

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

THE 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 OF THE SOUTH CAROLINA STATE REGISTER

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 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.

2001 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	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is 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.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

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 renewable once.

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SUBSCRIPTIONS

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 The history, status, and full text of these regulations are available on the
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2625			Student Loan Corp	5 07 02	Commission on Higher Education
2631			Staff Leasing Services	5 07 02	Department of Consumer Affairs

*** Approval pending Governor's signature on Joint Resolutions**

REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY
2573	4 24 01	Food Stamp Program	Department of Social Services
2564	5 31 01	Accreditation Criteria	Board of Education

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Commission on Higher Education

WITHDRAWN:

DOC No.	DATE	SUBJECT	AGENCY
2603	7 09 01	End-of-Course Tests	Board of Education

2 EXECUTIVE ORDERS

No. 2001-27

WHEREAS, on September 11, 2001, in response to terrorist attacks against the United States, I issued Executive Order 2001-24 directing the South Carolina Emergency Operations Plan be placed into effect, that the State Emergency Operations Center be activated, and that the Adjutant General place up to 50 certain critical need personnel of the South Carolina National Guard on state active duty and place the remainder of the South Carolina National Guard on standby; and

WHEREAS, while the State of South Carolina must remain at a heightened state of readiness and begin taking permanent measures to better protect against threats and acts of terrorism, there is no existing emergency requiring the continued implementation of the South Carolina Emergency Operations Plan or activation of the South Carolina Emergency Operations Plan; and

WHEREAS, on or about 12:00 a.m. midnight, Friday, September 14, 2001, critical need personnel of the South Carolina National Guard placed on state active duty by the Adjutant General pursuant to Executive Order 2001-24 will be transferred to federal active duty status; and

WHEREAS, on September 12, 2001, pursuant to my emergency powers and in response to price gouging reports from some regions of the country and the danger that some persons in South Carolina may overcharge for gasoline and other essentials, I issued Executive Order 2001-26 prohibiting overcharging and instructed SLED to investigate any allegations of price gouging for possible criminal prosecution under South Carolina Code § 16-7-10; and

WHEREAS, concern still remains that unjustified prices may be charged to consumers for gasoline and other essential items.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that Executive Order 2001-24 is cancelled, rescinded, and from this date declared null and void, except that the critical need personnel placed on state active duty pursuant to Executive Order 2001-24 be on state active duty status until 12:00 a.m. midnight, Friday, September 14, 2001, or until they are transferred to federal active duty status, whichever is later.

I further direct that the Adjutant General maintain the South Carolina National Guard on standby for so long time as the present federal state of emergency exists.

I further direct that Executive Order 2001-26 is cancelled, rescinded, and from this date null and void; however, the Consumer Advocate is directed to continue to investigate and report any findings of overcharging as provided by law.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 13TH DAY OF
SEPTEMBER 2001.**

**JIM HODGES
GOVERNOR**

No. 2001-28

WHEREAS, the Lynchburg Election Commission has determined that an election should be held for two (2) Lynchburg Town Council seats; and

WHEREAS, the Lynchburg Election Commission, competent authority, has requested a new election pursuant to Section 7-13-1170 of the South Carolina Code of Laws; and

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

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and statutes of the State of South Carolina, I hereby:

- a. Order that Lynchburg Election Commission hold an election for the two vacant seats on the Lynchburg Town Council on December 18, 2001 as is permitted by the United States Department of Justice; and
- b. Designate the Lynchburg Election Commission to perform the necessary official duties pertaining to the election and to declare the result.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 25TH DAY OF
SEPTEMBER, 2001.**

**JIM HODGES
GOVERNOR**

No. 2001-29

WHEREAS, in Executive Order 2001-09, I established the Governor’s Task Force on Affordable Housing (“Task Force”) and charged it with the responsibility of providing me with a final report and recommendations by October 1, 2001; and

WHEREAS, the Task Force should have a full opportunity to evaluate the options available to our State in addressing the efforts to ensure improved development of and access to affordable housing in South Carolina; and

4 EXECUTIVE ORDERS

WHEREAS, in order for the Task Force to complete its evaluation, the South Carolina State Housing Finance and Development Authority must submit the South Carolina Housing Needs Assessment which will be completed by May 2002 to the Task Force.

NOW, THEREFORE, I hereby extend the time for the Task Force to provide me with a final report from October 1, 2001 to June 1, 2002. Further, the Task Force shall provide me with an interim report no later than October 31, 2001.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 28TH DAY OF
SEPTEMBER 2001.**

**JIM HODGES
GOVERNOR**

No. 2001-30

WHEREAS, the President of the United States of America, in the wake of the terrorist attacks of September 11, 2001, has determined that the security of the nation's air transportation system requires new and aggressive measures to enhance and ensure airline and airport safety at the nation's commercial airports; and

WHEREAS, the President of the United States of America, pending the implementation of a comprehensive and permanent federal system of airline and airport security which is now being developed, has requested that the Governors of the 50 states immediately authorize the deployment of sufficient troops of the National Guard to provide a visible, armed deterrence at airport security checkpoints, to monitor and reinforce existing airport checkpoint structures and operations, and to provide support and assistance to airport security personnel as necessary or as directed by appropriate federal officials.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and laws of the State of South Carolina, I hereby direct the Adjutant General to place sufficient numbers of the South Carolina National Guard on state duty to adequately provide a visible, armed deterrence at South Carolina's commercial airports, to monitor and reinforce existing airport checkpoint structures and operations, and to provide support and assistance to airport security personnel as necessary or as directed by appropriate officials of the federal government.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 28TH DAY OF
SEPTEMBER 2001.**

**JIM HODGES
GOVERNOR**

No. 2001-31

WHEREAS, South Carolina's military installations and facilities are essential to the national defense, the safety and security of our citizens; and

WHEREAS, military installations and facilities, personnel and their families, and retirees located in South Carolina are integral components of the State's economy; and

WHEREAS, the presence of these military installations and personnel positively impacts the State's economy; and

WHEREAS, facilitating the interaction between government and private-sector leadership is crucial in order to maintain a vital United States Department of Defense presence in South Carolina; and

WHEREAS, a coordinated effort is fundamental to the strategic planning of the communities associated with this State's military installations.

NOW, THEREFORE, I do hereby establish the South Carolina Military Base Task Force ("Task Force") to coordinate efforts to maintain the significant United States Department of Defense presence in South Carolina. The South Carolina Comptroller General shall chair the twenty-one member Task Force.

1. The Task Force shall be comprised of the following individuals or their designees:

South Carolina Adjutant General
 Secretary of the South Carolina Department of Commerce
 Director of the Governor's Office of Veterans Affairs
 Executive Director of South Carolina Chamber of Commerce
 Chief Executive Officer of Beaufort Chamber of Commerce
 Chief Executive Officer of Charleston Chamber of Commerce
 Chief Executive Officer of Columbia Chamber of Commerce
 Chief Executive Officer of Sumter Chamber of Commerce
 Chairperson of Beaufort County Council
 Chairperson of Berkeley County Council
 Chairperson of Charleston County Council
 Chairperson of Richland County Council
 Chairperson of Sumter County Council
 Mayor of Beaufort
 Mayor of Charleston
 Mayor of Columbia
 Mayor of North Charleston
 Mayor of Sumter

2. Senator Phil Leventis and Representative Bill Cotty shall serve as members of the Task Force.
3. The Chairman may include other individuals or their designees from the affected communities.
4. The South Carolina Military Assistance Council shall serve as a resource to the Task Force.
5. The Budget and Control Board shall provide staff support through the Office of the Executive Director as necessary to assist the Task Force in carrying out the directives of this Executive Order.

6 EXECUTIVE ORDERS

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 3RD DAY OF
OCTOBER, 2001.**

**JIM HODGES
GOVERNOR**

No. 2001-32

WHEREAS, the undersigned has been informed that Colleton County Treasurer Ann Pierce died on October 5, 2001; and

WHEREAS, the undersigned is authorized to appoint a County Treasurer in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Sections 1-3-220(2) (Supp. 1998) and 4-11-20; and

WHEREAS, Janice Renee Alexander of 704 Hampton Street, Walterboro, South Carolina 29488, is a fit and proper person to serve as the Treasurer of Colleton County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Janice Renee Alexander as Treasurer of Colleton County until the next general election and until her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 10TH DAY OF
OCTOBER, 2001.**

**JIM HODGES
GOVERNOR**

EDUCATION LOTTERY COMMISSION
CHAPTER 44
 Statutory Authority Chapter 150, Title 59

Explanatory Note:

These temporary regulations are being issued pursuant to Section 59-150-70. These temporary regulations are not considered regulations as defined by the Administrative Procedures Act; however, these temporary regulations have the force and effect of law.

Temporary Regulation Number 01 - 2001

Pursuant to Section 59-150-70, Code of Laws of South Carolina, 1976, the South Carolina Lottery Commission adopted the following temporary regulation:

44.001 (A) For purposes of the criminal background investigation required by Sections 59-150-150(C) and 59-150-165(C), “the operational manager” is the employee who has day-to-day operational management responsibilities for the business or entity. As provided in Section 59-150-165(C)(2), the Education Lottery Commission finds and determines that the operational manager is one of the appropriate employees on whom a criminal background investigation must be conducted. For purposes of retail sales licensing, the operational manager is deemed to be the employee who is designated by the applicant as the employee responsible and accountable for the overall supervision of the lottery operation for the applicant that is seeking licensure for one or more retail locations. This employee must have decision-making authority for lottery transactions, including but not limited to the authority for placing ticket orders with the Education Lottery Commission or the authority to designate the employees to transact business with the Education Lottery Commission. An applicant may elect to include an operational manager for each retail location but is not required to do so. The operational manager(s) must be designated on the retailer license application.

(B) “Applicant” means a corporation, partnership, unincorporated association, or other legal entity. In the case of an applicant doing business as a sole proprietorship, the sole proprietor must undergo a background investigation required by Section 59-150-165(C).

Effective September 25, 2001.

Temporary Regulation Number 02 - 2001

44.002 (A) In addition to the criminal background investigation provided for operational managers by Section 59-150-165(C)(2)(e) and required by temporary Regulation Number 01 – 2001 (Section 44.001), a criminal background investigation must be performed on all principals of the person (applicant). For purposes of this investigation, “principal” means:

- (1) the directors and officers of an association;
- (2) all partners of a partnership, limited partnership, or limited liability partnership;
- (3) all members of a limited liability company, or if the company is a manager-managed company, all members and managers;
- (4) all trustees of a trust; and
- (5) for a corporation, its directors, officers, and stockholders with a ten percent or more direct or beneficial interest or any person or entity that receives more than ten percent of the net income.

(B) If a corporation is a member of a controlled group of corporations, as defined in 26 U.S.C. 1563, or a member of an affiliated group of corporations, as defined in 26 U.S.C. 1504, and at least one member of the group of corporations is a publicly-held corporation, only the corporation which seeks the vendor or retailer contract

8 NOTICES

pursuant to this chapter is considered a principal for purposes of this chapter, along with its directors, officers, and stockholders as described in subsection (A)(5).

(1) For purposes of this section, "publicly-held corporation" means a corporation:

(a) whose shares are traded on a national exchange; and

(b) whose total assets at the end of the corporation's most recent fiscal quarter exceeded one billion dollars.

(C) The individuals identified in subsection (A) for each respective applicant must (1) be listed on Schedule D of the Retail Sales Application and (2) undergo a background investigation conducted by the South Carolina Law Enforcement Division.

If the headquarters of the corporation or other business entity listed in subsection (A) is not located in South Carolina or if the business is not organized pursuant to South Carolina law, the applicant must identify the highest ranking employee of the entity who is a South Carolina resident on the retail sales application. The name, date of birth, Social Security number, title and address of this employee must be included on Schedule D of the retail sales application and this individual must undergo a criminal background investigation as provided in this section. If this employee is also the operational manager, the applicant (business entity) does not need to designate an additional employee for purposes of a background investigation.

Effective October 3, 2001.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

The Department of Health and Environmental Control issued a Notice of Proposed Regulation for the proposed amendment of R.61-43, Standards for the Permitting of Agricultural Animal Facilities, in the August 24, 2001, issue of the State Register, identified as Document No. 2646. The notice scheduled a Staff Informational Forum on September 24, 2001, a write-in comment period, and a Public Hearing scheduled before the DHEC Board on November 8, 2001. Due to the fact that the regularly scheduled Board meeting for November will not be held in Columbia, the Public Hearing on the proposed amendments to R.61-43 scheduled for November 8, 2001, was postponed. The proposed regulation is being revised based on comments received. All comments received from the Staff-Informational Forum and write-in public comment period which ended September 24, 2001, are being considered. All comments received through September 24, 2001, shall be submitted to the Board for consideration at the public hearing in a Summary of Public Comments and Department Responses.

