. Pleasant, South Carolina

Project Cost: \$12,000,000

Affecting Florence County

Addition of third MRI to be located in the diagnostic imaging center.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$3,535,541

8 NOTICES

Affecting Georgetown County

Renovation for the addition of 28 acute care beds for a total of 82 acute care beds and 29 comprehensive rehabilitation beds.

Waccamaw Community Hospital

Murrells Inlet, South Carolina

Project Cost: \$5,285,023

Affecting Greenville County

Temporary transfer of eighteen (18) nursing home beds that were recently approved by CON SC-03-71 from Roger Huntington Nursing Home to Greenville Memorial Hospital.

Greenville Hospital System

Greenville, South Carolina

Project Cost: \$-0-

Construction and renovation for expansion of the diagnostic and therapeutic areas.

Greenville Memorial Medical Center

Greenville, South Carolina

Project Cost: \$42,413,000

Affecting Horry County

Construction for the addition of a 1.5T Magnetic Resonance Imaging (MRI) Unit, a diagnostic cardiac catheterization unit, and renovation of the current recovery room, and discontinuance of the mobile MRI service upon project completion.

Loris Community Hospital

Loris, South Carolina

Project Cost: \$4,207,223

Affecting Lexington County

Construction of two (2) additional Residential Treatment Facility (RTF) beds for children and adolescents resulting in a total of twenty (20) RTF beds for children and adolescents.

Three Rivers Behavioral Health

West Columbia, South Carolina

Project Cost: \$111,618

Affecting Richland County

Addition of eleven (11) general acute care beds for a total of two hundred fifty-eight (258) general acute care beds.

Providence Hospital

Columbia, South Carolina

Project Cost: \$82,078

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Public Notice

Pursuant to S.C. Code Section 49-21-40 and R. 121-12.7, the South Carolina Department of Health and Environmental Control gives notice that the Edgefield County Water and Sewer Authority (ECWSA) has filed a Class I Interbasin Transfer Application to transfer water from the Upper Savannah River basin to the Lower Savannah and Edisto River basins. The Interbasin Transfer Application is for renewal of an existing Interbasin Transfer Registration of 5.9 million gallons per day which expires November 15, 2005. Raw water is withdrawn from the Savannah River and treated at the ECWSA Water Filtration Plant. Treated water is distributed to the ECWSA service area in the Upper Savannah, Lower Savannah and Edisto River basins. Wastewater from the ECWSA service area is treated at the Land-o-Lakes and Edgefield Wastewater Treatment Plants in the Upper Savannah River basin, at the Trenton and Johnston Lagoons in the Edisto River basin, and at the Aiken County Horse Creek Facility in the Lower Savannah. The requested duration of the permit is for twenty (20) years to withdraw a daily average of 11 million gallons of water a day.

Any person may request a copy of the application by submitting a statement to the address below specifying how you will be affected. Any person may submit comments on the application; to be considered, comments must be received by the Department by the close of business on June 3, 2004. Any person wishing to receive notification of the permit decision should submit a request for such notification (which may be included with your comments) to the address below.

Comments should be directed to:

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

**State Register Doc. 2897, Proposed Amendment of
 R.61-58, State Primary Drinking Water Regulations**

The Department of Health and Environmental Control issued a Notice of Proposed Regulation to amend R.61-58, State Primary Drinking Water Regulations, in the January 23, 2004, issue of the State Register, identified as Document Number 2897. The Notice scheduled a Staff Informational Forum on February 26, 2004, a write in comment period that closes February 27, 2004, and a Public Hearing before the DHEC Board for April 8, 2004. Due to a change in the date of the April 2004 DHEC Board Meeting, the Public Hearing before the Board has been rescheduled.

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-58 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 15, 2004. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

10 NOTICES

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

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

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. 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 individuals listed below, please submit your comments in writing, no later than March 29, 2004 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Underground Storage Tank Program
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

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

Class I

ESP Associates
Nightingale Geologic Consultants
PEER Consultants
Southern Division Naval Facilities Engineering Command
SRS Remediation
Dick Environmental Services - Jacksonville

Class II

Dick Environmental Services - No. Charleston

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2004 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association

1 Batterymarch Park
Quincy, Massachusetts 02269

3. This code is referenced by:
South Carolina Regulation 71-8307.3(A)(9)(i)

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

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

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 12A, Standard on Halon 1301 Extinguishing Systems, 2004 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Regulation, Section 71-8307.3(A)(9)(d)

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

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

12 DRAFTING

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Section 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations by replacing obsolete state safety standards with the national consensus explosives standards as developed by the National Fire Protection Association and published in NFPA 495 (2001 edition) and to update the current regulations to implement more efficient policies for explosives and blasting investigations and administration of the program. Interested persons may submit comments to William Galloway, Interim State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203. To be considered, comments must be received no later than 5:00 p.m. on March 12, 2004 the close of the drafting comment period.

Synopsis:

The Department proposes to revise existing regulations by adopting a national consensus standard and to update current policies for program administration and investigation of potential violations of law.

DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 & 20-7-2980 et seq.

