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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY THE LEGISLATIVE COUNCIL of the GENERAL ASSEMBLY

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

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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.

2006 PUBLICATION SCHEDULE

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

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

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

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiratio	n Dates1
-----------------------------------------	----------

EXECUTIVE ORDERS

No. 2006-09	Suspending York Count	y Coroner	.3
-------------	-----------------------	-----------	----

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certification of Need	4
Notice of Intent to Settle - US Finishing Superfund Site	6
UST SUPERB Site Rehabilitation Contractor Certification	

DRAFTING NOTICES

BUDGET AND CONTROL BOAH Procurement Regulations	RD	9
C		
EDUCATION, DEPARTMENT O		
Students At-Risk		9
HEALTH AND ENVIRONMENT	AL CONTROL, DEPARTMENT OF	
	ees	0
LABOR, LICENSING AND REG	ULATION, DEPARTMENT OF	
Board of Accountancy		
· ·	Accountants and Accounting Practitioners	
	ing Firms 1	0
Board of Medical Examiner		
		1
Board of Nursing		
		1
Board of Examiners in Opto		
Practice of Optometry		1
Board of Examiners in Psyc		
Specialty Designations		2
NATURAL RESOURCES, DEPA	PTMENT OF	
	Game Species	2

TABLE OF CONTENTS

PROPOSED REGULATIONS

AGRICULTURE, DEPARTM	IENT OF	
Document No. 3073	Farmers Markets Regulations	
CLEMSON UNIVERSITY, S	TATE LIVESTOCK-POULTRY HEALTH COMMISSION	
Document No. 3074	State Meat Inspection Regulation	
Document No. 3075	State Poultry Inspection Regulation	
EDUCATION, STATE BOAI	RD OF	
Document No. 3072	Reading, Writing and Mathematics Objectives for Grades 9-12	17

EMERGENCY REGULATIONS

NATURAL RESOURCES, DEPAI	RTMENT OF	
Document No. 3071	Wildlife Management Area Regulations 19)