The Public Hearing to be conducted by the Board of Health and Environmental Control for this proposed regulation has been rescheduled for December 13, 2001. The public hearing will be held at the regularly scheduled Board meeting on December 13, 2001, 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. Interested persons planning to attend the public hearing should enter the building at the front entrance facing Bull Street. 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 presentation for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 NOTICE OF GENERAL PUBLIC INTEREST
 Public Notice #01-502-GP-N
 October 26, 2001

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-01) "Textile Greige Operations." This general permit was previously opened for a 30 day public comment period on December 28, 2000, with final issuance on August 01, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P. E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

CHEROKEE COUNTY

Hamrick Mills (Musgrove Plant)
 150 Hamrick Street
 Gaffney, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 NOTICE OF GENERAL PUBLIC INTEREST
 Public Notice #01-503-GP-N
 October 26, 2001

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-02) "Fuel Combustion Operations." This general permit was previously opened for a 30 day public comment period on December 28, 2000, with final issuance on August 01, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62 "Air Pollution Control Regulations and Standards,"

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these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P. E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

BEAUFORT COUNTY

South Island Public Service District
2 Lawton Canal Road
Hilton Head, South Carolina

South Island Public Service District
106-A Cordillo Parkway
Hilton Head Island, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL NOTICE OF GENERAL PUBLIC INTEREST CHEROKEE COUNTY MAINTENANCE PLAN

Synopsis:

The South Carolina Department of Health and Environmental Control (Department) proposes to revise the South Carolina Air Quality Implementation Plan, also referred to as the State Implementation Plan or SIP. The proposed revision is necessary to meet U.S. Environmental Protection Agency and Federal Clean Air Act requirements. Section 175(A) of the Clean Air Act (CAA), as amended and regulations under 40 CFR Part 93.106, require South Carolina to submit a revised maintenance plan to EPA within ten years of the redesignation of Cherokee County as attainment for the one hour ozone standard which occurred in 1992. A maintenance plan has been developed and incorporated into the SIP that provides for the continued protection of air quality in Cherokee County. The ten-year maintenance plan for Cherokee County included area, point, and mobile source emissions inventory projections for the year 2002.

The Department is proposing to amend the SIP to update the 1990 emissions inventory and to include a 2012 emissions budget for Cherokee County, SC. The on-road mobile source emissions for this revision are derived from the MOBILE 5a model, which is the latest emission estimation model approved for maintenance areas. On August 25 and December 28, 2000, the Department published Notice in the *State Register* advising the public of its intent to revise the SIP for the same aforementioned reasons. A public hearing was held on January 24, 2001, and the final SIP revision package was forwarded to the United States Environmental Protection Agency (EPA) on February 21, 2001, for review. During subsequent communications with EPA, the Department was informed that the Tier 2/Low Sulfur credit incorporated into the Department's SIP revision at the guidance of EPA would require additional steps that are not necessary to demonstrate compliance with the emissions budget. To clarify the issue, the Department has opted to remove the Tier 2/Low Sulfur credit from its current SIP revision and has recalculated

the emissions budget accordingly. The Department will update the Cherokee County maintenance plan using MOBILE 6 as required when the model becomes final.

Public Hearing:

Staff of the Department will conduct a public hearing to receive public comments on the proposed revision of the Air Quality State Implementation Plan on November 26, 2001, at 2:00 p.m. in Room 2280 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 Julie Seel at the South Carolina Department of Health and Environmental Control, Regulation Planning and Development Section, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by November 26, 2001, the close of the comment period.

Copies of the proposed SIP amendment for public notice and comment will be available at the public hearing. Copies may also be obtained by contacting Julie Seel at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, by calling (803) 898-3256, or by visiting www.scdhec.net/baq and clicking on "Regulatory" and then "Cherokee County" icon.

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 October 26, 2001, 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 Anderson County

Construction of a 40 bed comprehensive rehabilitation hospital to include twelve nursing home beds that do not participate in the Medicaid (Title XIX) Program and 28 comprehensive rehabilitation beds.

AnMed/HEALTHSOUTH/Rehabilitation Hospital

Anderson, South Carolina

Project Cost: \$9,574,482

Affecting Calhoun and Orangeburg Counties

Relocation of Administration, Finance, Foundation, and Public Relations to Annex; relocation/expansion of endoscopy suite; expansion of outpatient surgery.

The Regional Medical Center of Orangeburg & Calhoun Counties

Orangeburg, South Carolina

Project Cost: \$ 4,200,025

Affecting Charleston County

Renovation of the first floor of the Clinical Science Building for fire and safety upgrades for the relocation of the Dialysis Unit.

Medical University of South Carolina

Charleston, South Carolina

Project Cost: \$2,023,477

Affecting Cherokee County

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Expansion and relocation of Emergency Department, Outpatient Services, and the addition of one (1) operating room.

Upstate Carolina Medical Center
Gaffney, South Carolina
Project Cost: \$5,801,078

Affecting Georgetown County

Renovation for the addition of forty-three (43) general acute care beds, for a total of 145 general acute care beds.
Georgetown Memorial Hospital
Georgetown, South Carolina
Project Cost: \$3,882,594

Affecting Greenwood County

Acquisition of the da Vinci Surgical System for robotics-assisted surgery.
Self Memorial Hospital
Greenwood, South Carolina
Project Cost: \$910,673

Affecting Richland County

Establishment of a freestanding ambulatory surgery center with four (4) operating rooms at I-26 and Hwy. 60.
Palmetto Health Northwest Ambulatory Surgery Center, LLC
Columbia, South Carolina
Project Cost: \$5,991,143

Renovation of existing space for the addition of a 6th cardiac catheterization lab, with no change in the existing licensed bed capacity of the hospital.
Providence Hospital
Columbia, South Carolina
Project Cost: \$1,400,000

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning October 26, 2001. "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 Edgefield County

Construction of an outpatient and emergency department addition and renovation of the existing facility with no change in the existing licensed bed capacity.
Edgefield County Hospital
Edgefield, South Carolina
Project Cost: \$5,896,282

Affecting Georgetown County

Major construction to include the Emergency Department, Imaging Department, Laboratory, Cardiopulmonary Department, Labor and Delivery Suite, Administration, Acute Dialysis and support areas; construction of shelled space on the second and third floors for future expansion.

Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$12,110,143

Affecting Greenwood County

Renovation and expansion of the existing Imaging Center at Self Memorial to include an open Magnetic Resource Imaging (MRI) system, a CT scanner, and other diagnostic modalities.

Self Memorial Hospital
Greenwood, South Carolina
Project Cost: \$6,463,907

Affecting Richland County

Expansion of the existing ambulatory surgery center within the addition of two (2) endoscopy rooms for a total of four (4) endoscopy rooms restricted to gastroenterology procedures only.

Columbia Gastrointestinal Endoscopy Center
Columbia, South Carolina
Project Cost: \$2,003,884

Establishment of an ambulatory surgery center within a medical office building with two (2) endoscopy rooms restricted to gastroenterology procedures only.

Lake Murray Endoscopy Center.
Columbia, South Carolina
Project Cost: \$2,116,239

Affecting Sumter County

Expansion of an existing home health agency to serve the residents of Sumter County
Advantage Health Systems, Inc. d/b/a Care Pro Home Health of Sumter

Columbia, South Carolina
Project Cost: \$1,000.00

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 November 26, 2001 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control

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Bureau of Underground Storage Tank Management
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

Brooks and Medlock Engineering
Engineering Consulting Services, Ltd.

Class II

DEPARTMENT OF NATURAL RESOURCES

Meeting Notice Regarding Proposed Scenic River Designation

Proposed State Scenic River Designation. A 69.22-mile segment of the Great Pee Dee River in Florence, Marion, Williamsburg, Horry and Georgetown Counties is being considered for designation as a State Scenic River under the South Carolina Scenic Rivers Act (1989). The proposed State Scenic River starts at the U.S Route 378 bridge between Florence and Marion Counties, near Kingsburg, and extends downstream to the U.S. Route 17 bridge near Georgetown, in Georgetown County, South Carolina.

Two public meetings are scheduled to inform the public and address questions and concerns regarding the proposed scenic river. All interested citizens are encouraged to attend. The first public meeting is scheduled for Tuesday, November 27, 2001 from 7:00 to 9:00 PM at the Johnsonville Middle School, Maple Avenue, Johnsonville, South Carolina (off Hwy. #41, behind the McDonalds at the traffic light). The second public meeting is scheduled for Thursday, November 29, 2001 from 7:00 to 9:00 PM in the Horry County Complex Auditorium at 801 Main Street (corner of 9th Avenue and Main Street), Conway, South Carolina.

The purpose of the State Scenic Rivers Program is to conserve and protect unique and outstanding river resources throughout South Carolina. To accomplish this purpose, a volunteer, cooperative, and non regulatory management program has been created which involves landowners, community interests, and the Department of Natural Resources working together to conserve and protect designated scenic river corridors. Designating a State Scenic River requires legislative action by the South Carolina General Assembly; however, the designation process begins at the local level and the DNR seeks the support of the local citizens, landowners, and the county councils of affected counties during the eligibility process.

For more information contact: South Carolina Department of Natural Resources, Land, Water, and Conservation Division, 2221 Devine Street, Suite 222, Columbia SC 29205; Telephone # 734-9135; e-mail scharf@water.dnr.state.sc.us; Project Manager: Richard Scharf.

CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend current regulation 27-135 to designate Plum Pox (also known as Sharka) virus (*Potyvirus plum pox virus*) as a plant pest and to draft a new regulation which places a quarantine on various plant materials and vectors which may harbor Plum Pox virus. Interested persons may submit comments to Dr. H. B. Jackson, Jr., Regulatory and Public Service Programs, 511 Westinghouse Road, Pendleton, SC 29630.

Synopsis:

Plum pox virus is a debilitating disease of all fruits in the genus *Prunus*, which includes peaches, plums, and nectarines. It is transmitted by insects and infected plant material. While it has not yet been discovered in South Carolina, it has been found in the northern United States and Canada. It is the intent of these regulations to prevent or deter the introduction of such virus into South Carolina.

Legislative review of this proposal will be required.

CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend Regulation 27-50 (Witchweed Quarantine) by adding one new regulated area of infestation and deleting several others. Interested persons may submit comments to Dr. H. B. Jackson Jr., Regulatory and Public Service Programs, 511 Westinghouse Road, Pendleton, SC 29630.

Synopsis:

Witchweed is a parasite of the family of plants known as Grass. An eradication program has been underway for a number of years in the Pee Dee area. Periodically the regulated areas are adjusted to reflect either the discovery of new infestations or satisfactory eradication of the plant in infested areas.

Legislative review of this proposal will be required.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority S. C. Code Section 47-4-30

Notice of Drafting:

The State Livestock-Poultry Health Commission is considering amending its regulations to clarify and enhance its ability to respond to and control animal diseases, whether deliberately or accidentally caused. Such would extend to early detection by mandatory reporting of certain diseases/unusual symptoms, enhanced ability to control

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movements of animals and disease vectors upon detection of a disease for which quarantine is appropriate, and any necessary remedial/corrective actions. Interested persons should submit their views in writing to Dr. Jones W. Bryan, Clemson LPHD, P. O. Box 102406, Columbia, SC 29224-2406. To be considered comments should be received no later than November 26, 2001, the close of the drafting comment period.

Synopsis:

In light of the events of September 11, 2001, the State Livestock-Poultry Health Commission is reviewing all of its procedures, particularly those dealing with early detection of certain diseases, quarantines and corrective measures.

Any amendments will require legislative action.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Section 37-17-10 (F)

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to draft a new regulation that addresses the prescription drug discount card business. Interested persons should submit their views in writing to Helen Fennell, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757 by December 1, 2001.

Synopsis:

The General Assembly passed legislation in 2001 requiring the registration of companies and individuals offering for sale discount prescription drug cards. These companies, through their agents, will offer plans to the public which will allow consumers to purchase prescription drugs at a discounted rate. The proposed regulations will address the administration of the registration process, including bonding requirements for companies and the setting of application fees for companies and individuals. Requirements for sales representative status will also be addressed.

Legislative review of this proposal will be required.

EDUCATION LOTTERY COMMISSION
CHAPTER 44
Statutory Authority: Chapter 150, Title 59 of the 1976 Code,
as amended.

Notice of Drafting:

The South Carolina Education Lottery Commission proposes to draft new regulations for the South Carolina Education Lottery established under Act 59 of 2001. Interested persons may submit comments to Mr. Hogan Brown, Director, Office of Legal Services, South Carolina Education Lottery, 1201 Main Street, Suite 830, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2001.

Synopsis:

The General Assembly passed the South Carolina Education Lottery Act (Act 59 of 2001, Chapter 150, Title 59) establishing a State administered education lottery. Proceeds from the lottery will be used to fund improvements and enhancements for educational purposes and programs as provided by the General Assembly, including scholarships, grants, and technology. The Act requires the South Carolina Education Lottery Commission to promulgate regulations to carry out and implement its powers and duties to regulate the conduct and operation of lottery games.

The proposed regulations will provide the Commission with necessary policies and procedures to organize and operate the Commission, regulate the conduct of lottery games, and address other matters necessary and desirable for the efficient and effective operation of the lottery for the public convenience.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 44-7-110 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-15, Certification of Need for Health Facilities and Services. Interested persons may submit their views by writing Mr. Joel C. Grice, Director, Bureau of Health Facilities and Services Development at S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on November 26, 2001, the close of the drafting period.

Synopsis:

The Department is making revisions that will address, but will not necessarily be limited to, the following subjects to be utilized in South Carolina's Certificate of Need Program:

Increase the capital expenditure review threshold by a health care facility from the current \$1,000,000 to \$2,000,000.

Increase the monetary threshold for acquisition of medical equipment to be used for diagnosis or treatment by any person from the current \$600,000 to \$1,000,000.

Increase the annual operating cost threshold for a new service by a health care facility if no capital expenditure is made for the service from the current \$400,000 to \$1,000,000.

Stylistic changes which may include corrections for clarity and readability; grammar; punctuation; typography; codification; reference; and overall improvement of the text of the regulation.

Other pertinent changes which may fall under the scope of the proposed revisions.