- 114-510. Licensed Group Child Care Homes
- 114-520. Registered Child Care Centers Operated by Churches or Religious Entities
- 114-530. Licensed Family Child Care Homes
- 114-540. Registered Family Child Care Homes

Notice of Drafting:

The Department of Social Services proposes to draft revisions to amend the above listed regulations. Interested persons are invited to present their views in writing to: Rose Mary McGregor, Office of General Counsel, SC Department of Social Services, P. O. Box 1520, Columbia, SC 29202. To be considered, comments must be received by March 31, 2004, the close of the drafting comment period.

Synopsis:

The Department of Social Services proposes to draft revisions to enhance the standards of care for children in regulated child care settings. The purpose of these regulations is to establish standards that protect the health, safety and well being of children in the above listed types of child care, through the formulation, application and enforcement of these regulations.

The proposed regulations will require legislative review.

Document No. 2900
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. §§ 59-5-65 (Supp. 2002), and 59-65-90 (1990)

43-274. Student Attendance

Preamble

The amendment addresses the need for make-up programs for student absences. The program must require the student to meet the minimum number of hours for course credit and provide rigorous academic learning experiences. The amendment will also align this regulation with the Uniform Grading System and develop a time line for make-up work.

The Notice of Drafting was published in the *State Register* on December 26, 2003.

Section-by-Section Discussion

Section G(2)(a)(b) Deleting summer school as an option and adding academic work as part of the requirements. New language is inserted to limit the time allowed for make-up work to be completed and allows local school boards to extend the time due to medical circumstances.

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 April 13, 2004, at 10:00 a.m. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statement 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 Dr. Leonard McIntyre, Deputy Superintendent for Professional Development and School Quality, State Department of Education, 1429 Senate Street, Columbia, S.C. 29201 or e-mail lmcintyr@sde.state.sc.us. Comments must be received no later than 5:00 p.m. on March 29, 2004. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. § 1-23-115 (Supp. 2002).

Description of Regulation

Purpose: Regulation 43-274, Student Attendance, is being amended to address academic achievement along with time requirements.

Legal Authority: S.C. Code Ann. §§ 59-5-65 (Supp. 2002) and 59-65-90 (1990)

14 PROPOSED REGULATIONS

Plan for Implementation: The proposed amendment(s) will be posted on the State Department of Education Web site for review and comment. The amendments 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 proposed amendment(s) addresses the need for make-up programs for student absences.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendment(s) will have no 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 and public health if these amendment(s) are not implemented.

STATEMENT OF RATIONALE:

The proposed amendment will add the requirement for academic rigor and align the regulation with the Uniform Grading System. To obtain a copy of the Statement of Rationale, contact Dr. Leonard McIntyre, Deputy Superintendent for Professional Development and School Quality, State Department of Education, 1429 Senate Street, Columbia, S.C. 29201 or e-mail lmcintyr@sde.state.sc.us.

Text:

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

Document No. 2902

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Ann. Section 44-56-30

R. 61-79. Hazardous Waste Management Regulations

Preamble:

The Department proposes to amend Regulation 61-79 to adopt federal amendments through June 30, 2003. Adoption of federal amendments will ensure federal compliance.

The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year. Recent amendments affect: zinc fertilizer made from recycled hazardous secondary materials, treatment standards for some hazardous and radioactive batteries, and technical corrections to Combustor standards. These rules have been published in the Federal Register between July 1, 2002, and June 30, 2003.

In addition, the Department will make minor clarifications and corrections to R.61-79 to more closely reflect the federal regulations.

These amendments appeared at: 67 FR 48393, 67 FR 62618, 67 FR 77687.

A Notice of Drafting for the proposed amendments was published in the State Register on October 24, 2003, and no comments were received. Neither a preliminary assessment report, a fiscal impact statement, nor legislative review of this amendment is required. See Discussion and Table of Proposed Revisions below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

SECTION	CHANGE (all for federal compliance)
260.10	Add 6 State Acts and Regulations referred to in R.61-79
260.21(a) and (c)	Add reference to Regional Administrator regarding petitions
260.22(a)(1) and (2)	Add reference to Regional Administrator regarding petitions
260.22(b)	Add reference to Regional Administrator regarding exclusions
260.22(c)(2)	Add reference to Regional Administrator regarding determinations
260.22(d), (e), (j), (l)	Add 5 references to Regional Administrator regarding determinations
261.4(a)(10)	Add clarification regarding tar "recovery"
261.4(a)(20), (21)	Add exemption for certain materials used to make zinc fertilizers
261.4(a)(22), (23), (24)	Reserve and withdraw (no text)
261.6(a)(3)	Add reference to SC notification requirements.
262.34(a)(1)	make last sentence into a new (v)
264.151 Appendix E	Remove second paragraph of text, which mimics the current third paragraph regarding furnishing policies
264.1035(c)(4)(i), (ii)	Remove period and insert comma; insert comma
265.56	Change "a real" to "area"
265.140(c)	Move former (d) to (c)
265.276(a)	Correct citation
266.20(b)	Remove last two sentences which refer to "Commercial fertilizers..."
266.20(d), (1), (2)	Add new provision for certain fertilizers
268.7(d)	Change reference to 261.3(e) to (f)
268.40(i)	Remove reference to zinc fertilizers and reserve
268.40 table	Add new D006, D009 and D011 wastes for cadmium containing batteries
270.19(c)	Insert additional references to 40 <u>CFR</u> part 63
270.20(b)	Insert clarification regarding 264 subpart M
270.22	Move "(a) Trial burns" to follow leadin, and add additional references to 40 <u>CFR</u> part 63
270.32(c)(d)(e)	Add new requirements for permit conditions
270.42(e)(4)(ii)	Change reference to paragraph from (b) to (c)
270.42(j)(1)	Edit verbs and insert reference to 40 <u>CFR</u> 63, change reference to 40 <u>CFR</u> 63.121 to 63.1210
270.62	Add 3 references to 40 <u>CFR</u> 63
270.66	Add 2 references to 40 <u>CFR</u> 63