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

Doc	DAT EDIAL	CUD DOT	Evp	A OFNICK
DOC	RAT FINAL	SUBJECT	EXP.	AGENCY
NO.	NO. ISSUE		DATE	
2955 R21	16 SR30-2	Motorist Insurance Identification Database (Repeal)	1/15/06	Department of Public Safety
2958	SR30-2	Voluntary Check-off Funds	1/17/06	Department of Revenue
2935	SR30-2	Property Tax (Repeal 117-8)	1/17/06	Department of Revenue
2915	SR30-2	Repeal of Bulk Sales Regulation	1/17/06	Department of Revenue
2936	SR30-2	Sales and Use Tax Exemption for Machines	1/17/06	Department of Revenue
2937	SR30-2	Alcoholic Beverages, Beer and Wine	1/17/06	Department of Revenue
2914	SR30-2	Electric Power Tax	1/17/06	Department of Revenue
2966	SR30-3	Repeal Annual Renewal Plan	2/19/06	Department of Insurance
2968	SR30-3	Workers' Compensation Assigned Risk Rates	2/19/06	Department of Insurance
2942	SR30-3	Graduation Requirements	2/20/06	Board of Education
2962	SR30-3	Implementation of Emergency Health Powers Act	2/20/06	Department of Health and Envir Control
2945	SR30-3	Standards for Licensing Tattoo Facilities	2/21/06	Department of Health and Envir Control
2973	SR30-4	Repeal of Duplicative Regulations Included in Nurse Practice Act	3/12/06	LLR: Board of Nursing
2971	SR30-4	Assessment Program	3/22/06	Board of Education
2972	SR30-4 SR30-4	Transportation of Unmanufactured Forest Products	3/22/06	Department of Public Safety
2975	SR30-4	211 Network Provider Certification Requirements	4/09/06	Budget and Control Board
2970	SR30-4	Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
2969	SR30-4	Wildlife Management Area Regulations	4/11/06	Department of Natural Resources
2978 R2		CSO Mortality Table	4/22/06	Department of Insurance
2978 K2	SR30-5	Settlement, Proof of Compliance, Self-Ins, Financial, Audits	4/22/06	Workers' Compensation Commission
2974	SR30-5	Representation of Parties and Intervenors	5/10/06	LLR: Occupat Health and Safety Rev Bd
2970	SR30-5	Child Labor	5/10/06	LLR: Office of Labor Services
	54 SR30-4	SC HOPE Scholarship Program	5/10/06	Commission on Higher Education
	55 SR30-4	SC LIFE Scholarship Program	5/10/06	Commission on Higher Education
	56 SR30-4	Lottery Tuition Assist Prog Two-Year Pub & Independ Instit.	5/10/06	Commission on Higher Education
	57 SR30-4	Palmetto Fellows Scholarship Program	5/10/06	Commission on Higher Education
	57 SR30-4	LIFE, HOPE, Palmetto Fellows Scholarships Appeals Regulations	5/10/06	Commission on Higher Education
2999	SR30-4 SR30-5	Additional Areas of Certification	5/10/06	Board of Education
2996	SR30-5	Displaying the Flag	5/10/06	Board of Education
2990	SR30-5	Denial, Revocation and Suspension of Credentials	5/10/06	Board of Education
2995 R2		Fees and Charges of Consumer Credit Counseling Org Licensees	5/10/06	Consumer Affairs
3012	SR30-5	Licensees, Ethics for Supervisors, Standards for Supervision	5/10/06	LLR: Counselors, Therapists, Psycho-Ed
3036	SR30-5	Instant Games, Online Games	5/11/06	SC Lottery Commission
3035 R31		Nurse Licensure Compact	5/11/06	LLR: Board of Nursing
3030 KS	SR30-5	Supervising Licensees	5/11/06	LLR: Board of Nursing
3030	SR30-5 SR30-6	License to Practice Dentistry	5/15/06	LLR: Board of Dentistry
3011	SR30-6	Intrastate Movement of Certain Animals - Sheep and Goats	5/17/06	Clemson University
3007	SR30-6	Imported Fire Ant Quarantine	5/18/06	Clemson University
3008	SR30-6	Soil Amendments	5/18/06	Clemson University
2983	SR30-6	Wired Music	5/20/06	Department of Revenue
3033	SR30-6	Sales and Use Tax - Interstate Commerce	5/20/06	Department of Revenue
2987	SR30-6	ABL - Records	5/20/06	Department of Revenue
3032	SR30-6	Sales and Use Tax - Warranty Agreements	5/20/06	Department of Revenue
2985	SR30-6	Sales and Use Tax - Manufactured and Modular Homes	5/20/06	Department of Revenue
3028	SR30-6	Types and Levels of Credential Classification (Repeal)	5/20/06	Board of Education
3029	SR30-6	Requirements for Credential Advancement (Repeal)	5/20/06	Board of Education
3006	SR30-6	Tidelands and Coastal Waters	5/20/06	Department of Health and Envir Control
3000	SR30-6	Emergency Medical Services	5/20/06	Department of Health and Envir Control
3005	SR30-6	Capacity Use Declar (Repeal);New Groundwater Use and Report	5/20/06	Department of Health and Envir Control
3003 R43		Hazardous Waste Management	5/20/06	Department of Health and Envir Control
3003 K4.	SR30-6	Environmental Protection Fees	5/20/06	Department of Health and Envir Control
3004 R42		Prevention and Control of Lead Poisoning in Children	5/20/06	Department of Health and Envir Control
5004 1042	5 51050-0	revenuent und control of Lead roisonning in Children	5120100	Department of freath and Envir Collifor

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Subject to Sine Die Expiration Date Revision

3027 SR30-6	Elementary Sch Food Service Meals and Competitive Foods	6/06/06	Board of Education
3026 R440 SR30-7	Maritime Security	<u> </u>	SC Maritime Sec Comm Naval Militia
3040 SR30-7	Hunting in Wildlife Management Areas	6/14/06	Department of Natural Resources
3025 R344 SR30-6	Classified Waters		Department of Health and Envir Control
3047	Milk Producers Tax Credit	1/15/07	Department of Agriculture
3043 R363 SR30-6	State Recognition of Native American Indians		Commission for Minority Affairs
3044 R329 SR30-6	Child Support Guidelines		Department of Social Services
3045 R345 SR30-6	Securities		Office of Attorney General
3057	Retail Licenses And Partnerships	2/01/07	Department of Revenue
3056	End-of-Course Tests	2/01/07	Department of Education
3034 R348 SR30-6	Boiler Safety Program		Dept of Labor, Licensing and Regulation
3059	Highway Advertising Control	3/06/07	Department of Transportation
3022	Licensing of Residential Group Care Organ for Children	3/07/07	Department of Social Services
3060 R450 SR30-7	Professional Employer Organizations		Department of Consumer Affairs
3042	Practice and Procedures	3/20/07	Public Service Commission
3061	Termination of the SCAAIP Joint Underwriting Association	3/21/07	Department of Insurance
3064 R392 SR30-6	Private Security and Private Investigation Businesses		Law Enforcement Division
3052	Telecommunications Utilities	4/09/07	Public Service Commission
3055	Public Swimming Pools	5/09/07	Department of Health and Envir Control