Legislation review will be required.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Sections 44-1-110, 44-1-140, and 44-29-10

Notice of Drafting:

The South Carolina Department of Health and Environmental Control proposes to amend R.61-20, *Communicable Diseases*. Interested persons are invited to present their views in writing to Dr. James J. Gibson, South Carolina State Epidemiologist, Bureau of Disease Control, 2600 Bull St., Columbia SC 29201. To be considered, comments must be received by November 26, 2001, the close of the drafting comment period.

Synopsis:

R.61-20 was promulgated to implement S.C. Code Sections 44-1-110, 44-1-140 and 44-29-10. The Department is proposing to amend R.61-20 to include, but not limited to, the following:

In Section 1, the words “contagious or infectious” will be deleted, and the word “conditions” will be added to bring the wording in line with other sections that specify reporting of infectious and other diseases and conditions. Our modifications change the date when changes in the list of reportable diseases must be specified each year, and enlarges the requirement of who must report such diseases, and how quickly. It defines more specifically what are “contagious diseases.”

Changes proposed in Section 3 will remove wording forbidding articles of clothing, etc., to be removed from a house with a quarantinable disease. DHEC retains its authority to make decision on what is necessary to investigate and quarantine.

In Section 7, this drafting modifies and specifies more clearly the standard medical documents from which the methods of control of communicable and other preventable diseases are usually taken, and requires health providers to contact DHEC when specific recommendations are needed in this area.

Section 11 defines authorized health officers more clearly than before.

Section 15 requires DHEC to publish an “Official Patient Exclusion List of Contagious or Communicable Diseases” and modify it annually as needed. This is in response to frequent requests from health care and school providers for such recommendations from DHEC.

Section 16 is being deleted, because the information is covered by other Regulations.

Section 17 is modified to change “quarantinable” to “excludable,” and the section is re-worded to bring it current and explain in more detail the criteria for exclusion. It further specifies that DHEC shall publish an official “Contact Exclusion List of Contagious or Communicable Diseases” each year. This latter is in response to frequent requests from health care and child care providers for such guidance from DHEC.

Section 22’s heading is modified to make it easier to understand.

Sections 21, 22, and 23 are being amended to add the words “or state” pertaining to health authority.

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30

R. 61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations, to adopt federal amendments through June 30, 2001. Interested persons are invited to present their views in writing to John Litton, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by 5:00 p.m. on November 29, 2001.

Synopsis:

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 include final standards for hazardous air pollutants for hazardous waste combustors, listing of two chlorinated aliphatics production wastewater treatment sludges (K174 and K175) including a contingent-management listing approach; increased flexibility to certain facilities that store low-level mixed radioactive and hazardous wastes; the temporary deferral of PCB treatment standards for metal contaminated soils; and revisions to the mixture and derived-from rules. In addition, minor typographical errors may be corrected to achieve conformity with federal regulations. These rules and other amendments have been published in the Federal Register between July 1, 2000, and June 30, 2001.

The Department intends to amend R.61-79 to maintain conformity with federal requirements and ensure compliance with federal standards. No preliminary assessment report, fiscal impact statement, nor legislative review of this amendment will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.,
48-1-20 et sq.; and 1-23-10 et seq.

R. 61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons may submit their views in writing to John Litton, Director of Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments must be received by 5:00 p.m. on November 29, 2001.

Synopsis:

The Department is proposing to amend R.61-79 to delete State provisions which are not required for federal compliance and which provide financial assurance for restoration of environmental impairment. Removal of these provisions is proposed as a result of an April 4, 2000, decision of the South Carolina Court of Appeals whereas it was determined that the environmental impairment regulations which are the subject of this Notice of Drafting have not been properly promulgated. This action supercedes a Notice of Drafting published October 27, 2000, and Notice of Proposed Regulation published on July 27, 2001, as Document Number 2639, which contained a typographical

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error. This amendment will remove the environmental impairment regulations which were published as proposed in the State Register on June 24, 1994, and published as final regulations in the State Register on June 23, 1995, as Document No. 1823. Affected sections are R.61-79.264 and .265, subsections .152, and .153 and cross references at 264.140 and 265.140. Legislative review of this proposed amendment will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code

Sections 44-96-260, 44-96-290, 44-96-300, 44-96-320,
44-96-325, 44-96-380, 44-96-400, 44-96-410, 44-96-450 and 44-96-460.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-107.11 Solid Waste Management: Construction, Demolition, and Land-clearing Debris Landfills. Interested persons may submit their views by writing to Art Braswell at S.C. Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on November 26, 2001, the close of the drafting period.

Synopsis:

As a means of stream lining Department regulations, the proposed amendment to R.61-107.11 will rename the regulation from "Construction, Demolition, and Land-clearing Debris Landfills" to "Inert Landfills and Structural Fill" and will encompass construction, demolition, and land-clearing debris landfills, inert industrial landfills currently addressed as Class I in R.61-107.16 (and will supersede all requirements that pertain to Class I, Appendix I industrial solid waste landfills outlined in R.61-107.16) and structural fills. The proposed changes will include, but not necessarily limited to, placing more emphasis on the waste stream and less emphasis on the source of generation. Criteria will be defined for determining if a waste is inert and suitable for disposal in an Inert Landfill. The difference between "structural fill" and "beneficial fill" will be clarified. The proposed amendment will delete ambiguous language that addresses a structural fill exemption, delete Part I for short-term landfills and replace it with new language that requires registration for structural fill activity in lieu of permitting. This measure is meant to clarify the language of the regulation, to help alleviate open dumping, and to provide a viable mechanism for structural fill using a suitable waste stream. In Part II, beneficial fill will be better defined. Part III landfills will be renamed Noncommercial Inert Landfills. The provisions under Part III will be revised based on a revised definition of structural fill, and to allow a waste stream based on type of waste instead of the source of generation. Part IV landfills will be renamed Commercial Inert Landfills and will be revised to allow a waste stream based on type of waste instead of the source of generation. Changes to Part IV include the addition of demonstration-of-need requirements pursuant to R.61-107.17, and expanding transfer of ownership and financial assurance requirements to be consistent with other regulations. The Department is considering the addition of groundwater monitoring and post-closure requirements to Parts III and IV. This proposed amendment will also define "lead-based paint" - maintaining consistency with other Department regulations and Federal standards. In the Appendices, disposal of brown goods, segregated commercial waste, animal carcasses, and cathode ray tubes will be addressed. As appropriate throughout the regulation, procedures for determining the separation of the groundwater table and the bottom of the disposal area, permitting and reporting requirements, and criteria for noting the existence of a disposal facility on property in the record of ownership will be revised and clarified. Other pertinent changes that fall within the scope of the proposed revisions as outlined in this Notice will be addressed, to include the addition and amendment of definitions, and stylistic changes.

The public and regulated community are invited to submit proposed revisions to the address listed above. This regulation amendment is the first of several proposed amendments that will streamline Department solid waste regulations. Legislative review of the proposed amendment is required.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-38-550; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-15, South Carolina Deposits Required of Insurers. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-15, South Carolina Deposits Required of Insurers. Pursuant to 2000 Act 259, fraternal benefit societies must comply with the requirements of Section 38-9-80 of the South Carolina Code of Laws.

The proposed regulation will require legislative review.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-33-200; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-22, Health Maintenance Organizations. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-22 regarding Health Maintenance Organizations. The amendment will revise Section II of the regulation related to License Requirements to reflect changes made to Section 38-33-90 by the passage of 2000 Act 312, specifically regarding annual statement and reports filing requirements. Subsections C and D will be deleted in their entirety.

The proposed regulation will require legislative review.

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DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to repeal Regulation 69-26, Salvage and Subrogation. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.

Synopsis:

The South Carolina Department of Insurance proposes to repeal Regulation 69-26, Salvage and Subrogation as it conflicts with Statements of Statutory Accounting Principles #65, Section 26 of the National Association of Insurance Commissioners Accounting Practices and Procedures Manual.

The proposed action will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD FOR BARRIER FREE DESIGN

CHAPTER 19

Statutory Authority: 1976 Code Sections 40-1-40, and 10-5-220, *et. seq.*

Notice of Drafting:

The Board for Barrier Free Design is proposing to amend Regulation 19 to transfer its duties and responsibilities under the Accessibility Act (§10-5-210, *et seq.*) to a standing committee of the Building Codes Council, to clarify certain language, to delete obsolete and redundant language, to delete language that is covered by the International Building Code or in other statutes, to eliminate conflicts between the existing statutes and regulations for the Building Codes Council and the Board for Barrier Free Design, and to renumber and reletter remaining sections of this regulation. Interested persons should submit their views in writing to Gary F. Wiggins, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

In order to implement the transfer of the Board's responsibilities to a standing committee of the Building Codes Council responsibilities under the Accessibility Act pursuant to recent statutory changes, and to clarify other responsibilities, the Board proposes, among other things, to delete the sections of this regulation which have been rendered obsolete by recent statutory changes or the implementation of the International Building Code, to replace the word "Renovation" with "Alteration" for consistency with the statutory language, and to add new language for accessible venues for state meetings and conferences.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

CHAPTER 8

Statutory Authority: 1976 Code Sections 40-1-40, 6-9-5, et seq., 6-10-10, et seq.,
10-5-210, et seq., and 23-43-10, et seq.

Notice of Drafting:

The Building Codes Council is proposing a regulation to amend Regulation 8-210 to add the duties and responsibilities of the Board for Barrier Free Design under the Accessibility Act (§10-5-210, et seq.) to those of the Building Codes Council, to establish a procedure for substitution and deletion of building code amendments, to update and clarify the regulatory language regarding responsibilities delegated to the Council under various provisions of law, and to eliminate conflicts between the existing statutes and regulations for the Building Codes Council and the Board for Barrier Free Design. Interested persons should submit their views in writing to Gary F. Wiggins, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

In order to implement the Council's responsibilities under the Accessibility Act and to clarify other responsibilities, the Council proposes, among other things, to add definitions for "Accessibility Act," "Accessibility Committee," "Approval Date," "Building Code Cycle," "Implementation Date," and "Section Deletion or Substitution," to address the duties of the Accessibility Committee, to clarify the tasks of the Department, to require a meeting per code change cycle, to change the minimum time for submittal of Council agenda items, to assure the local governing body is aware of local amendments submitted to Council, to require appropriate justification for a requested code amendment, to establish criteria for building code amendments, and to clarify the fact that local jurisdictions may develop administrative requirements.

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 nongame 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 William S. McTeer, 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 glossy ibis from the species in need of management list, remove the bald eagle from the endangered species list and place it on the species in need of management list, remove the loggerhead turtle and the piping plover from the species in need of management list and place them on the endangered species list, add the spotted turtle to the species in need of management list and add the gopher frog to the endangered species list. In addition the Department will amend the regulation concerning management of non-game wildlife to provide for the take, possession and sale of the spotted turtle.

24 DRAFTING

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section §50-13-250

Notice of Drafting:

The South Carolina Department of Natural Resources intends to draft changes in regulations pertaining to creel limits and lure and bait restrictions in a portion of the Chattooga River and Cheohee Creek in Oconee County and Middle Saluda River in Greenville County, to improve coldwater trout catch rates and protect trout populations from over harvest. These regulations are being proposed under the authority set forth in Section §50-13-250, Code of Laws of South Carolina (1976) as amended. Any interested persons may submit written comments to Val Nash, Wildlife and Freshwater Fisheries Division, South Carolina Department of Natural Resources, Post Office Box 167, Columbia, South Carolina 29202.

Synopsis:

It is recommended that it shall be lawful to use or possess only artificial lures with single hooks, and all coldwater trout caught must be released immediately, during the period November 1 through May 14 inclusive to wit: That portion of Chattooga River from South Carolina Highway 28, upstream to the confluence of Reed Creek (aka Big Creek) and Chattooga River (approx. 2-miles). That portion of Cheohee Creek within the boundaries of Piedmont Forestry and Education Center owned and operated by the South Carolina Forestry Commission (approx. 1 stream mile). Additionally, general trout fishing regulations for the Chattooga River and Cheohee Creek will apply during the period May 15 through October 31 inclusive. It will be unlawful to access Cheohee Creek except as prescribed at Piedmont Forestry Center office.

It is recommended that it shall be lawful to use or possess only artificial lures with single hooks, and all coldwater trout caught must be released immediately, during the period January 1 through December 31 inclusive to wit: that the portion of Middle Saluda River from Hugh Smith Road bridge upstream to the picnic area foot bridge at Jones Gap State Park. This regulation shall be effective only during such time that SCDNR has fishing rights leased from the landowner. It shall be unlawful to access this portion of Middle Saluda River except as prescribed and posted at Jones Gap State Park. Penalties shall be prescribed by §50-13-60 of the 1976 Code.

Document No. 2669
DEPARTMENT OF ARCHIVES AND HISTORY
 CHAPTER 12
 Statutory Authority: 1976 Code Section 30-1-90(B)

12-500 through 12-512.2 General Retention Schedules for County Records

Preamble:

The Department of Archives and History proposes to amend Regulation 12-500 through 12-512.2 General Retention Schedules for County Records. The proposed changes will simplify the procedure county offices and departments will use to document destruction of records through use of the general schedules; update office/department titles and make them more inclusive; correct punctuation error; correct existing retention statement; and add new records series and retention statements to cover more of the records generated by county offices/departments.

The notice of drafting for the proposed amendment was published in the State Register on August 24, 2001.

Section-by-Section Discussion

12-500 Introduction and general matters; application of schedule.

The Department is proposing new text to indicate the general schedules cover information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A).