Notice of Staff Informational Forum:

A Staff informational forum will be conducted on Tuesday April 13, 2004 at 9:30 in room 1710 at the Stern Building at 8911 Farrow Road, Suite 106; and a public hearing before the Board will be scheduled for May 13, 2004. The purpose of the forum is to receive comments from interested persons on the proposed amendment of R. 61-79. Written comments may be submitted to John Litton, Director of the Division of Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by noon March 16, 2004. Comments received shall be considered by staff in formulating the submission to the Board of Health and Environmental Control for a public hearing scheduled for May 13, 2004. Relevant technical comments will be

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summarized by staff for the Board's consideration at the public hearing noticed below. The amendments will be added to R.61-79 after Board approval and upon publication in the State Register.

Information or copies of the proposed text for public notice and comment may be obtained at <http://www.lpittr.state.sc.us/register.htm> or by calling Suzanne Rhodes at (803) 896-4174.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on May 13, 2004. The Hearing will be held in the Board Room of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control (DHEC) at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Written comments to be considered at the public hearing may be submitted to John Litton, Director of the Division of Waste Management, 2600 Bull Street, Columbia SC, 29201. To be considered, comments must be received by noon, April 13, 2004. Comments received will be considered by staff in formulating the submission to the Board of Health and Environmental Control on May 13, 2004. Relevant technical comments will be summarized for the Board's consideration.

Information or copies of the amended regulations to be considered at the Board hearing may be obtained at <http://www.lpittr.state.sc.us/register.htm> or by calling Suzanne Rhodes at (803) 896-4174.

Statement of Need and Reasonableness

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

DESCRIPTION OF REGULATION: Proposed amendment of R.61-79 Hazardous Waste Management Regulations:

Purpose: The purpose of this amendment is to meet compliance requirements of the United States Environmental Protection Agency (EPA), which promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year by publication in the Federal Register.

Recent amendments include: zinc fertilizer made from recycled hazardous secondary materials, treatment standards for some hazardous and radioactive batteries, and technical corrections to Combustor standards. These rules have been published in the Federal Register between July 1, 2002, and June 30, 2003.

These amendments appeared at: 67 FR 48393, 67 FR 62618, and 67 FR 77687.

Legal Authority: S. C. Code Ann. Section 44-56-30, the Hazardous Waste Management Act, to facilitate the Resource Conservation and Recovery Act of 1976 as amended.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control and publication in the State Register as a final regulation, amended regulations will be provided to the regulated community at cost through the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Adoption of the proposed amendments and corrections to R.61-79 will enable compliance with recent federal amendments. See Purpose above.

DETERMINATION OF COSTS AND BENEFITS: This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal regulations. EPA estimated costs and benefits of the various amendments are summarized below. The summaries are taken from the cited Federal Register notices. A significant regulatory action is defined as one that (5/26/98 in 63 FR 28630) "is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements...; or (4) raise novel legal or policy issues arising out of legal mandates..."

The rules have very minor impact or relax existing regulation; therefore, the proposed rules have little if any negative economic impact on the Department or the regulated community.

UNCERTAINTIES OF ESTIMATES: No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The over-all effects of these rules are expected to be beneficial to the public health and environment and also reflect federal provisions in State law.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The State's authority to implement federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Text:

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

Document No. 2903

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

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

R.61-___. Total Maximum Daily Loads for Pollutants in Water

Preamble:

Section 303(d) of the Federal Water Pollution Control Act (33 USC Section 1313(d)) requires States to establish total maximum daily loads (TMDL) for pollutants in water. The Department is proposing a new regulation entitled "Total Maximum Daily Loads for Pollutants in Water" to define the term and clarify the public participation and administrative appeal processes for TMDLs.

Discussion:

Sections A and B address the purpose and scope of the regulation, and definitions.

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Sections C through F address provisions for public participation, public hearings, notices of proposed decisions, and the administrative appeals process.

Section G addresses revisions to an approved TMDL.

A Notice of Drafting was published in the State Register on November 28, 2003.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on March 23, 2004, at 10:00 a.m. in the G.S.T. Peoples Auditorium, Third Floor, Sims Building, of the Department at 2600 Bull Street, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues, and receive comments by interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the staff forum by writing to Kathy Stecker, Bureau of Water, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on March 29, 2004. Comments received at the forum and by mail by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed regulation for public notice and comment may be obtained by contacting Kathy Stecker, Bureau of Water, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 15, 2004. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Kathy Stecker, Bureau of Water, S.C. DHEC, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on March 29, 2004. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on April 15, 2004, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the proposed regulation for public hearing before the DHEC Board may be obtained by contacting Kathy Stecker at the above address.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred to the state or its political subdivisions by the implementation of this regulation; therefore, no additional state funding is being requested. Existing staff and resources will be utilized to implement this regulation.