Committee Requested Withdrawal:

3021 Penalties Noncompliance Regulated Child Care Settings

Permanently Withdrawn: None

Resolution Introduced to Disapprove

2927	The Practice of Selling and Fitting Hearing Aids
3002	Shellfish

Department of Social Services

Department of Health and Envir Control Department of Health and Envir Control

EXECUTIVE ORDER NO. 2006-09

WHEREAS, the Grand Jury of York County indicted Douglas McKown, York County Coroner, on July 20, 2006, for one count of Distribution of a Controlled Substance, one count of Unlawful Possession of a Controlled Substance, and one count of Unlawful Possession of a Prescription Drug; and

WHEREAS, a certified true copy of the indictment against Douglas McKown has been provided to me; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions . . ., who has been indicted by a grand jury for a crime involving moral turpitude or who has waived such indictment if permitted by law may be suspended by the Governor until he shall have been acquitted. . ."; and

WHEREAS, Douglas McKown is an officer of the State or its political subdivisions; and

WHEREAS, the above-referenced indictment is for a crime that involves moral turpitude; and

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Douglas McKown from the office he holds as York County Coroner. This suspension shall remain in effect until such time as he shall be formally acquitted or convicted.

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

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 2IST DAY OF JULY, 2006.

MARK SANFORD Governor

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 August 25, 2006, 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 Florence County

Replacement of the existing mobile Positron Emission Tomography (PET) unit operating one (1) day per week with a mobile Positron Emission Tomography/Computed Tomography (PET/CT) unit to operate three (3) days per week. Carolinas Hospital System Florence, South Carolina Project Cost: \$1,281,000

Affecting Greenville County

Radiology expansion to include the purchase of two (2) sixty-four (64) slice Computed Tomography (CT) Scanners. Greenville Memorial Hospital Greenville, South Carolina Project Cost: \$13,880,790

Affecting Richland County

Construction of a one hundred twenty-three (123) bed nursing home by transferring eighty-nine (89) existing beds from Carolina Health and Rehab and adding thirty-four (34) nursing home beds with a Medicaid Nursing Permit of twenty-one thousand, nine hundred (21,900) patient days (sixty beds) which will result in a remaining total of one hundred sixty-eight (168) nursing home beds continuing to operate at Carolina Health and Rehab. The Oaks of Blythewood Blythewood, South Carolina Project Cost: \$10,260,586

Establishment of a joint venture between Palmetto Health and Columbia Heart for the operation of a Diagnostic Cardiac Catheterization Laboratory to be located in the medical office building owned by Columbia Heart on the Palmetto Health Richland campus. Palmetto Heart, LLC Columbia, South Carolina Project Cost: \$3,326,234

Affecting Spartanburg County

Construction of a thirty-three (33) nursing home bed unit as part of a Continuing Care Retirement Community (CCRC) to include six (6) institutional nursing home beds which do not provide a community service and twentyseven (27) nursing home beds that do not participate in the Medicaid (Title XIX) Program. Summit Hills Nursing Center Spartanburg, South Carolina Project Cost: \$4,962,335 Affecting Sumter County

Replacement of the existing 0.35T Magnetic Resonance Imaging (MRI) unit with a 1.0T MRI unit. Tuomey Healthcare System Sumter, South Carolina Project Cost: \$2,203,964

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 August 25, 2006. "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 Charleston County

Relocation of Charleston Plastic Surgery Center, an existing licensed Ambulatory Surgery Facility (ASF) with two (2) Operating Rooms (ORs), to James Island with a change in name to Roper St. Francis James Island Surgery Center. Roper St. Francis James Island Surgery Center Charleston, South Carolina Project Cost: \$8,178,776

Purchase of a multi-slice Computed Tomography (CT) scanner to replace an existing single-slice CT scanner at Roper St. Francis Farmfield Diagnostic Center and the purchase of a single-slice CT scanner at Roper St. Francis Medical Center Northwoods. Roper St. Francis Farmfield Diagnostic Center Roper St. Francis Medical Center Northwoods Charleston, South Carolina Project Cost: \$1,076,211