The Department is proposing to change the process county offices will use to destroy records through use of the general schedules. The process is being simplified for county offices. Offices will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow county offices to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process county offices currently use when implementing schedules approved specifically for their office or department. This change will allow offices to use one form to report destruction through use of both general and specific schedules.

Subarticle 1. Register of Mesne Conveyance (RMC) Clerk of Court as RMC

The subarticle title is being changed to Register of Deeds to reflect the more modern office title.

12-501.1. Grantor and Grantee Index to Conveyances

Punctuation error is being corrected in A. Description to add a comma between month and day.

12-501.10. Uniform Commercial Code Financing Statements

Retention statement in B1 is being corrected. Financing statements where transmitting utility is the debtor do not lapse but remain in effect until a termination statement is filed. The retention in B1 is being changed to eliminate "after statement has lapsed or" in the second sentence of the retention and to eliminate "statement has lapsed or" in the third sentence of the retention.

Eight new records series are being added (12-501.11. through 12-501.18.) to make it easier for counties to manage these records.

Subarticle 2. Sheriff

Subarticle title is being changed to Sheriff/Detention to be more inclusive.

Twenty-three new records series are being added (12-502.8. through 12-502.30.) to make it easier for counties to manage these records.

Subarticle 3. County Council

Subarticle title is being changed to County Council/Administration to be more inclusive.

26 PROPOSED REGULATIONS

Three new records series are being added (12-503.13. through 12-503.15.) to make it easier for counties to manage these records.

Subarticle 4. Finance

Eight new records series are being added (12-504.14. through 12-504.21.) to make it easier for counties to manage these records.

Subarticle 5. Purchasing

One new record series is being added (12-505.6.) to make it easier for counties to manage these records.

Subarticle 6. Personnel

Seven new records series are being added (12.506.6. through 12-506.12.) to make it easier for counties to manage these records.

Subarticle 7. Auditor

Seventeen new records series are being added (12-507.14. through 12-507.30.) to make it easier for counties to manage these records.

Subarticle 8. Treasurer

Thirteen new records series are being added (12-508.17. through 12-508.29.) to make it easier for counties to manage these records.

Subarticle 9. Tax Collector

Four new records series are being added (12-509.3. through 12-509.6.) to make it easier for counties to manage these records.

Subarticle 10. Tax Assessor

Eight new records series are being added (12-510.6. through 12-510.13.) to make it easier for counties to manage these records.

Subarticle 11. Building Inspections

The subarticle title is being changed to Building/Planning and Development to be more inclusive.

Eight new records series are being added (12-511.3. through 12-511.10.) to make it easier for counties to manage these records.

Subarticle 13. Maintenance Garage/Fleet Maintenance

New subarticle and four new records series are being added (12-513.1. through 12-513.4.) to make it easier for counties to manage these records.

Subarticle 14. Library

New subarticle and three new records series are being added (12-514.1. through 12-514.3.) to make it easier for counties to manage these records.

Subarticle 15. Emergency Services

New subarticle and five new records series are being added (12-515.1. through 12-515.5.) to make it easier for counties to manage these records.

Subarticle 16. Animal Control

New subarticle and five new records series are being added (12-516.1. through 12-516.5.) to make it easier for counties to manage these records.

Subarticle 17. Voter Registration and Elections

New subarticle and twelve new records series are being added (12-517.1. through 12-517.12.) to make it easier for counties to manage these records.

Subarticle 18. Coroner

New subarticle and three new records series are being added (12-518.1. through 12-518.3.) to make it easier for counties to manage these records.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted by the Archives and History Commission at its regularly scheduled meeting on December 7, 2001 at 11:00 a.m. The meeting will be held at the South Carolina Archives and History Center, 8301 Parklane Road, Columbia, SC.

Written comments and inquiries may be directed to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. Comments must be received no later than 5:00 p.m. on November 28, 2001.

Preliminary Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 12-500 through 12-512.2 General Retention Schedules for County Records.

Purpose: The proposed amendments will simplify the use of general retention schedules for county offices and departments and will make additional records series available for counties to better manage their records.

Legal Authority: Code of Laws of South Carolina, 1976, as amended, section 30-1-90(B).

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The Department of Archives and History will provide training to county personnel in the use of the general schedules.

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

The proposed amendments will allow county offices and departments to more effectively manage their records by identifying records of permanent value and providing a legal means for disposing of records that are no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions. County offices/departments will benefit through the use of these records retention schedules. Permanent records can be identified and records of no further value can be legally disposed.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

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DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2666
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

Article 3. General Retention Schedule for State Administrative Records

Preamble:

The Department of Archives and History proposes to add to, amend, and repeal portions of the regulation containing the General Retention Schedule for State Administrative Records. These changes will also update the disposition procedure for administrative records that are common to most state agencies as indicated below:

- (1) The proposed additions are to add new series as well as new text to the General Retention Schedule for State Administrative Records;
- (2) The proposed amendments will update appropriate portions of the text; and
- (3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

A Notice of Drafting for the proposed additions, amendments, and repeals was published in the *State Register* on August 24, 2001. Comments from the notice were considered in formulating the proposed additions, amendments, and repeals.

Section-by-Section Discussion

- (1) The proposed additions are to add new series as well as new text to the General Retention Schedule for State Administrative Records.

12-300 This addition to the text will indicate that the general schedule covers records in any form. This addition will be in line with the definition of the Freedom of Information Act (30-4-20 C) and the Public Records Act (30-1-10 A) which specifies that records include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body."

After extensive experience with general schedule applications, especially after our statewide records survey in 1999, and upon further consultation with agency records officers, we have identified the following additional records series which are common to most state agencies:

12-301 Annual Accountability Reports

12-302 Meeting Minutes (Executive Levels)

12-303 Meeting Minutes (Non-Executive Levels)

12-304 Contracts

12-330 Disaster/Emergency Preparedness and Recovery Plans

(2) The proposed amendments will update appropriate portions of the text.

12-300 The Department is proposing to change the process state agencies will use to destroy records through use of the general schedule. The process is being simplified for state agencies. Agencies will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state agencies to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process state agencies currently use when implementing schedules approved specifically for their agency. This change will allow agencies to use one form to report destruction through use of both general and specific schedules.

12-306 This amendment will reflect important records which are found in most administrative files (executive levels). This amendment will allow the State Archives to select archival records for permanent retention. This amendment will also make the description more inclusive and accurate.

12-308 This amendment will more accurately reflect the identity of the series and will make the description more inclusive.

12-312 This amendment clarifies the basis for the permanent retention of these records through the Attorney General's Office.

12-316 This amendment reappraises the series from permanent to non-permanent since the record copy of this series is retained permanently through the State Budget and Control Board's Office of General Services. This amendment clarifies the permanent retention of this series through the State Budget and Control Board's Office of General Services. This amendment also expands the terms of the retention period.

12-317 This amendment will allow the non-executive level staff of state agencies to dispose of their records when they are no longer needed for reference.

12-318 This amendment clarifies the basis for the permanent retention of these records through the State Budget and Control Board's Office of Research and Statistics.

12-321 This amendment clarifies the basis for permanent retention of portions of these records through the Attorney General's Office.

12-323 This amendment will shorten the retention period to allow state agencies to transfer these records sooner for research and preservation purposes.

12-326 This amendment was made to include records created during 1980.

(3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

The following will be deleted: "12-301 through 12-304 (Reserved for future use)" because these numbers have been assigned to individual sections.

12-307 The words "convenience copies of" in the second sentence of the description will be deleted because this general schedule does not cover convenience copies. Also the words "such subjects as" will be deleted because they are redundant.

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12-328 The words "purchased with state funds" will be deleted in order not to specify funding source.

12-330 Reading File: This section will be repealed because duplicates are not covered by this general schedule. This section number, however, will be used for a new series.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted by the Archives and History Commission at its regularly scheduled meeting on December 7, 2001 at 11:00 a.m. The meeting will be held at the South Carolina Archives and History Center, 8301 Parklane Road, Columbia, SC 29223.

Written comments and inquiries may be directed to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. Comments must be received no later than 5:00 p.m. on November 28, 2001.

Preliminary Fiscal Impact Statement:

The South Carolina Department of Archives and History estimates that there will be no additional costs incurred by the State in complying with the proposed additions, amendments, and repeals to Article 3 General Retention Schedule for State Administrative Records.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Articles 3 The General Retention Schedule for State Administrative Records

Purpose: Additions, amendments, and repeals are being made to the regulation in order to allow state agencies to manage their administrative records more effectively and efficiently.

Legal Authority: The legal authority is Section 30-1-90(B), of Code of Laws of South Carolina, 1976, as amended.

Plan for Implementation: The proposed additions, amendments, and repeals will take effect upon approval by the General Assembly and publication in the *State Register*. The Department of Archives and History will provide training to records officers and government officials concerning the use and implementation of this general schedule.

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

The proposed additions, amendments, and repeals to the regulation will ensure that state agencies manage their administrative records effectively and efficiently. The proposed additions, amendments, and repeals will also ensure that state agencies retain records appropriately by transferring historical records to the State Archives and by disposing regularly of obsolete non-permanent records.

DETERMINATION OF COSTS AND BENEFITS: State agencies will benefit through improved efficiency in the management of administrative records. This benefit will be realized without incurring any specific costs.

UNCERTANTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2667

DEPARTMENT OF ARCHIVES AND HISTORY

CHAPTER 12

Statutory Authority: Section 30-1-90(B), Code of Laws of South Carolina
1976 , as amended.

Article 7. General Retention Schedule for State Financial Records.

Preamble:

(1) The Department of Archives and History proposes to amend, add to, and repeal portions of the regulation containing the General Retention Schedule for State Financial Records. These changes will also update the disposition procedures for financial records that are common to most state agencies as indicated below.

The proposed amendments will update appropriate portions of the text;

(2) The proposed additions are to add new text as well as new series to the General Retention Schedule for State Financial Records; and

(3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

A Notice of Drafting for the proposed amendments, additions and repeals, was published in the State Register on August 24, 2001. Comments received from the notice were considered in formulating the proposed amendments, additions and repeals.

Section by Section Discussion

(1) The proposed amendments will update appropriate portions of the text.

12-700 The Department is proposing to change the process state agencies will use to destroy records through use of the general schedules. The process is being simplified for state agencies. Agencies will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state agencies to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process agencies currently use when implementing schedules approved specifically for their agency. This change will allow agencies to use one form to report destruction through use of both general and specific schedules. The last sentence of this section is also revised to accommodate changes in state agency affiliation with the Statewide Accounting and Reporting System.

12-717 This amendment will allow for the immediate transfer of General and Subsidiary Ledgers, created in or before fiscal year 1980 – 1981, to the State Archives.

12-721 Correct spelling of Polices to Policies.

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(2) The proposed additions are to add new text as well as new series to the General Retention Schedule for State Financial Records.

12-700 New text is added to indicate that the general schedule covers information on all media. This addition will be in line with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10 A) which specifies that records include “ all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristic prepared, owned, used, in the possession of or retained by a public body”.

After extensive experience with general schedule applications, especially after our statewide records survey in 1999, and upon further consultation with agency records officers, we have identified the following additional records series which are common to most state agencies:

12-701 Reconciliations

12-702 Schedule of Federal Financial Assistance

12-703 Sole Source Procurement File

12-704 Trade-In Document File

12-728 Emergency Procurement File

(3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

The following will be deleted: “12-701 through 12-704 (Reserved for future use)” because these numbers have been assigned to individual sections.

12-728 Savings Bond Deductions File: This section will be repealed because payroll deduction records are filed centrally now and savings bonds are processed through the Comptroller General’s Office. This section number, however, will be used for a new added series.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to section 1-23-110(A)(3) of the Code of Laws of South Carolina, 1976 as amended, such hearing will be conducted by the Archives and History Commission at its regularly scheduled meeting on December 7, 2001, at 11:00 a. m. The meeting will be held at the South Carolina Archives and History Center, 8301 Parklane Road, Columbia, S.C. 29223.

Written comments and inquiries may be directed to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. Comments must be received no later than 5: 00 p.m. on November 28, 2001.

Preliminary Fiscal Impact Statement:

The Department of Archives and History estimates that state government agencies will not incur any additional cost in complying with the proposed amendments, additions, and repeals for Article 7 General Retention Schedule for State Financial Records.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Article 7 General Retention Schedule for State Financial Records

Purpose: Amendments, additions and repeals are being made to the regulation in order to manage financial records more efficiently.

Legal Authority: Section 30-1-90 (B), Code of Laws of South Carolina, 1976, as amended.

Plan for Implementation: The proposed amendments, additions and repeals will take effect upon approval by the General Assembly and publication in the State Register. The Department of Archives and History provides training to records officers and government officials, concerning the use and implementation of general schedules.

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

The proposed amendments, additions and repeals to the regulation will ensure that state agencies continue to manage their financial records effectively and efficiently. The proposed amendments, additions and repeals will also ensure that state agencies retain records appropriately by transferring historical records to the State Archives and by disposing regularly of obsolete non-permanent records.

DETERMINATION OF COSTS AND BENEFITS:

State agencies will benefit through improved efficiency in the management of financial records. This benefit will be realized without incurring any specific costs.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

34 PROPOSED REGULATIONS

Document No. 2668
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

Article 4. General Retention Schedule for State Personnel Records

Preamble:

The Department of Archives and History proposes to add to, amend, and repeal portions of the regulation containing the General Retention Schedule for State Personnel Records. These changes will also update the disposition procedure for personnel records that are common to most state agencies as indicated below:

- (1) The proposed addition is to add new text to the General Retention Schedule for State Personnel Records;
- (2) The proposed amendments will update appropriate portions of the text; and
- (3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

A Notice of Drafting for the proposed addition, amendments, and repeals was published in the *State Register* on August 24, 2001. Comments from the notice were considered in formulating the proposed addition, amendments, and repeals.