Statement of Need and Reasonableness:

The statement of need and reasonableness of the proposed regulation was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: New Regulation, Total Maximum Daily Loads for Pollutants in Water.

Purpose: The proposed regulation will define the term total maximum daily load (TMDL) and clarify the public participation and administrative appeal processes for TMDLs.

Authority: S.C. Code Sections 48-1-10 et seq. (South Carolina Pollution Control Act of 1976).

Plan for implementation: The proposed regulation will be implemented upon approval of the General Assembly and publication in the State Register. Bureau of Water staff will conduct the activities set forth in the regulation in the manner presented in the regulation.

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

TMDL development is required under Section 303(d) of the Federal Water Pollution Control Act. The goal of TMDL development and implementation is to ensure that waters attain and maintain standards set forth in R.61-68, Water Classifications and Standards. Currently, there is no definition of TMDL in any South Carolina statute or regulation. The proposed regulation will define the term and provide clarification of South Carolina public participation and administrative appeal opportunities during TMDL development.

DETERMINATION OF COSTS AND BENEFITS:

No additional cost is expected to be incurred by the State by implementation of this regulation. Existing staff and resources will be utilized to implement this regulation. This regulation is administrative in nature; costs to the regulated community for the voluntary public participation and appeal processes described in the regulation are expected to be minimal.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will clarify the public participation and administrative appeal processes associated with TMDL development. Upon implementation, TMDLs will result in attainment and maintenance of State water quality standards.

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

There may be an adverse effect on the environment if the regulation is not implemented. Without clarification of the public participation and administrative appeal processes, South Carolina TMDLs cannot be finalized by the Department, and delays in developing and implementing TMDLs could occur, resulting in delays in water quality improvement and possible degradation of water quality.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h) (1976, as amended).

To fulfill the requirements of the Federal Water Pollution Control Act, South Carolina must develop TMDLs. Recent litigation demonstrated the lack of a clear administrative appeal process associated with TMDL development. In addition, there was no definition of the term in any state statute or regulation. Until this proposed regulation is promulgated, South Carolina TMDLs cannot be finalized by the Department.

This regulation is administrative in nature; therefore, no scientific studies were needed or used. The regulation provides a needed complement to existing regulations.

Text of Proposed Regulation for Public Comment:

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

Document No. 2904
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 2-77-20
Article VIII

Higher Education Excellence Enhancement Program

Preamble:

The Commission On Higher Education proposes to establish regulations in order to enact the Higher Education Excellence Enhancement Program as created by the Act 24 of 2003. The purpose of the program is to enhance the educational opportunities of low-income and educationally disadvantaged students attending four-year colleges/universities where no less than sixty percent of the students enrolled receive PELL grants. The South Carolina Commission on Higher Education was appointed as the administrator of the program.

The Notice of Drafting was published in the State Register October 24, 2003.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held at the South Carolina Commission on Higher Education on April 1, 2004 at 10:30AM. Interested persons may submit comments to Mr. Charles FitzSimons, Director, Division of Facilities & Statistical Services, South Carolina Commission on Higher Education, 1333 Main Street (Suite 200), Columbia, SC 29201. To be considered, comments must be received no later than 5PM March 27, 2004.

Preliminary Fiscal Impact Reasonableness:

No increase cost

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to Title 2 of the 1976 Code Section 2-77-10 and 2-77-20.

DESCRIPTION OF REGULATION:

Purpose: The proposed regulation will establish criteria for administering the Higher Education Excellence Enhancement Program in accordance with the relevant code structure.

Legal Authority: Title 2 of the 1976 Code Section 2-77-20

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

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to Title 2 of the 1976 Code Section 2-77-10 and 2-77-20. There are no scientific or technical studies necessary to promulgate these regulations.

Text:

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

Document No. 2905
DEPARTMENT OF INSURANCE
Chapter 69

Statutory Authority: S.C. Code Sections 38-3-110; 38-9-200; 1-23-110 et seq.

69-53. Credit for Reinsurance

Preamble:

The Department proposes to amend Regulation 69-53 in order to reflect recent revisions made to the State's credit for reinsurance statutes (Sections 38-9-200 through 220). Proposed revisions are intended to: (1) Clarify that the trusts are for the benefit of ceding insurers, i.e., they are to fund liabilities for business ceded by United States ceding insurers; (2) Mandate that, in the event of an insolvency of a non-U.S. insurer or reinsurer, the security which has been provided to fund the U.S. obligations shall be maintained in the U.S., and claims shall be filed with and valued by a state regulator in accordance with U.S. law; (3) Clarify that liabilities are to be funded on a gross, instead of a net, basis. As a result, the regulation includes an improved definition of liabilities, making it clear that on a gross basis, losses, allocated loss expenses, reserves for losses reported and outstanding, reserves for losses incurred but not reported, and reserves for allocated loss expenses and unearned premium must all be funded; and (4) Provide a list of investment standards for those investments held in trust for the benefit of U.S. ceding insurers.

Notice of Public Hearing and Opportunity for Public Comment:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Thursday, April 8, 2004 at 2:00 p.m. at 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, March 29, 2004.

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Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The purpose of this regulation is to set forth rules and procedural requirements which the director or his designee deems necessary to carry out the provisions of Sections 38-9-190 through 38-9-220. The actions and information required by this regulation are hereby declared to be necessary and appropriate in the public interest and for the protection of the ceding insurers in this State.