Affecting Greenville County

Construction of a third (3rd) operating room (OR) in the existing Ambulatory Surgery Facility (ASF). The Center for Special Surgery, LLC Greenville, South Carolina Project Cost: \$2,159,756

Affecting Richland County

Renovation and construction for a new Children's Hospital as a part of Palmetto Health Richland with no change in total licensed beds. Palmetto Health Richland Columbia, South Carolina Project Cost: \$34,922,366

Affecting Spartanburg County

Addition of a mobile Positron Emission Tomography/Computed Tomography (PET/CT) service for use one (1) day per week. Mary Black Memorial Hospital Spartanburg, South Carolina Project Cost: \$481,890

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management US Finishing Superfund Site (aka, Union Bleachery, Cone Mills), Greenville County South Carolina Department of Health & Environmental Control vs. American Fast Print, Ltd. (US), <u>et al</u>. US District Court Civil Action No.: 6:04-23349-13

NOTICE OF INTENT TO SETTLE OPPORTUNITY FOR PUBLIC COMMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Consent Decree with American Fast Print Limited (U.S.) d/b/a U.S. Finishing, ("American Fast Print"); Duke Energy Corporation, d/b/a Duke Power ("Duke Energy"); and Piper Properties of Greenville, LLC ("Piper Properties")(American Fast Print, Duke Energy, and Piper are referred to collectively as Settling Defendants"). Prior to final execution by SCDHEC, the Consent Decree is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Consent Decree relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the U.S. Finishing Site (the "Site"), located in Greenville County, South Carolina, and property in and around the vicinity of 3335 Old Buncombe Drive, Greenville, SC.

The Consent Decree provides, in part, for recovery of response costs from American Fast Print in the amount of \$200,000.00; from Duke Energy in the amount of \$150,000.00; and, from Piper in the amount of \$22,100.00 for the SCDHEC's past response actions at the Site. In addition, Settling Defendants agree to assume all future obligations for response actions at the Site as set forth in the Consent Decree.

In consideration of the foregoing, the Consent Decree provides for a release of the Settling Defendants from further liability related to the matters addressed by the Consent Decree and confers contribution protection upon the Settling Defendants pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Consent Decree has been provided to all identified potentially responsible parties.

Copies of the Consent Decree may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Mr. Jody Hamm Freedom of Information Office South Carolina Department of Health and Environmental Control 2600 Bull Street Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than September 25, 2006, and addressed to:

Ms. Linda Chandler Office of General Counsel South Carolina Department of Health and Environmental Control 2600 Bull Street Columbia, SC 29201

UPON FINAL EXECUTION OF THE SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE UNITED STATES SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

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.

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

Pursuant to Section IV.B.1. the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than September 25, 2006 to:

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

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

<u>Class I</u>

Class II.

Environmental Compliance Services, Inc. Attn: Michael Fiorini 3440 Lakemont Blvd. Fort Mill, SC 29708

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

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

2006 Edition of the International Building Code;

2006 Edition of the International Residential Code;

2006 Edition of the International Fire Code;

2006 Edition of the International Plumbing Code;

2006 Edition of the International Mechanical Code;

2006 Edition of the International Fuel Gas Code;

2006 Edition of the International Energy Conservation Code.

2006 Edition of the International Property Maintenance Code;

2006 Edition of the International Existing Building Code.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted on or before December 1, 2006 to Gary F. Wiggins, Administrator, Post Office Box 11329, Columbia, SC 29211-1329.

BUDGET AND CONTROL BOARD

CHAPTER 19

Statutory Authority: 1976 Code Section 11-35-10, et seq.

Notice of Drafting:

The Budget and Control Board proposes to amend Regulation 19-445. Interested persons may submit comments to Materials Management Office, Attn: Keith McCook, 1201 Main Street, Suite 600, Columbia, S.C. 29201 or to regulations@mmo.state.sc.us.

Synopsis:

The Consolidated Procurement Code, which was amended in 2006, authorizes the Budget and Control Board to promulgate regulations governing the procurement, management, control, and disposal of any and all supplies, services, information technology, and construction to be procured by the State and any other regulations relating to implementation of Title 11, Chapter 35. (Sections 11-36-60 & -540(1)) The proposed regulation will address various matters regarding Regulation 19-445 and procurement in general.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority S. C. Code Ann. § 59-5-60 (2004) and § 59-59-150 (Supp. 2005)

Notice of Drafting:

The State Board of Education proposes to draft a new regulation to address objective criteria for identifying students at-risk for being poorly prepared for the next level of study or dropping out of school. Interested persons may submit comments to Dr. Bob Couch, Director, Office of Career and Technology Education, Division of District and Community Services, 1429 Senate Street, Rutledge Building, Room 912, Columbia, South Carolina 29201 or by e-mail. To be considered, comments must be received no later than 5:00 p.m., September 25, 2005, the close of the drafting period.