Section-by-Section Discussion

- (1) The proposed addition is to add new text to the General Retention Schedule for State Personnel Records.

12-400 This addition to the text will indicate that the general schedule covers records in any form. This addition will be in line with the definition of the Freedom of Information Act (30-4-20 C) and the Public Records Act (30-1-10 A) which specifies that records include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body."

- (2) The proposed amendments will update appropriate portions of the text.

12-400 The Department is proposing to change the process state agencies will use to destroy records through use of the general schedule. The process is being simplified for state agencies. Agencies will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state agencies to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process state agencies currently use when implementing schedules approved specifically for their agency. This change will allow agencies to use one form to report destruction through use of both general and specific schedules.

"12-401 through 12-404 (Reserved for future use)." will be amended to read: "12-401 through 12-405 (Reserved for future use)." Since section 12-405 is being deleted, it is being added to this group for future use.

12-406 This amendment will clarify the retention of these records through the Employment Security Commission.

12-411 Correct spelling of grievance. This amendment will clarify the basis for retention of these records through the State Budget and Control Board's Office of Human Resources. This amendment will also reflect the correct name of the State Budget and Control Board's Office of Human Resources.

12-413 This amendment will clarify the retention of these records through the State Budget and Control Board's Office of Human Resources. This amendment will also reflect the correct name of the State Budget and Control Board's Office of Human Resources.

12-418 This amendment will clarify the retention of these records through the State Budget and Control Board's Office of Human Resources. This amendment will also reflect the correct name of the State Budget and Control Board's Office of Human Resources.

12-422 This amendment will clarify the permanent retention of portions of this series through the State Human Affairs Commission.

(3) The proposed repeals will delete portions of the regulation that are no longer appropriate.

12-405 This section will be repealed because it is no longer being generated.

12-423 The words "reported to the Department of Labor" and "The record copy of this series is retained in the Department of Labor, as scheduled" will be deleted so that the description will not have to be changed in accordance with changes within OSHA's policies and procedures.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted by the Archives and History Commission at its regularly scheduled meeting on December 7, 2001 at 11:00 a.m. The meeting will be held at the South Carolina Archives and History Center, 8301 Parklane Road, Columbia, SC 29223.

Written comments and inquiries may be directed to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. Comments must be received no later than 5:00 p.m. on November 28, 2001.

Preliminary Fiscal Impact Statement:

The South Carolina Department of Archives and History estimates that there will be no additional costs incurred by the State in complying with the proposed addition, amendments, and repeals to Article 4 General Retention Schedule for State Personnel Records.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Article 4 The General Retention Schedule for State Personnel Records

Purpose: An addition, amendments, and repeals are being made in order to allow state agencies to manage their personnel records more effectively and efficiently.

Legal Authority: The legal authority is Section 30-1-90(B), Code of Laws of South Carolina, 1976, as amended.

Plan for Implementation: The proposed addition, amendments, and repeals will take effect upon approval by the General Assembly and publication in the *State Register*. The Department of Archives and History will provide training to records officers and government officials concerning the use of this general schedule.

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

The proposed addition, amendments, and repeals to the regulation will ensure that state agencies manage their personnel records effectively and efficiently. The proposed addition, amendments, and repeals will also ensure that state agencies retain records appropriately by transferring historical records to the State Archives and by disposing regularly of obsolete non-permanent records.

DETERMINATION OF COSTS AND BENEFITS: State agencies will benefit through improved efficiency in the management of personnel records. This benefit will be realized without incurring any specific costs.

UNCERTANTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2680
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-18-110 (Supp. 2000), 59-29-10, et seq. (1990, Supp. 2000), 59-29-2000 (1990), 59-33-30 (1990), 59-53-1810 (1990), and United States Code 20 U.S.C. 123g.

R43-234. Defined Program, Grades 9–12

Preamble:

The State Board of Education proposes amending Regulation 43-234, Defined Program, Grades 9–12. This regulation provides for a relevant curriculum to help students meet the requirements for the state high school diploma. This regulation also provides for preparing students for post-secondary education or for occupational achievement. The proposed amendments to R43-234 include the following:

- a. Adds Mathematics for the Technologies 3 to the curriculum,
- b. Adds the provision that all students be given the opportunity to take Physical Science by the end of the tenth grade,
- c. Repeals the STAR diploma requirements,
- d. Removes Appendix A, List of Courses, to be listed on the Department's Web site,
- e. Clarifies the provision for accepting units of credit through dual credit,
- f. Moves exit examination requirements to Regulation 43–262, Assessment Program,
- g. Adds a reference to the Family Educational Rights and Privacy Act (FERPA).

Section-by-Section Discussion

43-234, Section A Removes ambiguous text and adds new text to introductory paragraph to clarify the goals of setting academic achievement standards

- 43-234, Section B Deletes obsolete language on the phase-in of the School-to-Work Transition Act of 1994. Moves several footnotes into the body of the regulation and deletes obsolete STAR diploma references.
- 43-234, Section B(2) Adds Mathematics for the Technologies 3 to the curriculum and removes obsolete language regarding Pre-Algebra.
- 43-234, Section B(3) Adds provision that each student must be provided the opportunity to take Physical Science prior to taking the exit exam.
- 43-234, Section F Removes references to Appendix A, List of Courses and requires that districts reapply for approval when substantial changes are made to core course content in innovative courses.
- 43-234, Section G Adds new language to allow high school credit earned in an approved adult education program to meet regular graduation requirements when certain stipulations have been met. Adds new language specifying credit will be accepted from accredited schools and outlining other ways to validate credit from non-accredited schools.
- 43-234, Section H Clarifies what courses may be accepted for dual credit. Removes redundant language regarding correspondence courses.
- 43-234, Section I Adds new language regarding modified school day for pupils with disabilities under certain conditions.
- 43-234, Section J Clarifies that the Fire Marshal determines if available space is adequate.
- 43-234, Section K Moves language from footnotes into the body of the regulation. Adds requirements specified in law regarding study of the Declaration of Independence and the Federalist papers and allows flexibility in the courses in which they are taught. Moves footnote language into the body of the regulation.
- 43-234, Section L Removes references to other State Board of Education regulations.
- 43-234, Section M Adds reference to the Family Education Rights and Privacy Act regarding student records.
- 43-234, Appendix A Deletes the appendix in its entirety since this information is now available on the Department of Education Web site.
- 43-234, Appendix B Deletes the appendix in its entirety since the language is found in Regulation 43-262.

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 at a public hearing on the proposed regulation to be conducted by the State Board of Education on December 11, 2001, at 10:00 A.M. in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, S.C. Persons desiring to make oral comments at the hearing are asked to provide copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments by writing to Dr. Nancy Sargent, Director, Office of School Quality, 1429 Senate Street, Room 702, Columbia, SC 29201. Comments can also be emailed to nsargent@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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Preliminary Fiscal Impact Statement:

The Department of Education does not anticipate additional costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R43-234, Defined Program, Grades 9-12

Purpose: Regulation 43-234, Defined Program, Grades 9-12, is being amended. The proposed amendments will remove requirements for the STAR Diploma and general curriculum courses. Provide the opportunity for students to take one unit of Physical Science prior to taking the exit examination. Clarify the innovative approach application process, clarify provision for awarding dual credit, to align with the provisions of R43-259, Graduation Requirements, removes Appendix A, List of Courses and Instructional Activity Codes, and provides for compliance with the Family Educational Rights and Privacy Act (FERPA) regarding student records.

Legal Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-18-110 (Supp. 2000), 59-29-10, et seq. (1990) (Supp. 2000), 59-29-200 (1990), 59-33-30 (1990), 59-53-1810 (1990), and United States Code 20 U.S.C. 123g.

Plans for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

The proposed amendments are in accord with regulation 43-259, Graduation Requirements, which reflect the 2000 General Assembly repeal of section 59-39-105, STAR diploma. These amendments are also concurrent with the School-To-Work Act of 1994 in the elimination of the general track curriculum.

DETERMINATION OF COSTS AND BENEFITS: N/A

UNCERTAINTIES OF ESTIMATES: N/A

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 these changes are not implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2682
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: S.C Code Ann. Section 59-5-60 (1990)

43-64. Requirements for Initial Certification at the Advanced Level

Preamble:

The Department proposes to amend Regulation 43-64, Requirements for Initial Certification at the Advanced Level, as indicated in the Drafting Notice of July 27, 2001. The proposed amendments clarify requirements for those individuals seeking a teaching certificate in South Carolina.

1. The proposed amendment will include supervisor as one of the prerequisite certification areas listed under requirements for administrator, school superintendent, and vocational director,
2. The proposed amendment will include reference to a degree earned from a regionally or nationally accredited teacher education program or teacher education program approved by the State Board of Education, and
3. The proposed amendment will change the name of the certification area speech correctionist to speech-language therapist.
4. The proposed amendment will delete language that is repetitious and unnecessary.

Section-by-Section Discussion

1. In R 43-64, Sections A.(3)(a)(4)(a)(5)(a)(b), new text is added to include supervisor as one of the prerequisite certification areas listed under requirements for administrator, school superintendent, and vocational director.
2. In R 43-64, Section A.(3)(g)(h)(j)(k), text is deleted to eliminate repetition.
3. In R 43-64, Section A.(4)(g)(h)(j), text is deleted to eliminate repetition.
4. In R 43-64, Section C.(1)(a)(2)(a)(3)(a), new text is added to include the requirement that earned degrees are from a regionally or nationally accredited college or university with an advanced program for the preparation of school psychologists or an advanced school psychologist program approved by the State Board of Education.
5. In R 43-64, Section E., new text is added to change the name of the certification area speech correctionist to speech-language therapist.
6. In R 43-64, Section E.(1), new text is added to include the requirement that an earned master's degree is from a regionally, nationally, or state accredited college or university with a preparation program for speech-language therapists.
7. In R 43-64, Section E.(2), text is deleted to eliminate repetition.

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 at a public hearing on the proposed regulation to be conducted by the State Board of Education on December 11, 2001, at 10:00 AM, in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing 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. Sandra Rowe at the State Department of Education, Office of Teacher Certification, 1600 Gervais Street, Columbia, South Carolina 29205, or by calling 803-734-8953. Comments can also be e-mailed to srowe@scteachers.org. Comments must be received no later than 5:00 PM, November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary for consideration at the public hearing.

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Preliminary Fiscal Impact Statement: N/A

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-64, Requirements for Initial Certification at the Advanced Level

Purpose: Regulation 43-64, Requirements for Initial Certification at the Advanced Level, is being amended. The proposed amendments will add school social work as a certification area and include references to regionally and nationally accredited colleges and universities or teacher education programs approved by the State Board of Education.

Legal Authority: S.C Code Ann. Section(s) 59-5-60 (1990)

Plans for Implementation: The proposed amendment will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

The proposed amendment will enable social workers to qualify for educator certification.

DETERMINATION OF COSTS AND BENEFITS:

The State Department of Education estimates there will be no cost.

UNCERTAINTIES OF ESTIMATES: N/A

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

The State Department of Education estimates there will be no detrimental effect on the environment or public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2681
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 S.C Code Section(s) 59-26-20 (Supp. 2000)

43-90. Policies and Procedures and Unit Standards for Teacher Education Program Approval in South Carolina

Preamble:

The Department proposes to amend Regulation 43-90, Policies and Procedures and Unit Standards for Teacher Education Program Approval in South Carolina.

The Notice of Drafting was published in the State Register on July 27, 2001.

Section-by-Section Discussion

Regulation 43-90 is being amended and replaced in its entirety for the purpose of establishing accreditation standards applicable to both public and private teacher education institutions.

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 at a public hearing on the proposed regulation to be conducted by the State Board of Education on December 11, 2001, at 10 AM in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to provide copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments by writing to Dr. Lonnie L. Craven at the State Department of Education, 1600 Gervais Street, Columbia, South Carolina 29201 or by calling 803-734-3461. Comments can also be emailed to lcraven@scteachers.org. Comments must be received no later than 5:00 PM on November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

The Department of Education estimates no additional costs will be incurred by the State and its political subdivisions in complying with the proposed regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-90, Policies and Procedures and Unit Standards for Teacher Education Program Approval in South Carolina

Purpose: The State Department of Education recommends that the State Board of Education amend and replace in its entirety Regulation 43-90, Policies and Procedures and Unit Standards for Teacher Education Program Approval in South Carolina. The recommended changes establish a common set of performance-based accreditation standards for evaluation of South Carolina's teacher preparation institutions. The changes reflect recommendations from the Teacher Education Performance-based Standards Committee (state-wide committee), the South Carolina Chamber of Commerce, the National Conference of State Legislators, the National Commission on Teaching and America's Future, and the National Alliance of Business.

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Legal Authority: The legal authority for Regulation 43-90 is S.C. Code Ann. Sections 59-26-20 (Supp. 2000).

Plans for Implementation: The proposed regulation would take effect upon approval by the General Assembly and publication in the State Register. The proposed regulation will be implemented by providing copies of the regulation to presidents of all South Carolina Colleges and Universities as well as the deans of all teacher education programs.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The State Board of Education currently uses two different sets of accreditation standards to evaluate our teacher education institutions. Public institutions are required to seek and receive NCATE accreditation, while private institutions can choose between NCATE accreditation and a set of input-oriented accreditation standards. The input-oriented standards are not performance-based, but rather are a set of quantitative standards. Therefore, it makes sense to adopt and use a common set of performance-based standards for State Board approval of both public and private teacher education institutions.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred by the State with implementation of the proposed regulation. The benefit will include the implementation of a common set of performance-based accreditation standards for all of South Carolina's teacher education institutions.