Statement of Rationale:

No reports or studies were relied upon in the drafting of this regulation. The basis for this regulation are provisions from the National Association of Insurance Commissioners Model Law and Model Regulation.

Text:

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

Document No. 2907

DEPARTMENT OF REVENUE

CHAPTER 7

Statutory Authority: 1976 Code Section 12-4-320 and 61-2-60

Regulation 7-702.5

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for April 13, 2004 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curb service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter. The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. Section 1-23-111 (2000), to issue a report that this proposal is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by March 23, 2004

S.C. Department of Revenue
 Legislative Services - Mr. Meredith Cleland
 P.O. Box 125
 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curb service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curb service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.
2. The proposal to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction (specifically intended

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to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis) is needed to reduce any taxpayer confusion that may result from having inadvertently deleted the provisions of former SC Regulation 7-98 during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter. The proposal is also reasonable in that it was the intent of last year's reorganization of the alcoholic beverage regulations to continue longstanding policy as set forth in the former regulations.

3. This proposal will benefit taxpayers because it will reduce any taxpayer confusion by continuing via the new reorganized regulations longstanding policy as set forth in the former regulations. This proposal is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.

10. The proposed regulation would not have any effect on the environment and public health.

11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

Statement of Need and Reasonableness:

The proposal to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction (specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis) is needed to reduce any taxpayer confusion that may result from having inadvertently deleted the provisions of former SC Regulation 7-98 during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter. The proposal is also reasonable in that it was the intent of last year's reorganization of the alcoholic beverage regulations to continue longstanding policy as set forth in the former regulations.

Statement of Rationale:

The purpose of this proposal is to amend SC Regulation 7-702 to add subsection 7-702.5 concerning a prohibition against selling or delivering beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis. This proposal will incorporate the provisions of former SC Regulation 7-98, which was inadvertently deleted during the drafting process last year in which all alcoholic beverage regulations were reorganized by subject matter.

Text:

7-702.5 Drive-In/Drive-Thru Establishments Prohibited

A permit holder, employee of a permit holder, or agent of a holder must not sell or deliver beer or wine to anyone who remains in a motor vehicle during the transaction. This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis.

Document No. 2906
DEPARTMENT OF REVENUE
 CHAPTER 117
 Statutory Authority: 1976 Code Section 12-4-320

Regulations

Article 9 of Chapter 117 of the Code of Regulations which includes the following regulations:

<u>SC Regulation</u>	<u>Subject</u>
117-190	Definition – “Single Place” or “Premises”
117-190.1	Definition – “Inducements”
117-190.2	Definition – “Advertising”
117-190.3	Definition – “Measurement of Distance”

Preamble:

The South Carolina Department of Revenue is considering repealing Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina.

Discussion

The South Carolina Department of Revenue is considering repealing Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina.

Text:

No text is necessary since the proposal is only repealing various regulations that are no longer needed due to changes in the law.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex in Columbia, South Carolina for April 12, 2004 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina.

The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to repeal the regulations is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by March 23, 2004:

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S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to repeal Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina. The authority for repealing these regulations can be found in Code Section 12-4-320. The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed since operating video poker machines is illegal in South Carolina due to changes in the law. The proposal to repeal these regulations is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to repeal Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina. The authority for repealing these regulations can be found in Code Section 12-4-320. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.
2. The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed since operating video poker machines is illegal in South Carolina due to changes in the law. The authority for repealing these regulations can be found in Code Section 12-4-320. The proposal to repeal these regulations is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.
3. This proposal to repeal these regulations will benefit taxpayers because it will reduce any taxpayer confusion by eliminating regulations that are outdated. This regulation is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.
10. The proposal would not have any effect on the environment and public health.
11. If the proposal is approved, there would not be a detrimental effect on the environment and public health.

Statement of Need and Reasonableness:

The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed since operating video poker machines is illegal in South Carolina due to changes in the law. The proposal to repeal these regulations is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.

Statement of Rationale:

The purpose of this proposal is to repeal Article 9 of Chapter 117 of the Code of Regulations (SC Regulations 117-190, 117-190.1, 117-190.2, and 117-190.3) since these regulations are no longer needed due to changes in the law. These regulations concerned locations that operated video poker machines and such machines are now illegal in South Carolina.

Document No. 2901

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 20-7-2980 et seq.

114-500. Child Care Centers Licensing Regulations

Preamble:

The child care regulations have been completely revised and amended to enhance the standards of care for children. The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in child care facilities, through the formulation, application and enforcement of these regulations. These regulations include higher staff:child ratios, as well as limits on group size. Previously, group size was not limited in the regulations.

Section-by-Section Discussion

114.500 General Provisions.

- A. Purpose. New text added to the general provision introductory paragraph to indicate the purpose of the regulation.
- B. Applicability. New section has been added to incorporate Section 20-7-2700 from the Child Day Care Licensing Law.
- C. Accessibility. New text added to comply with the Americans with Disabilities Act.