Synopsis:

The State Board of Education proposes to draft a new regulation to address objective criteria for identifying students at-risk for being poorly prepared for the next level of study or dropping out of school. The proposed new regulation must include evidence based model programs for at-risk students designed to ensure that these students have an opportunity to graduate with a state high school diploma. The regulation must also include an evaluation of model programs in place in each high school to ensure the programs are providing students with opportunities to graduate with a high school diploma.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61 Statutory Authority: 1976 Code Section 44-1-180

Notice of Drafting:

The Department of Health and Environmental Control proposes to revise Regulation 61-55, Septic Tank Site Evaluation Fees, that addresses inspection fees for septic tank systems. Interested persons may submit comments to Mr. H. Michael Longshore, Division of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on September 26, 2006, the close of the drafting comment period.

Synopsis:

Inspection fees for septic tank systems were established in the mid-1980's to augment appropriated funds for Environmental Health. These fees were initially incorporated in annual provisos to the state budget. Initially, these inspection fees were set at \$40 per applicant. In 1987, they were increased to \$60 per applicant. In 2001, they were increased to \$100 per applicant; there have been no subsequent increases. Escalating operational costs and the lack of additional appropriated funds have rendered this \$100 fee inadequate for the program to continue functioning in a responsive and timely manner. This proposed regulation revision incorporates a fee increase to cover the cost of providing this service. Pursuant to the Administrative Procedures Act, public notification of this proposed regulation revision and fee increase will be published.

Legislative review of this proposal will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF ACCOUNTANCY CHAPTER 1 Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70(11)

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Board of Accountancy proposes to repeal existing Regulations 1-01 through 1-21 and add new Regulations 1-01 through 1-11. Interested persons may submit comments to the S.C. Department of Labor, Licensing and Regulation, Board of Accountancy, Doris Cubitt, Administrator, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

To reflect changes enacted by 2004 Act 289, the South Carolina Board of Accountancy is proposing to repeal existing Regulations 1-01 through 1-21 and add new Regulations 1-01 through 1-11 concerning the requirements for licensure of Certified Public Accountants and Accounting Practitioners and in the requirements for registration of Accounting Firms.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-47-10(I)(3) and 40-1-70

Notice of Drafting:

The Board of Medical Examiners proposes to add Regulation 81-96 regarding office-based surgery. Written comments may be submitted to Bruce F. Duke, Board Administrator, at 110 Centerview Drive, Post Office Box 11289, Columbia, South Carolina, 29211-1289.

Synopsis:

The purpose of the regulation is to promote patient safety in non-hospital office-based settings during procedures requiring administration of local anesthesia, sedation/analgesia, or general anesthesia, or minor or major conduction block. To provide physicians performing office-based surgery with the benefit of uniform professional standards regarding qualification of practitioners and staff, equipment, facilities, and polices and procedures for patient assessment and monitoring.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF NURSING CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E), and 40-33-10(I)

Notice of Drafting:

The State Board of Nursing proposes to update Regulations 91-23 through 91-30, and renumber them as new Regulations 91-3 through 91-13 regarding nursing programs. Written comments may be submitted to Joan K. Bainer, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The purpose of the amendment is to update and renumber regulations regarding nursing programs.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTOMETRY

Chapter 95 Statutory Authority: 1976 Code Sections 40-37-40(A)(7)

Notice of Drafting:

The South Carolina Board of Examiners in Optometry proposes to amend Regulation 95-1 through 95-20. Interested persons may submit written comments to Angie M. Combs, Administrator, South Carolina Board of Examiners in Optometry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

12 DRAFTING

Synopsis:

The South Carolina Board of Examiners in Optometry proposes to update and clarify existing regulations and to make the current regulations concur with Act 135 of 2005.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN PSYCHOLOGY

CHAPTER 100

Statutory Authority: 1976 Code Section 40-55-40

Notice of Drafting:

The Board of Examiners in Psychology is considering repealing 100-5, which includes all provisions governing specialty designations and amending other regulations accordingly. Written comments may be submitted to Patricia F. Glenn, Board Administrator, at 110 Centerview Drive, 3rd Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the repeal of regulation 100-5 is to recognize that the practice of psychology has evolved. Existing specialty descriptions do not identify the services provided by individual licensees in current terms and are no longer useful to the public. Allowing licensees to describe their practices in accurate terms, without regulation limitations, will improve communication to the public.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-30, 50-15-40, 50-15-50 and 50-15-70

Notice of Drafting:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that list endangered species and non-game species in need of management in South Carolina. The Department will also amend the existing regulation for management of non-game wildlife in South Carolina.