UNCERTAINTIES OF ESTIMATES: N/A

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

The State Department of Education estimates there will be no detrimental effect on the environment or public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2684

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Section(s) 59-5-60 (1990)

43-55. Renewal of Credentials

Preamble:

The Department proposes to amend Regulation 43-55, Requirements for Renewal of Credentials, as indicated in the Drafting Notice of July 27, 2001. The proposed regulation will clarify requirements for those individuals seeking renewal of a teaching certificate in South Carolina.

1. The proposed amendments include language defining educators for the purposes of this regulation;
2. The proposed amendments include language that defines an active and inactive certificate for the purposes of certificate renewal and how to change from the inactive to active status;
3. The proposed amendments include language connecting certificate renewal to an educator's professional development plan, established goals, and student learning;
4. The proposed amendments establish four options for certificate renewal;

5. The proposed amendments eliminate the restriction on the use of continuing education units (CEUs) for certificate renewal;
6. The proposed amendments insert language that refers to renewal credits approved by the State Board of Education;
7. The proposed amendments insert language for the development of policies and procedures for the State Department of Education's certification renewal courses;
8. The proposed amendments eliminate language requiring educators to designate five areas of primary certification;
9. The proposed amendments require a minimum of three semester hours of college coursework to renew a certificate for educators who do not have a master's degree; and
10. The proposed amendments insert language that waives the renewal requirements for National Board Certified teachers for the life of the National Board certificate.

Section-by-Section Discussion

1. In R 43-55, Section A., new text is inserted that defines educator for the purposes of this regulation.
2. In R 43-55, Section B., new text is inserted that defines active and inactive status for the purpose of certificate renewal and explains how to change from inactive to active status.
3. In R 43-55, Section C., existing text is edited to clarify the renewal period.
4. In R 43-55, Section D.(2), new text is inserted to require one hundred twenty renewal credits and allow a combination of options for certificate renewal.
5. In R 43-55, Section D.(2)(a)(c), new language is inserted that defines one semester hour as equal to twenty renewal credits.
6. In R 43-55, Section D.(2)(d), new language is inserted that defines one renewal credit as equal to one hour of participation.
7. In R 43-55, Section E., new language is inserted that requires three semester hours of college credit for renewal if the individual does not have a master's degree.
8. In R 43-55, Section F., credit earned through college courses, State Department of Education in-service credit or district-renewal points in state identified areas of critical need may be applied toward certificate renewal.
9. In R 43-55, Section G., college credit earned at a regionally, national, or state accredited college or university may be applied toward certification renewal.
10. In R 43-55, Section H.(1)(2)(3), discusses how the district renewal point system credit shall be earned and awarded. The credit will be reciprocated from one State Board of Education approved district renewal plan to another. New text is added to refer to the approval of renewal credits by the State Board of Education.
11. In R 43-55, Section I.(1)(2)(3), discusses how the State Department of Education approved certificate course or renewal credit shall be earned and awarded.
12. In R 43-55, Section J.(1)(2)(3), new language is inserted that identifies professional development renewal credits.
13. In R 43-55, (4), language is deleted relating to the restriction on the use of continuing education units (CEUs) for certificate renewal.

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14. In R 43-55, (9), language is deleted relating to the requirement for teachers to designate five areas of primary certification.

15. In R 43-55, Section L., regulations governing effective dates of renewed certificates shall be the same as those for initial or revised certificates.

16. In R 43-55, Section M., new language is inserted to exempt National Board Certified teachers from meeting the renewal requirements for the life of their National Board certification.

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 at a public hearing on the proposed regulation to be conducted by the State Board of Education on December 11, 2001, at 10:00 AM, in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing 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. Sandra Rowe at the State Department of Education, Office of Teacher Certification, 1600 Gervais Street, Columbia, South Carolina 29205, or by calling 803-734-8953. Comments can also be e-mailed to srowe@scteachers.org. Comments must be received no later than 5:00 PM November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: N/A

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-55, Renewal of Credentials

Purpose: Regulation 43-55, Renewal of Credentials, is being amended. The proposed amendments will provide more flexibility to renew a teaching certificate and require that renewal be related to the professional growth of the teacher.

Legal Authority: S.C. Code Ann. Section(s) 59-5-60 (1990)

Plans for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

The proposed amendments will provide options for renewing a teaching certificate and will strengthen the requirement that renewal activities be related to the professional growth of the teacher.

DETERMINATION OF COSTS AND BENEFITS:

The State Department of Education estimates there will be no cost.

UNCERTAINTIES OF ESTIMATES: N/A

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

The State Department of Education estimates there will be no detrimental effect on the environment or public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2679
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (3)(6) (1990), and 59-39-100 (Supp. 2000)

R43-240. Summer Programs

Preamble:

The State Board of Education proposes to amend Regulation 43-240, Summer Programs. The Regulation provides for the organization and administration of summer school programs and identifies summer programs that are governed by this regulation. The proposed amendments clarify summer school programs governed by the regulation, provide appropriate certification to administer the programs, and remove the maximum number of units a student can earn in summer school, or through correspondence courses, or through an adult education program.

Notice of Drafting for the proposed amendment was published in the State Register on July 27, 2001.

Section-by-Section Discussion

- 43-240, Section A Adds new text to clarify the purposes of summer school programs and the types of summer school programs covered by the regulation.
- 43-240, Section B Amends the regulation to require every summer school program, not just those with 100 students or more, to employ a staff member with administrative certification.
- 43-240, Section B(2)(a) Amends the maximum pupil-teacher ratio allowed for grade 6 from 25:1 to 30:1.
- 43-240, Section B Deletes the limitation on the number of units of credit that may be earned in summer school or through correspondence courses or adult education.

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Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its regularly scheduled meeting on December 11, 2001 at 10:00 A.M. to be held in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, S.C. Persons desiring to make oral comments at the hearing are asked to provide copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments by writing to Dr. Nancy Sargent, Director, Office of School Quality, 1429 Senate Street, Room 702, Rutledge Building, Columbia, S.C. 29201. Comments can also be emailed to nsargent@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall 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:

DESCRIPTION OF REGULATION: R43-240, Summer School Programs

Purpose: Regulation 43-240 is being amended. The proposed amendments will clarify summer school programs governed by the regulation, provide appropriate certification to administer the programs, and remove the maximum number of units a student can earn in summer school, or through correspondence courses, or through an adult education program.

Legal Authority: S.C. Code Ann. Sections 59-5-60 (3)(6) (1990), and 59-39-100 (Supp. 2000)

Plans for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The amended regulation will be provided to school district personnel.

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

District and school administrators need clarification regarding summer school programs that are governed by regulation 43-240, Summer Program.

DETERMINATION OF COSTS AND BENEFITS: N/A

UNCERTAINTIES OF ESTIMATES: N/A

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 these changes are implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2683
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: S.C Code Section(s) 59-5-60 (1990)

43-63. Requirements for Trade and Industrial Certification

Preamble:

The State Department of Education proposes to amend Regulation 43-63, Requirements for Trade and Industrial Certification, as indicated in the Drafting Notice of July 27, 2001. The proposed amendments change the name from Trade and Industrial Certification to Career and Technology Education Work-Based Certification and define the program areas included in the regulation. The proposed amendments clarify requirements for those individuals seeking a teaching certificate in work-based career and technology areas covered in this regulation in South Carolina: engineering/industrial technology cluster; some courses in the family consumer sciences cluster; the health science technology cluster; the hospitality and tourism cluster, and the information technology cluster.

Section-by-Section Discussion

1. In R 43-63, Section A., new text is added to change Trade and Industrial Education to Career and Technology Education. The proposed amendment change the certification requirements for the engineering/industrial technology cluster; some courses in the family and consumer sciences cluster; the health science technology cluster; the hospitality and tourism cluster; and the information technology cluster. An associate degree minimum is required in all areas except the engineering/industrial technology cluster.
2. In R 43-63, Section B., there were no changes.
3. In R 43-63, Section C., language is inserted to change Trade and Industrial Education to Career and Technology Education to expand the areas included in the regulation. Deletes the section on Citizenship because it is covered through another regulation. Updates the names of programs.
4. In R 43-63, Section D., language is inserted to change Trade and Industrial Certification to Career and Technology Work-based Certification. Requires individuals seeking certification to take a competency examination related to the area of instruction instead of a trade examination. Changes the Education Entrance Examination to a basic skills examination. Replaces Provisional certification with induction certification.
5. In R 43-63, Section E., language is inserted to change post-secondary semester hours required to reflect current requirements. Changes the number of required years of related-work experience to qualify for an initial work-based teaching certificate. Restructures the levels of certification to expand opportunities for some of the other program areas in Career and Technology Education.
6. In R 43-63, Section F., language is inserted to change certificate terminology to reflect updated language. Replaces semester-hour requirements with competency-based coursework.
7. In R 43-63, Section G., language is inserted to update terminology to reflect the intent of the regulation.
8. In R 43-63, Section H., the word “trade” is replaced with the word “area” to reflect the inclusion of other program areas in addition to engineering/industrial technology. Expands part-time work experience to mean work experience related to the area of certification.

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9. In R 43-63, Section I., language is inserted to allow local districts to assume responsibility for hiring individuals with documented work-based expertise to teach Career and Technology Education courses where no certified teacher is available.

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 at a public hearing on the proposed regulation to be conducted by the State Board of Education on December 11, 2001, at 10:00 AM, in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing 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. Sandra Rowe at the State Department of Education, Office of Teacher Certification, 1600 Gervais Street, Columbia, South Carolina 29205, or by calling 803-734-8953. Comments can also be e-mailed to srowe@scteachers.org. Comments must be received no later than 5:00 PM November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: N/A

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-63, Requirements for Trade and Industrial Certification

Purpose: Regulation 43-63, Requirements for Trade and Industrial Certification, is being amended. The proposed amendments will clarify requirements for those individuals seeking a work-based teaching certificate in specified areas of career and technology in South Carolina.

Legal Authority: 1976 S.C Code Section(s) 59-5-60 (1990)

Plans for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

Career and Technology Education teacher shortages in some areas have become critical problems in many states including South Carolina. To address this problem in South Carolina, a state certification committee was appointed to review procedures for certifying career and technology education teachers in program areas where the Program of Alternative Certification for Educators (PACE) certification is not available and to make the profession more attractive to enter.

DETERMINATION OF COSTS AND BENEFITS:

The State Department of Education estimates there will be no cost.

UNCERTAINTIES OF ESTIMATES: N/A

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

The State Department of Education estimates there will be no detrimental effect on the environment or public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2673
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Section 48-2-50, 48-2-10 et seq.

R.61-30, Environmental Protection Fees

Preamble:

Pursuant to S.C. Code Section 48-2-50 (1993), the Department shall charge fees for environmental programs it administers pursuant to federal and state law and regulations. R.61-30, Environmental Protection Fees, prescribes those fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations (hereinafter, "permits") and establishes schedules for timely action on permit applications. This regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process to contest the calculation or applicability of the fees.

The Department is proposing to amend R.61-30 as follows:

- (1) Raise fees for NPDES and No-Discharge permit annual fees to maintain existing staff and present turnaround times for issuing permits and general program activities. [61-30.G(1)(a)(i)-(iii)]
- (2) Raise fees for drinking water annual fees to maintain existing staff and the present level of services to the public water systems. [61-30.G(2)(a)(i)&(ii)]
- (3) Raise agricultural annual operating fees for agricultural facilities and to add a category for the large swine facilities with an appropriate fee. [61-30.G(1)(b)]
- (4) Raise agricultural annual operating fees for agricultural facilities and to add a category for the large swine facilities with an appropriate fee. [61-30.G(1)(a)(v)1&2]
- (5) Raise fees for new and expanding facilities and to add more categories of agricultural applications, e.g. upgrades and additions, for which application fees will be applicable. [61-30.G(1)(d)(i)-(vii)]
- (6) Charge a nominal fee for drinking water permit application fees based on the size and complexity of the construction project. [61-30.G(2)(c)]
- (7) Raise fees for NPDES industrial storm water and construction NPDES Storm Water Permits in order to hire additional field staff for compliance determinations. [61-30.G(1)(a)(iii) & (vi) & 61-30.G(1)(c)(v)]
- (8) Add a new fee, which will be submitted to the Department with the new NPDES Storm Water form on "No Exposure Certification for exclusion from NPDES Storm Water Permitting. [61-30.G(1)(e)]

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(9) Add a fee to cover the costs and effort of the Commercial Fixed Nuclear Facilities (FNF) program for FY03. [61-30.G(13)]

In addition, due to numerous revisions at 61-30.G(1) and G(2) described above, stylistic changes will also be made in form and outline; these sections will be replaced in entirety.

A Notice of Drafting for the proposed revisions was published in the State Register on July 26, 2001.

Section-by-Section Discussion: See Statement of Need and Reasonableness herein.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held on December 12, 2001, at 2:00 p.m. in Conference Room 4380, Fourth Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. Please use the front entrance facing Bull Street when entering the building. The purpose of the forum is to answer questions, clarify issues and receive formal comments from interested persons on the proposed amendments. 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 public hearing scheduled pursuant to S.C. code Section 1-23-110 and -111 below.