114.501 Definitions.

- (1) Applicant: Added to define who can apply for a child care center license or approval.
- (2) Approval: Added to differentiate between approval and license.
- (3) Blood-borne Pathogens: Item added to definition to clarify medical biohazard.
- (4) Center Director: Item revised to add language that would clarify responsibility.
- (5) Center Co-Director: Item added to include provision of compliance when Center Director is away from center.
- (6) Center Director Designee: Item added to define center director designee.
- (7) Central Registry of Child Abuse and Neglect: Item added to clarify requirements of the Child Care Licensing Law.
- (8) Child: Item added from the law to clarify the age range for participants in child care center.
- (9) Child Care Center: Item added from the law to clarify type of facility addressed in these regulations.
- (10) Complaint: Item added from law to clarify what a complaint means as it relates to Child Care Centers.
- (11) Complete Application: Item added to clarify requirement and timeframe.
- (12) Department: Item added to identify agency responsible for child care licensing.

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- (13) Emergency Person: Item revised to include age and compliance.
- (14) Group Size: Item added to clearly define new term for compliance with ratios.
- (15) Infant: Item added to define ages.
- (16) License: Item added from the law to differentiate between approval and license.
- (17) Owner: Item added from the law to clarify responsible entity.
- (18) Parent: Item revised to include adoptive parents and to clarify definition of parent.
- (19) Preschool Child: Item added to define ages.
- (20) Provisional approval: Item added from the law to define type of temporary permit.
- (21) Provisional license: Item added from the law to define type of temporary permit.
- (22) Regular approval: Item added from the law to define permit with no deficiencies.
- (23) Regular license: Item added from the law to define permit with no deficiencies.
- (24) Renewal: Item revised to simplify definition.
- (25) Revocation: Item added from the law to clarify term for voiding a permit.
- (26) School-aged Child: Item added to define ages.
- (27) Sex Offender Registry: Item added to explain process Department uses to identify sex offenders.
- (28) Staff: Item revised to clearly define types of positions that constitute employees.
- (29) Staff:Child Ratio: Item added to define ratio of teacher/caregivers to number of children in care.
- (30) Student Teacher: Added to define college student who will serve in an internship capacity and to include requirements.
- (31) Student Volunteer: Item added to define students who assist with duties in child care center to include provision of compliance.
- (32) Supervision: The existing item was revised to strengthen the supervision requirement.
- (33) Teacher/Caregiver: Item added to include duties of teacher/caregiver.
- (34) Toddler: Item added to define ages.
- (35) Training: Existing item was revised for clarity.
- (36) Two year old: Item added to define age level.
- (37) Volunteer: Item revised to clarify requirements and role.

114.502 Procedures.

A. Licensing/Approvals.

- (1) Text revised to instruct applicant where to return application.
- (3) Text revised to clarify requirements.
- (5) Text revised to include specific items and forms needed to process a license or approval application.
- (9) (b) Text revised to improve readability.
- (10) Text modified to clarify that General Counsel instead of circuit solicitor should be sought to request an injunction.

C. Inspection and Consultation.

- (3) Text added to include provision of compliance.
- (4) New text added to include provision of compliance.

114-503 Management, Administration, and Staffing.

A. Display of License/Approval.

- (2) Text added per law (Act 220, 1999-2000 Session).

B. Capacity.

- (2) Text revised to include provision for providers to accept children due to a natural disaster or unscheduled closing of a child care center.

D. Reporting of Incidents. Section revised to include provisions for compliance on incidents that should be reported to parents or the Department.

E. Death of a Child. New section added to provide specific procedures for providers in the event a death occurs.

F. Parent Access and Communication.

Sections (1) through (4) revised to clearly define parent access and communication with providers to safeguard children.

- G. Child Records.
 - Items (1) through (4) added to include provision for information required.
 - (7) Item added to specify information needed when children are away from center.
 - (8) Item added to ensure provision of compliance on up-to-date information.
- H. Staff records shall include the following:
 - (2) Text revised to define types of policies.
- I. Confidentiality and Applicable Laws and Regulations. This section was added to include provisions pertaining to confidentiality.
- J. Communication. This section was added to combine regulation for easy access.
- K. Staffing.
 - (2) Background Criminal History Checks. New section added from the law to provide specific provision for compliance on criminal history.
 - (3) (b) Section added to include requirement for on-site presence of center director, and a co-director for centers operating 12 hours or more per day.
 - (3) (c) Text revised to include center co-director.
 - (3) (c) (i) Text revised to include specific qualification for center directors and co-directors.
 - (3) (c) (iii) Text revised to include specific qualifications.
 - (3) (c) (iv) Text revised to clarify state approved institution.
 - (4) Caregivers/Teachers: Teacher added to include language used by child care providers.
 - (4) (a) (ii) Text revised to clarify requirements to include specific provision for caregivers/teachers whose disability prevents obtaining high school diploma or GED.
 - (4) (a) (iv) Text added to include specific education requirement for caregivers and teachers.
 - (4) (c) Text revised to include appropriate guidelines and timeframe when there is a break in service.
 - (5) (a) Text items added to include specific internal training.
 - (5) (b) Text revised to include specific training requirements in accordance with the South Carolina Child Care Training System and OSHA.
 - (5) (c) Text revised to include specific training requirements in accordance with the South Carolina Child Care Training System and OSHA.
 - (5) (d) Text added to include provision for staff development when centers care for children with special needs.
 - (5) (g) Text revised to ensure that first aid and CPR training is provided by a representative of a recognized health organization.

114-504 Supervision.