Any person interested may submit written comments to D. Breck Carmichael, Jr., Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

The proposed amendments will change the composition of both the list of species in need of management and the endangered species list for South Carolina. The Department proposes to remove the indigo snake from the list of endangered species, and add the southern hognose snake to the list of species in need of management. The Department will amend the Spotted Turtle Program regulation to change the reporting time for permits from annual reports to reporting every five (5) years. In addition the Department will correct several names of currently listed species to reflect recent changes in their taxonomy.

Document 3073 DEPARTMENT OF AGRICULTURE CHAPTER 5 Statutory Authority: 1976 Code Section 12-6-3580.

R 5-190 et seq. Farmers Market Regulations

Preamble:

The Department of Agriculture proposes amendments to these regulations to clarify and improve the procedures used to operate and maintain the State Farmers Markets, which were created to facilitate the buying and selling of South Carolina fresh produce. These regulations will help to ensure more uniform administration of the market rules, and also provide greater clarity regarding the activities regulated, prohibited and otherwise required on the Market premises.

Notice of Drafting for the proposed amendments was published in the State Register on June 23, 2006.

Section by Section Discussion

(1.) Definitions.

<u>SECTION A CITATION; EXPLAINATION:</u> 5-910(A) No Changes are proposed to this section.

(2) Determination of Production Price

SECTION B CITATION; EXPLANATION:

5-910(B) this section explains the overall authority, duties and responsibilities of the Market Manager. Proposed changes to this section would clarify that the Market Manager may employ or hire outside contractors and charge vendors for the cost of services related to repairing market damage and maintaining the market in a sanitary manager for the benefit of all Market users.

SECTION C CITATION; EXPLANATION:

5-910(C) This section provides general discussion regarding market fees, registration and space assignments for vendors at the Market. Proposed changes to this section would create a simple registration system identifying vendors as South Carolina producers or simply as buyers and sellers. This section also simplifies the space rental fee structure for temporary vendors selling at the Markets by moving to a daily fee structure.

SECTION D CITATION; EXPLANATION:

5-190(D) This section provides an overview of the general market operating rules and regulations. Proposed changes to this section include: appropriate actions for abandoned produce and facilities at the Market; advertising guidelines and restrictions; alcohol sales; children on the market; designated representatives; vendor employee conduct and accountability; equipment operation; false packing and false reporting; fire hazards; compliance with local regulations; profane language; price agreements; repackaging; market sanitation; and unacceptable behavior.

SECTION 5-191 CITATION; EXPLANATION

This section has been deleted because all lease fees at the Columbia State Farmers Market will be determined in the terms of individual lease agreements with market vendors, and the daily space rental fee structure replaces the physical space structure that currently exists for temporary vendors.

SECTION 5-192 CITATION; EXPLANATION

This section has been deleted because all of the fees at the Greenville State Farmers Market will be determined by the terms of the individual lease agreements, and the daily space rental fee structure replaces the physical space structure that currently exists for temporary vendors.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on September 27, 2006 at 10:00 a.m. at the Ramage Conference Center, 1001 Bluff Road, Columbia, SC 29201. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If no request for a hearing is received by September 25, 2006, the hearing will be canceled.

In addition, written comments may also be submitted. All written comments and requests for a public hearing should be directed to Ms. Beth Crocker, General Counsel, S.C. Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280 no later than September 25, 2006.

Preliminary Fiscal Impact Statement:

No additional state funding is requested regarding the proposed amendments to the regulations.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Farmers Market Regulations

<u>Purpose:</u> To clarify and provide more efficient procedures related to the operation and maintenance of the State Farmers Markets. These regulations will clarify requirements for all persons utilizing the State Farmers Market facilities by ensuring more uniform administration of the market rules, and also providing greater clarity regarding the activities regulated, prohibited and otherwise required on the Market premises.