Copies of the proposed amendments for public comment may be obtained by contacting Michael E. Rowe, SCDHEC, 2600 Bull Street, Columbia, S.C. 29201. Copies may also be obtained from the Department's Internet site at <http://www.scdhec.com/co/regs> - see Regulation Development Update, EQC Administration for R.61-30.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on January 10, 2002. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, S.C. Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. Please use the front entrance facing Bull Street when entering the Building. 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 Department will publish the Board's agenda 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.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Michael E. Rowe, SC DHEC, 2600 Bull St., Columbia, S.C. 29201. Written comments must be received no later than December 24, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on January 10, 2002, 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 final proposed regulation for submission to the Board for public hearing may be obtained by contacting Mr. Rowe at the above address.

Preliminary Fiscal Impact Statement:

These fees are intended to provide a static level of funding for the programs as described herein, imposing no additional impact on state funds for the Department.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-30, Environmental Protection Fees

Purpose: The Department is proposing to amend R.61-30 as follows: (1) Raise fees for NPDES and No-Discharge permit annual fees to maintain existing staff and present turnaround times for issuing permits and general program activities. [61-30.G(1)(a)(i)-(iii)] (2) Raise fees for drinking water annual fees to maintain existing staff and the present level of services to the public water systems. [61-30.G(2)(a)(i)&(ii)] (3) Raise agricultural annual operating fees for agricultural facilities and to add a category for the large swine facilities with an appropriate fee. [61-30.G(1)(b)] (4) Raise agricultural annual operating fees for agricultural facilities and to add a category for the large swine facilities with an appropriate fee. [61-30.G(1)(a)(v)1&2] (5) Raise fees for new and expanding facilities and to add more categories of agricultural applications, e.g. upgrades and additions, for which application fees will be applicable. [61-30.G(1)(d)(i)-(vii)] (6) Charge a nominal fee for drinking water permit application fees based on the size and complexity of the construction project. [61-30.G(2)(c)] (7) Raise fees for NPDES industrial storm water and construction NPDES Storm Water Permits in order to hire additional field staff for compliance determinations. [61-30.G(1)(a)(iii) & (vi) & 61-30.G(1)(c)(v)] (8) Add a new fee, which will be submitted to the Department with the new NPDES Storm Water form on "No Exposure Certification for exclusion from NPDES Storm Water Permitting. [61-30.G(1)(e)] (9) Add a fee to cover the costs and effort of the Commercial Fixed Nuclear Facilities (FNF) program for FY03. [61-30.G(13)]. In addition, due to numerous revisions at 61-30.G(1) and G(2) described above, stylistic changes will also be made in form and outline; these sections will be replaced in entirety. See Determination of Need and Reasonableness below.

Statutory Authority: S.C. Code Sections 48-2-50; 48-2-10 et seq.

Plan for Implementation: Upon approval by the S.C. Board of Health and Environmental Control, the S.C. General Assembly, and publication in the S.C. State Register, this regulation will be implemented as other regulations.

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

(1) NPDES and No-Discharge Permit Annual Fees [(61-30.G(1)(a)(i) - (iii)] - These fees are charged annually to all NPDES and No-Discharge permit holders and have been in place since 1992. There are no application fees for these permits. These fees are designed to cover a portion of the costs of maintaining the permit records, receiving and processing the required reports, and reissuing the permit every five years. The fee amount is calculated based on the previous year's actual flow. Individual fee amounts presently range from \$400 for a permitted discharge of less than 50,000 gallons per day to \$1,600 for a discharge of 2 million gallons per day or greater. One permittee with multiple pipes pays just under \$17,000 per year. Permittees covered under a general permit pay a fixed amount of \$75 per year. The fee amounts have not changed since their inception. The present fee structure raises approximately \$720,000, annually. For the past several years, the cost of operating the NPDES/ND permitting program has been just over \$1.4 million, not including O&M and sampling inspections performed by the Department. In recent years, the costs of reviewing, issuing and maintaining these permits have increased. More sophisticated models have to be used to generate wasteload allocations. More of the permits being issued have to have complex limits in order to maintain water quality or to restore waters of the state to meet water quality standards. The proposed fee increase would generate an additional \$240,000 to help maintain existing staff and present turnaround times for issuing permits and general program activities.

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(2) Drinking Water Annual Fees [61-30.G(2)(a)(i)&(ii)] - These fees are charged annually to all public water systems and have been in place since 1993. These fees are designed to cover a portion of the costs of operating the public water system supervision (PWSS) program delegated by US EPA to SC DHEC and to allow the Department to conduct the quarterly and annual compliance monitoring required by the Safe Drinking Water Act. Fees for community and non-transient systems are based on the number of taps the system serves and ranges from just under \$375 for the smallest system to just over \$40,000 for the largest. Transient and state system=s fees are a fixed amount ranging from \$45 to \$225. The present fee schedule generates just over \$3.2 million for the program. For many years the drinking water fund maintained a reasonable balance at the end of each fiscal year. In order for the fund not to accumulate too much money, the fee schedule has been adjusted down three times since its inception. The recent promulgation of a new round of unregulated contaminant monitoring established new contaminants, and therefore new laboratory methods had to be developed or new contracts with private, commercial labs had to be established. The promulgation of the disinfectant and disinfection by-product rule, and the radionuclide rule have also established new contaminants and laboratory methods, greatly increasing the cost of operating the monitoring program. The proposed fee increase would generate an additional \$750,000 to help maintain existing staff and the present level of services to the public water systems.

(3) Water Quality Certification Application Fees [61-30.G(1)(b)] - These are application fees for 401 Water Quality Certifications and have been in place since 1992. These fees are designed to cover a portion of the costs of processing the applications, conducting field visits and maintaining the certification records. The present fee is \$500 for a major project and \$50 for a minor project. The fee amounts have not changed since their inception. The present fee structure raises just over \$30,000, annually. In recent years, the costs of reviewing, issuing and maintaining these certifications have increased. Many of the certifications involve impacts to or adjacent to impaired waters and almost all now require review of mitigation plans. The proposed increase would generate an additional \$10,000 to help maintain existing staff and present turnaround times for issuing certifications and general program activities.

(4) Agricultural Annual Operating Fees [61-30.G(1)(a)(v)1 & 2]. These fees are charged annually to all agricultural permit holders and have been in place since 1998. These fees are designed to cover a portion of the costs of maintaining the permit records, receiving and processing the required reports, and reissuing the large swine permits every seven years. The present fee ranges from \$75 to \$300 depending on the type and size of operation. The present fees generate just over \$100,000, annually, for the program. Last year, the cost of performing O&M compliance inspections, alone was just over \$330,000. In recent years, the costs of reviewing and performing inspections to review compliance with these permits have increased. The Department proposes to raise the annual operating fee for agricultural facilities and to add fees for new categories of facilities in accordance with revisions to R61-43. The proposed increase in the fees, including new categories, would generate an additional \$25,000 to help maintain existing staff and present turnaround times for issuing permits and general program activities. Exact fee amounts cannot be determined until revisions to the Agricultural Wastewater regulations are finalized.

(5) Agricultural Waste Management Plan Application [61-30.G(1)(d)(i)-(vii)] -These are application fees for new or expanding agricultural facilities. These fees are designed to cover a portion of the costs of maintaining and permitting these. The fee amounts vary from \$165 to \$680 depending on the size and type facility and have not changed since their adoption in 1998. The present fee structure generates less than \$20,000, annually. For the past several years, the cost of operating the Agricultural Waste Management Plan review program has been just over \$300,000, not including O&M inspections performed by the Department. In recent years, the costs of reviewing, issuing, and maintaining these permits have increased. Also, a significant number of applications are received that do not have application fees. These types of applications include upgrades and additions to agricultural facilities which are not expansions. The proposed increase in fees and the additional categories of agricultural permit applications (e.g., upgrades and additions) would generate an additional \$20,000 to help maintain existing staff and present turnaround times for issuing permits. Exact fee amounts cannot be determined until revisions to the Agricultural Wastewater regulations are finalized.

(6) Drinking Water Permit Application Fees [61-30.G(2)(c)] - These fees would be designed to cover a portion of the costs to receive and review applications for construction permits for drinking water facilities, to render permit

decisions, and to issue final operating approvals following construction. Presently there is no fee for this service. For the past several years, the cost of operating the Drinking Water Construction Permit program has been approximately \$820,000. The proposed fee would be based on size and complexity of the project and range from \$75 to \$3,000. These fees would generate an estimated \$450,000 to help maintain existing staff and present turnaround times for issuing permits and operating approvals.

(7) NPDES Industrial Storm Water and Construction NPDES Storm Water Permit Fees [61-30.G(1)(a)(iii)& (vi)& 61-30.G(1)(c)(v)] - Presently NPDES permit coverage is required for land disturbing activities on sites of 5 acres or more and will be required on sites of one acre or more in the near future. These fees are designed to cover only a portion of the costs of reviewing best management plans and general permit coverage. The present fee structure has two components: a fixed \$125 for coverage under a general NPDES permit (where applicable) plus \$50 per disturbed acre. The present fee structure generates just over \$200,000, annually. For the past several years, the cost of issuing permits, tracking general permit coverage and performing compliance inspections has been approximately \$640,000. Additional staff is needed to provide a greater field presence to inspect construction sites and industrial sites covered under the NPDES Storm Water program. The proposed increase would raise the base charge for NPDES coverage and increase the per acre amount. This, along with applying the NPDES coverage down to one acre, would generate an additional \$600,000 to provide for the hiring of additional permitting, inspection and enforcement staff to improve permit compliance.

(8) No Exposure Certification for exclusion from NPDES Storm Water Permitting. A new section [61-30.G(1)(e)]. The Department is proposing to add a new fee which will be submitted to the Department with the new NPDES Storm Water form on "No Exposure Certification for exclusion from NPDES Storm Water Permitting. Under the Phase I Storm Water regulations, owners of facilities that were defined as Associated with industrial activity and that were eligible for the No exposure exemption from the NPDES Storm Water Program were not required to submit anything to the Department to qualify for the exemption. This process was a self-determination with no oversight by the Department on the program exemption. Now, under the federal Phase II Storm Water Regulations which the Department has adopted with an effective date of July 27, 2001, all facilities classified as associated with industrial activity, except construction, are now eligible to be exempted from the NPDES Storm Water Program if they submit the "No Exposure Certification for exclusion from NPDES Storm Water Permitting" form to the Department. The Department now has oversight of these self-determinations. The proposed fee would be a flat rate of \$350 every five years, as the certification has to be renewed. It is estimated that this fee would generate an additional \$60,000 to cover a portion of the costs of administratively processing the new forms and providing oversight of the no exposure exemption. Additional staff may be hired as a result of this new fee.

(9) Fixed Nuclear Facilities, A new Section [61-30.G(13)]. In FY93 the Nuclear Regulatory Commission (NRC) entered into an agreement with the South Carolina Department of Health and Environmental Control (SCDHEC) Radiological Environmental Monitoring Division (REM) to provide radiological monitoring oversight around the FNF's in the state, including the Savannah River Site (SRS). This program consisted of sample collection of many different types of media for multiple radiological analyses. The samples collected also included split samples received from the FNF's including soil, sediment, surface water, air filters, fish, vegetation, milk, and thermoluminescent dosimeters (TLD's). These samples were collected on a bi-monthly, monthly, quarterly, and annual basis, depending on the type of sample. Analyses included gross alpha/beta, gamma, iodine-131, and tritium. Annual reports were generated that included data from both SCDHEC sampling and analysis, as well as the results from the FNF split samples. Funding for the 'NRC FNF program' was discontinued at the end of FY98. Since that time, SCDHEC has continued to perform limited monitoring around the FNF's, however, the number of samples to be analyzed as well as the staff time required to collect the samples cannot be supported through current state appropriations. The proposed fee will support a total of 7.75 positions in EQC, as well as operating expenses. However, it should be noted that the program will not fully support all activities of the program and existing state appropriations will be used to support the additional needs of the program. FTE's will be needed in order to implement these programs as soon as the fee is approved. The proposed fee budget is divided equally among the 4 FNF's in South Carolina. Table I illustrates the costs that each FNF would be charged based on the total budget needs of \$550,932.

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DETERMINATION OF COSTS AND BENEFITS:

All applicants for environmental permits under the Agriculture Facilities program will bear the costs of administration by the Department. Act 460 of 1996 mandates this program be established to control potential environmental hazards from agricultural facilities. Benefits will be to the environment and public health of South Carolina.

Applicants for permits to construct or modify Public Drinking Water facilities in South Carolina create a drain on the Department's fiscal resources. The size and scope of applications which can take considerable staff time to review, a lack of state appropriations compounded by budget cuts in the permitting program and reductions in federal funding necessitate the implementation of this fee amendment. There are approximately numerous affected entities in South Carolina. An efficient and timely turn around on these projects can foster a positive economic impact.

UNCERTAINTIES OF ESTIMATES: The Department can be reasonably accurate on the costs associated with time and effort to review environmental permits. Unknown, such as withdrawal/resubmittal scenarios, have an impact on individual activities. However, since actively measuring and reporting on required time frames, the Department has had a 97% success rate in meeting review times established in the regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: Substantive review of projects which have a negative impact on the environment and/or public health is necessary to protect both the natural resources of South Carolina and the health of its citizens. Experience has shown that proper funding of permitting programs, coupled with an organizational philosophy to streamline the process, works best to both protect the environment and provide an economic boost to applicants by assuring them a timely response from the state.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: To repeat the statement above, a lack of appropriate resources slows the permitting process. Insufficient funding creates backlogs of permits awaiting review. This in turn negatively affects the timely turnaround of projects which may be correcting a serious pollution problem. It prevents the issuance of restrictive permits intended to protect the public health and environment.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2672
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority S.C. Code Sections 44-1-140(11); 1-23-10; -110

R.61-37, Retail Food Establishment Inspection Fees

Preamble:

The Department proposes to amend Regulation 61-37 to change the late penalties and permit reinstatement fees from \$30.00 increments to \$25.00 increments so that confusion and accounting difficulties associated with crediting fee payments will be eliminated. See Discussion below and Statement of Need and Reasonableness herein. A Notice of Drafting for this proposed amendment was published in the State Register on July 28, 2001.