- A. Section revised to clarify requirements for supervision of children in child care setting.
- B. through D. Ratios and Group Size. Sections have been revised to include ratios and group size compliance with National Health and Safety Performance Standards for out-of-home child care.
- D. Water Safety Staffing.
 - (2) Text revised to include DHEC requirement of proper certificate.

114-505 Health, Sanitation, and Safety.

- A. Child Health.
 - (1) Text revised to include provision for compliance with health requirements.
 - (2) Text added to include provision for compliance with DHEC.
- B. Sanitation. Section added to clarify requirements from DHEC.
- C. Emergency Medical Plan. Section added to clarify emergency procedures.
- D. Medications or Medical Procedures. Sections (1) through (4) added to revise and combine information on medication compliance.
- F. Diapering.
 - (1) Text revised to clarify.
 - (2) Text reworded for clarity.

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- (3) Text added to comply with sanitation requirements.
- (6) Formula revised per DHEC requirements.
- (12) Text revised for clarity.
- (15) Text revised to clarify timeframe for changing soiled diaper and clothing.

G. Staff Health.

- (1) (b) Text revised to clarify compliance for staff working directly with children.
- (4) Text combined and revised to clarify requirements on hand-washing for staff.
- (5) Text added to include provision for compliance with DHEC.

H. Fire Safety and Emergency Preparedness.

- (2) Text revised to include specific provision for compliance when natural disaster or unscheduled closing occurs.
- (3) Text revised for clarity regarding emergency plan.

I. Transportation.

- (1) Sections (a) through (c), (g) and (h), and (2) (a) revised to include provision for compliance to safeguard children who use transportation services provided by the center. Items were added to ensure compliance with state and federal laws.

114.506 Program.

A. Program of Activities.

- (1) Text revised to improve readability.
- (2) Text revised to improve readability
- (6) Word added to specify type of communication.
- (7) Text added to include current technological devices.
- (8) Text revised to include all children and to improve readability.
- (9) Text revised to improve readability.

B. Discipline and Behavior Management.

- (2) Text revised to improve readability.
- (3) Text revised to improve readability.
- (4) Text revised for clarity.
- (6) Text added to include provision for compliance with corporal punishment.
- (7) Text revised to clarify requirements.

114.507 Physical Site.

A. Indoor Space and Conditions.

- (2) Ventilation. Section revised to combine and clarify requirements in accordance with DHEC.
- (4) Lighting. Section revised to combine lighting requirements.
- (5) Environmental Hazards.
 - (a) Text added per DHEC regulations.
 - (b) Text revised to specify items that are hazardous to children.
 - (d) Text revised to clarify requirements.
 - (f) Text revised to clarify compliance to safeguard children when construction and cleaning are in progress.
 - (g) (i) Item added to clearly define items that can cause strangulation.
 - (g) (ii) Item added to clearly define items that can cause suffocation.
 - (g) (iii) Text revised per DHEC requirement.
- (6) Water.
 - (b) Text revised per DHEC requirement.
 - (c) Text revised per DHEC to define range for hot water.
 - (d) Text revised to include provision for compliance to specify availability and type of equipment that cannot be used.
- (7) Temperature.
 - (b) Text added to include provision for compliance during summer season.
- (8) Sanitation.
 - (a) Text revised to clarify requirement.

- (e) Text revised to improve readability and to clarify requirements.
 - (f) Text revised to improve readability and to clarify requirements.
 - (g) Text added to include provision for compliance with outside receptacles to prevent insect and rodents from penetrating the area.
 - (h) Text revised to comply with local health and sanitation standards.
 - (i) Text added to prevent the spread of harmful germs.
 - (9) Doors.
 - (a) Text revised to include specific requirements for protective gates.
 - (10) Landings, Stairs, Handrails, and Railings.
 - Section 10 (a) through (e) added to clarify requirements to prevent injuries.
 - (12) Bathrooms.
 - (a) Text revised to include only children that are trained to use toilets.
 - (d) Text revised to include hot water pressure per DHEC requirement.
 - (e) Text revised to clarify and to improve readability.
 - (f) Text added to include provision for preschool and school age children.
 - (i) Text revised to improve readability and to include type of soap that can be used.
 - D. Rest Equipment. Section revised to clarify requirements and to improve readability.
 - E. Environmental Hazards. Sections (1) through (4) combined and revised for clarity.
- 114.508 Meal Requirements; Food Preparation and Serving; Storage and Protection of Food Supplies, Utensils and Equipment.
- A. Meal Requirements.
 - (1) (a) Text revised per DHEC regulations.
 - (b) Text revised to correct time requirements.
 - (e) Text revised due to changes in USDA guidelines on reconstituted milk.
 - (4) Text revised to include all food and to improve readability.
 - (5) Word added per DHEC.
 - B. Food Preparation.
 - (1) Text relating to water temperature added per DHEC requirement.
 - (4) Text relating to exposed areas of arms added per DHEC requirement.
 - (5) Text added per DHEC requirement.
 - (7) (a) Text added per DHEC requirement.
 - (d) Text added per DHEC requirement.
 - (10) Items combined to improve readability.
 - D. Storage.
 - (3) Text revised to include DHEC current requirement.
 - (6) Text added per DHEC requirement.
 - E. Cleaning, Storage, and Handling of Utensils and Equipment.
 - (7) (a) through (d) Text added per DHEC requirement.
- 114.509 Infant and Toddler Care, Care for Mildly Ill Children, and Night Care.
- A. Infant and Toddler Care.
 - Sections (1) through (6) revised to comply with National Health and Safety Performance Standards.
 - B. Care for Mildly Ill Children. Section revised to improve readability and to include requirements from DHEC.
 - C. Night Care. Section combined and revised to improve readability and for clarification of requirements.