Legal Authority: The legal authority for Regulations 5-910 et seq. is Section 46-15-30, S.C. Code of Laws.

<u>Plan for Implementation</u>: The proposed regulations will take effect upon publication in the *State Register* and may be implemented by providing copies of the regulation upon request.

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

The proposed regulations will provide clarification of the Department's responsibilities and duties regarding the operation and maintenance of all State Farmers Markets facilities.

DETERMINATION OF COSTS AND BENEFITS: Consumers, vendors and farmers will benefit from these amended regulations because they will help the Department to operate and maintain the markets in a fair, efficient and sanitary manner.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed regulations help to clarify the market administration and operating responsibilities of the Department in operating and maintaining the State Farmers Markets, which are designed to facilitate the purchase and sale of fresh South Carolina agricultural produce.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect upon the environment or the public health if these regulations are not implemented.

Text:

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

Document No. 3074 CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION CHAPTER 27

Statutory authority: 1976 Code Section 47-4-30 and 47-17-130

R.27-1023 State Meat Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on June 23, 2006.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on October 23, 2006 at 10:00 a.m. If no request is received by October 16, 2006 the hearing will be canceled. Written comments may be directed to Dr. Daniel E. Lafontaine, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than October 16, 2006.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement. Legal Authority: 1976 Code Section 47-4-30, 47-17-130.

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

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 also may be obtained from the promulgating agency.

Document No. 3075 CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION CHAPTER 27 Statutory Authority: 1976 Code Section 47-4-30, 47-19-30, and 47-19-170

R 27-1022 State Poultry Regulations

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on June 23, 2006.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on October 23, 2006 at 10:00 a.m. If no request is received by October 16, 2006 the hearing will be canceled. Written comments may be directed to Dr. Daniel E. Lafontaine, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than October 16, 2006.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

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

Legal Authority: 1976 Code Section 47-4-30, 47-19-30 and 47-19-170Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

Text:

R.27-1022 - State Poultry Inspection Regulation

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. 3072 **STATE BOARD OF EDUCATION** CHAPTER 43 Statutory Authority: S.C. Code Ann. Section 59-30-10, *et seq.* (2004)

43-262.3 Reading, Writing and Mathematics Objectives for Grades 9–12

Preamble:

This regulation is no longer needed because the High School Assessment Program (HSAP) has replaced the Basic Skills Assessment Program (BSAP) exit examination. The HSAP assesses the current content standards that students in South Carolina are expected to know and be able to do. All other regulations relating to the BSAP have been repealed previously. The notice of drafting was published in the *State Register* on June 23, 2006.

Section-by-Section Discussion

This regulation is being repealed because the Basic Skills Assessment Program (BSAP) exit examination has been replaced by the High School Assessment Program (HSAP).

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 repeal of regulation 43-262.3 at a public hearing to be conducted by the State Board of Education on October 11, 2006, at 9:30 a.m., in the Basement Conference Room of the Rutledge Building, State Department of Education, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing may be asked to limit their statements to five minutes or less. If possible, persons 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 regulation by writing to Theresa Siskind, Director, Office of Assessment, Room 607, South Carolina Department of Education, Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201 or by e-mail to tsiskind@sde.state.sc.us. Comments must be received no later than 5:00 p.m. on September 25, 2006.

Preliminary Fiscal Impact Statement: There will be no cost to the state on its political subdivision.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (2005).

DESCRIPTION OF REGULATION: R 43-262.3 Reading, Writing and Mathematics Objective for Grades 9–12.

<u>Purpose</u>: R 43-262.3 is being repealed because the High School Assessment Program (HSAP) has replaced the Basic Skills Assessment Program (BSAP) exit examination.

Legal Authority: The legal authority is S.C. Code Ann. Sections 59-30-10, et seq. (2004).

<u>Plans for Implementation</u>: The proposed repeal will be posted on the State Department of Education's Web site for review and comments. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed repeal will be implemented by providing school district personnel with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal of the regulation is because the Basic Skills Assessment Program (BSAP) has been replaced by the High School Assessment Program (HSAP).

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the regulation will have no effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale:

This regulation is no longer needed because the Basic Skills Assessment Program (BSAP) exit examination has been replaced by the High School Assessment Program (HSAP). A copy of the Statement of Rationale is available in the Office of Assessment, 1429 Senate Street, Rutledge Building, Room 607, Columbia, South Carolina 29201.