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Notice of Public Hearing and Opportunity for Public Comment:

Written comments may be submitted to Rose Mary McGregor, Assistant General Counsel at the State Department of Social Services, P.O. Box 1520, Columbia, South Carolina, 29202. The public hearing before the Administrative Law Judge Division is set for 10:00 a.m., Thursday, April 8, 2004 at 1205 Pendleton Street, Suite 224, Columbia, SC.

Preliminary Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be minimal. The cost to child care providers to comply with the proposed regulations is not able to be determined because that type of data is not currently kept at the agency. Although providers will incur some costs, it is hoped that those costs can be minimized and grants to assist providers in meeting the new requirements may be available.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Child Care Licensing Regulations

Purpose of Regulation: The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in child care facilities, through the formulation, application and enforcement of these regulations.

Legal Authority: 1976 Code Sections 43-1-80 and 20-7-2980 et seq.

Plan for Implementation: The agency will implement the regulations with existing staff and resources.

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

Section 20-7-2980 (c) states: The department shall conduct a comprehensive review of its licensing and approval regulations and family day care home suggested standards at least once each three years. The regulations have not been revised in ten years. A statewide child care task force recommended increasing staff:child ratios and placing limits on group size. These recommendations were considered and adopted by the Child Care Advisory Committee within these new regulations.

DETERMINATION OF COSTS AND BENEFITS:

Child care providers may experience some costs associated with coming into compliance with these regulations. Every step will be taken to insure that costs are minimized while maintaining health and safety for children. We do know, however, that research has consistently and repeatedly demonstrated that children benefit from appropriate staff:child ratios and regulated group size. Improved outcomes for children can be expected when regulations address these quality indicators. Furthermore, quality early childhood experiences have an economic and social benefit. Children are more likely to grow into contributing members of society rather than members of the welfare or corrections systems.

UNCERTAINTIES OF ESTIMATES:

The agency does not capture the type of data needed to quantify the costs that result from the implementation of these regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations are designed to enhance the safety and well being of children in child care settings. Lower group sizes, for example, result in fewer illnesses, particularly upper respiratory and diarrheal infections.

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

Research shows higher staff:child ratios and limiting group size benefits children. Children's reasoning abilities, language development, and social competence are all enhanced when they can have more of their teacher's attention. That means they are more likely to be ready to be successful in school. South Carolina's current regulations are some of the most minimal in the nation.

STATEMENT OF RATIONALE:

A detailed statement of rationale which states the basis for the regulation, including the scientific or technical basis, and identifies studies, reports, policies, or statements of professional judgment or administrative need relied upon in developing the regulation can be obtained from Rose Mary McGregor, SCDSS, P.O. Box 1520, Columbia, SC, 29202.

Text:

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

Document No. 2899
SOUTH CAROLINA STATE LIBRARY
 CHAPTER 75
 Statutory Authority: 1976 Code Section 60-1-80

75-2. Certification Program for Public Librarians.

Preamble:

Public library service is an increasingly important public service, which affects the lives of the entire state population. Hence, it is essential that there be guarantees that the service is in qualified hands. Likewise in most libraries the largest portion of the tax monies allotted to libraries is spent on personnel for the major factor in the success of a library is the ability of the libraries and the library staff. Thus, it is prudent that guideposts for selection are established and a minimum of educational preparation be noted.

There have been, and are, many remarkable librarians who have gained “on the job” training and provided successful, effective library service. This type of training leaves much to chance and requires more time, under proper supervision, than is available in libraries today. Hence, the majority of states have adopted certification plans based on formal educational and library courses.

Certification aids the library boards and librarians in selecting competent personnel; it gives the funding bodies some assurance that the public funds are spent for quality service; and it improves the status of librarianship as a profession. The gains are many, and the inconveniences, once the plan is in operation, are few.

Notice of Public Hearing and Opportunity for Public Comment:

The address to which written comments may be sent regarding this regulation is: Dr. Curtis R. Rogers, South Carolina State Library, P.O. Box 11469, Columbia, SC 29211. Comments should be received no later than February 27, 2004. A public hearing is scheduled for March 30, 2004, at 10:00 a.m. at the South Carolina State Library, 1430 Senate Street, Columbia, SC, room 225.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Certification aids the library boards and librarians in selecting competent personnel; it gives the funding bodies some assurance that the public funds are spent for quality service; and it improves the status of librarianship as a profession.

Legal Authority: South Carolina State Library

Plan for Implementation: The South Carolina State Library maintains certification information which is available upon request from Dr. Curtis R. Rogers, South Carolina State Library, P.O. Box 11469, Columbia, SC 29211.

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

Certification aids the library boards and librarians in selecting competent personnel; it gives the funding bodies some assurance that the public funds are spent for quality service; and it improves the status of librarianship as a profession.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

Not applicable.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Interested individuals may obtain a detailed statement of rationale stating the basis for this regulation to include certification forms and related information from Dr. Curtis R. Rogers, South Carolina State Library, P.O. Box 11469, Columbia, SC 29211.

Text:

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