Text:

43-262.3 Reading, Writing and Mathematics Objectives for Grades 9-12.

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

Filed: August 7, 2006, 2:50 pm

Document No. 3071 DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-51. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on these areas begin August 15, it is necessary to file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-51.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(G) Francis Marion National Forest

No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On eithersex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. Hogs may only be taken during deer hunts and special hog hunts.

Hellhole WMA Deer		
Archery	Aug. 15 through Sept. 30	2 deer per day, buck only, except either- sex Sept. 15 – Sept. 30.
		Hogs no limit.
Still Gun Hunts	Oct. 1 through Jan. 1	2 deer per day, either-sex. Hogs no limit.
Dog Hunts	2 nd Friday in December	2 deer total per day,
(Shotguns only, no still gun hunting)	All deer must be checked at Hellhole Check Station.	either-sex

20 EMERGENCY REGULATIONS

Small Game No open season for fox hunting	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunts w	Game Zone 6 bag limits except Quail- 8 per day ith dogs.
Waterhorn WMA Deer		
Archery	Sept. 24 through Oct. 15	2 deer per day, either-sex, Hogs no limit.
Muzzleloader	Oct. 25 through Nov 8	2 deer per day, either-sex, Hogs no limit.
Still Gun Hunts	3 rd Fri. & Sat. in Aug. 1 st & 2 nd Fri. & Sat. in Sept. 2 nd Fri. & Sat. in Nov.	2 deer per day, buck only, Hogs no limit.
	1st full week in Dec. Dec. 26 through Dec. 31	2 deer per day, either-sex Hogs no limit.
Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunt per	Game Zone 6 bag limits except Quail- 8 per day riods.
Hog Hunts	Sat. only in Feb.	No limit.

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

Hog hunters must sign a register at Elmwood Check Station upon entering and leaving Waterhorn WMA.

Wambaw WMA

Deer

Tibwin Special Use Area is closed to hunting except for special hunts published by the SCDNR.

Still Gun Hunts

Aug. 15 through Jan. 1

2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1. Hogs no limit.

EMERGENCY REGULATIONS 21

Dog Hunts (Shotguns only)	Next to last Thurs-Sat. in Aug. 2 nd Wed & Thurs in Nov.	2 deer per day, buck only, Hogs no limit.	
	1st Sat. in Nov.	2 deer per day, either-sex. Hogs no limit.	
On either-sex deer hunts with dogs, all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower.			
Still gun hunts only East of Hwy 17. Rifles allowed.			
Seewee Special Use Area Archery (no dogs)	Sept. 1 – Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1.	
Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits except Quail- 8 per day	
Northampton WMA Deer			
Still Gun Hunts	Aug. 15 through Jan. 1	2 deer per day, buck only, except either-sex Sept 15 – Jan 1. Hogs	
Dog Hunts (Shotguns only)	Last Thurs Sat. in Sept. & 2nd Wed & Thurs in Oct.	2 deer per day, buck only, hogs no limit.	
	3 rd Sat. in Oct.	2 deer per day, either sex, hogs no limit.	
On either-sex deer hunts with dogs, all deer must be checked in at P&C Grocery or Anglers in Jamestown.			

Small Game	No hunting before Sept. 1 or after	Game Zone 6 bag limits
No open season on	Mar. 1; otherwise Game Zone 6	except Quail- 8 per day.
fox hunting.	seasons apply. Dogs allowed during	
	small game gun season only. Closed	
	during scheduled periods using dogs	
	to hunt deer or hogs.	
	to nunt deel of nogs.	

22 EMERGENCY REGULATIONS

Santee WMA

Deer

Still Gun Hunts	Aug. 15 through Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 – Jan 1. Hogs no limit.
Dog Drive Hunts (Shotguns only)	Last Wed - Sat. in Aug. & 4th Wed. & Thurs. in Oct.	2 deer per day, buck only, hogs no limit.
	First Sat. in Oct.	2 deer per day, either-sex Hogs no limit.

On either-sex deer hunts with dogs, all deer must be checked in at Bonneau Ferry WMA entrance or M&B Alvin Community Mart.

Small Game	No hunting before Sept. 1 or after	Game Zone 6 bag limits
No open season for	Mar. 1; otherwise Game Zone 6	except Quail- 8 per day.
fox hunting.	seasons apply. Dogs allowed during	
	small game gun season only. Closed	
	during scheduled periods using dogs	
	to hunt deer or hogs.	

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on August 15, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.