Discussion of Proposed Revisions:

<u>SECTION</u>	<u>CHANGE</u>
61-37.III.C.	Change \$30.00 to \$25.00.
61-37.IV.A.	Change \$30.00 to \$25.00

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on November 29, 2001 at 9:00 a.m. in Peebles Auditorium, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendment of R.61-37. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for January 10, 2002.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the staff forum by writing to H. Michael Longshore at Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 896-0645. Written comments must be received no later than 4:00 p.m. on November 29, 2001. 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, as noticed below.

Copies of the text of the proposed amendment for public notice and comment may be obtained by contacting H. Michael Longshore at Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Telephone number (803) 896-0655; Fax number (803) 896-0645.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-37 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on January 10, 2002. 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 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.

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Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-37 by writing to H. Michael Longshore at Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 896-0645. Written comments must be received no later than 4:00 p.m. on November 29, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on January 10, 2002, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing noticed above.

Copies of the text of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting H. Michael Longshore at Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Telephone number (803) 896-0655; Fax number (803) 896-0645.

Preliminary Fiscal Impact Statement:

There will be no cost to the state and its political subdivisions. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose of Regulation: The purpose of this amendment is to change the late penalties and permit reinstatement fees associated with payment of retail food establishment inspection fees from \$30.00 to \$25.00, thereby eliminating confusion and accounting difficulties in crediting payment of fees.

Legal Authority: R.61-37, Retail Food Establishment Inspection Fees are authorized by S.C. Code Sections 44-1-140(11); 1-23-10; -110.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-37 upon approval by the Board of Health and Environmental Control, and the General Assembly, and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: R.61-37 was passed in June of 2000 with an effective date of June 25, 2000, and was implemented in September 2000. The fees in this regulation were set at an initial annual fee rate of \$60.00 per facility. The regulation contains a fee scale for annual renewal in \$30.00 increments, based on gross retail sales, up to a maximum fee of \$270.00 per facility. The regulation provides for penalties for late payment of fees and permit reinstatement fees; the late penalties and permit reinstatement fees are also in \$30.00 increments. Having the fee schedule, late penalties and permit reinstatement fees all set at \$30.00 increments has created accounting difficulties and confusion in handling and properly crediting fee payments. The proposed amendment changes the late penalties and permit reinstatement fees from \$30.00 to \$25.00; this will eliminate the confusion and accounting difficulties in crediting fee payments.

DETERMINATION OF COST AND BENEFITS: There will be minimal cost to the state and its political subdivisions. The regulated community will realize a small cost savings by having the late penalties and permit reinstatement fees reduced from \$30.00 to \$25.00.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON THE ENVIRONMENT: There will be no effect on the environment. The amendments will improve the Department's ability to provide quality customer service to the regulated community.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no adverse effect on the environment or public health if the amendments are not implemented. However, there will be an adverse effect on the Department's ability to process payment of fees in an accurate and timely manner, thereby limiting the Department's ability to provide quality and efficient customer service to the regulated community.

Text

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2670
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Sections 44-1-140, 48-1-30,
and 44-87-10 et seq.

R. 61-86.1, Standards of Performance for Asbestos Projects

Preamble:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-86.1 to prescribe alternate procedures and fees for asbestos abatement projects and licenses. The purpose of this revision is to add fees for other special asbestos project categories. This proposed amendment is necessary to help provide adequate funding for the asbestos program. The fee schedule for asbestos abatement projects and licenses has not been updated since established in 1988. South Carolina's fee schedule will be expanded in some areas, taking into account current fees assessed by other Southeastern states. The Department is proposing to add fees for the licensing of asbestos training courses that are required for asbestos abatement personnel and for the processing and inspection of demolition projects. Legislative review is required.

The proposed amendment will be limited in scope to the revisions named herein.

A Notice of Drafting for the proposed amendment was published in the South Carolina State Register on July 27, 2001. See Summary of Revisions and Statement of Need and Reasonableness provided herein.

Discussion of Proposed Revisions

R. 61-86.1, Standards of Performance for Asbestos Projects

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SECTION CITATION:	EXPLANATION OF CHANGE:
Section I. Definitions	Revise the introductory paragraph. Enclose all “words and phrases” in quotation marks and insert new “words and phrases” to the list of definitions in alphabetic order. Renumber the definitions as required. Add a definition for “Asbestos Training Course Provider.” Add a definition for “Asbestos Training Course.” Add a definition for “Asbestos Training Course Instructor.”
Section II.A.	Amend to include applicability to training course providers.
Section III.A.	Amend to add III.A.6. and III.A.7. regarding applicability to licensing requirements for asbestos training courses.
Section III.B.1.	Add a reference to application for asbestos training course licenses.
Section III.B.2.	Add III.B.2.i. to include a reference to Asbestos Training Course Licenses.
Section III.D.	Add III.D.7. to include fees for individual Asbestos Training Course Licenses and for annual renewal of licenses.
Section X.B.1.a.	Add reference to separate fees for licensing of demolition projects.
Section XIII.B.1.a.	Add reference to submittal of fees with each notification submitted for demolition operations.
Section XIII.B.5.a.	Correct the reference to Section V.B.4.a. - n.
Section XIII.G.	Add a new Section XIII.G.
Section XV.E.1.b.(1)(a)	Change “and” to “or.”
Section XV.E.2.b.(1)(a)	Change “and” to “or.”

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff informational forum to be held on November 26, 2001, at 10:00 a.m. in room 2380 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendment to R.61-86.1.

Interested persons are also provided an opportunity to submit written comments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2001. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed amendment to R.61-86.1 for public notice and comment may be obtained by contacting Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4284.

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 comment on the proposed amendment to R.61-86.1 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 13, 2001. The public hearing is to be held in the Board Room (room 3420) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. 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 order of presentation for public hearings will be noted in the Board's agenda to 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 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 comments on the proposed amendments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2001. Comments received shall be considered by the staff in formulating the final proposed amendment to R.61-86.1 for public hearing on December 13, 2001, as noticed above. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional state funding is being requested. Existing staff and resources will be utilized in additional regulatory administration resulting from these amendments to the regulations.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-86.1, Standards of Performance for Asbestos Projects, prescribes fees applicable to each asbestos abatement project, and to each asbestos abatement entity that performs asbestos removal or encapsulation. This regulation also establishes procedures for the payment of fees, provides for the denial of licensing for nonpayment, and establishes an appeals process to contest the denial, suspension, revocation, or issuance of any license.

Purpose of Regulation: The Department proposes to amend R.61-86.1 to incorporate fees and licenses for other special asbestos project categories. The Department is proposing to add fees for the licensing of asbestos training courses that are required for licensing of asbestos abatement personnel and for the processing and inspection of demolition projects.

Legal Authority: The legal authority for R.61-86.1 is S.C. Code of Laws, Sections 44-1-140, 48-1-30, and 44-87-10 et seq.

Plan for Implementation: These amendments would be incorporated within R.61-86.1 upon approval of the Board of Health and Environmental Control and the S.C. General Assembly and publication in the South Carolina

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State Register. The amendments will be implemented in the same manner in which the existing regulation is implemented.

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

The Department proposes to amend Regulation 61-86.1, Standards of Performance for Asbestos Projects, to add fees for other special asbestos project categories. This proposed amendment is necessary to help provide adequate funding for the asbestos program. The fee schedule for asbestos abatement projects and licenses has not been updated since established in 1988. South Carolina's fee schedule will be expanded in some areas. Proposed fees are reasonable, taking into account current fees assessed by other Southeastern states. The Department is proposing to add fees for the licensing of asbestos training courses that are required for licensing of asbestos abatement personnel and for the processing and inspection of demolition projects. See below for determination of costs and benefits, effect on the public health and environment, and detrimental effect if the proposed regulations are not implemented.

DETERMINATION OF COSTS AND BENEFITS:

The asbestos program was started in 1986 with the aid of a one-time grant of \$200,000 from the United States Environmental Protection Agency. Legislation establishing fees for licenses and for projects (SC Code 44-87-10 et seq., "Asbestos Abatement License") became effective on July 1, 1988. These fees have enabled the asbestos program to operate with adequate funding since 1988. Due to decreased revenues from fees for asbestos licenses and projects in recent years, along with inflation and increased personnel and operating costs, the program is requesting the addition of fees for other special asbestos project categories.

There are no State appropriations directed to these services, therefore, there will be no increased cost to the State or its political subdivisions resulting from the promulgation and implementation of these amendments to R.61-86.1. There will be an increased cost to the regulated community as a result of fees being charged for services that the Department is currently providing without an assessment of fees.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the proposed amendments to R.61-86.1.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department has processed demolition project permits and approved asbestos training courses since 1988, but is currently performing these services without assessment of fees to the regulated community. The proposed amendment to R.61-86.1 would impose fees in line with similar fees being charged by other states. This increase in revenue would help defray the cost of providing these services and help ensure adequate oversight of the asbestos program.

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

Licensing of demolition projects helps ensure that asbestos containing materials identified prior to demolition are handled and disposed of properly and that the projects are conducted in accordance with the requirements of the asbestos regulations. Training Providers are audited to ensure that the course material and curriculum meet specific criteria and that individual instructors are currently qualified to administer mandatory training to asbestos abatement personnel in each work practice topic or discipline. The Department's proficiency in overseeing asbestos projects throughout the State could be compromised if the current fee schedule is not updated. Inadequate funding for administration of the asbestos program could result in a cutback of project inspections and investigations, which could lead to an increase in non-compliance.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2671
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 48-1-50 and 48-1-110

R. 61-67. Standards for Wastewater Facility Construction

Preamble:

The Department proposes to amend R.61-67 to allow the use of vacuum sewer systems and criteria for alternative collection system use. The Department will also consider the consistency of administrative and technical review issues in comparison with the drinking water standards (R.61-58). The Department will evaluate changes in pump and haul criteria, service connection and water supply intake definitions, criteria for sewer design related to infiltration and inflow, rules for application submittal requirements and available capacity at treatment plant determinations. The Department will consider other minor changes and clarification as needed for overall improvement of the regulation.

The Notice of Drafting for this amendment was published in the State Register on June 22, 2001. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

<u>SECTION CITATION:</u>	<u>EXPLANATION OF CHANGE:</u>
67.100.D.	Removed the individual section numbers for each definition. Added new definitions for General Construction Permit, Primary Source Water Protection Area, Vacuum Sewers, and Water Supply Intake Area. Revised several existing definitions for Alternative Collection System, Main Sewer, Service Connection, and Sewers. Deleted “[Reserved]” from the definitions.
67.100.E.4.	Added a sentence pertaining to the return of an application package if it conflicts with the applicable 208 Water Quality Management Plan.
67.100.E.4.a.	Added a sentence requiring separate applications for each wastewater treatment plant.
67.100.E.4.a.(4)	Added a sentence stating when profiles of sewer lines are required.
67.100.E.4.a.(10)	Added language requiring the letter of acceptance to be dated within last twelve (12) months.
67.100.E.4.a.(11)	Added language requiring the letter of acceptance to be dated within last twelve (12) months.
67.100.E.4.b.	Added the word “applicable”.

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- 67.100.E.4.b.(4) Added a sentence stating when profiles of sewer lines are required.
- 67.100.E.4.b.(10) Added language requiring the letter of acceptance to be dated within last twelve (12) months.
- 67.100.E.4.b.(11) Added language requiring the letter of acceptance to be dated within last twelve (12) months.
- 67.100.E.7. Deleted the language requiring the Department's final inspection of a project.
- 67.100.E.7.b. Added language requiring stamped, record drawings to be submitted for operational approval.
- 67.100.E.7.d. Added a new section stating that the Department may perform an inspection.
- 67.200.A. Added the language "(appropriate to the scope of the project)", for engineering reports.
- 67.200.D.1.a.(2) Added a sentence clarifying what the flow diagrams shall identify.
- 67.200.D.1.c.(1)(a) Added the word "applicable".
- 67.200.D.1.c.(1)(a)(i)-(iv) Clarified the flow values by adding the time periods, and the term "Peak hourly".
- 67.200.D.1.c.(2) Added the language "(or domestic facilities with significant industrial contributions)".
- 67.200.D.1.c.(3) Added a sentence noting what the design of the domestic wastewater treatment facility with significant industrial contributions shall account for.
- 67.200.D.1.c.(12) Added the language "(as applicable with domestic facilities with significant industrial contributions)".
- 67.200.D.1.d. Deleted the "ing" from the word disposing. Added the language "(consistent with other Department regulations governing sludges)".
- 67.200.D.1.e. Added a sentence requiring maps be provided for effluent or sludge land application sites.
- 67.200.D.1.f.(11) Added a new section requiring the evaluation of the location of buffer zones for spraying effluent.
- 67.200.D.1.h.(2) Added a sentence and language noting who is responsible for providing water quality assessments and modeling. Added the words "(or other applicable flow information)".
- 67.200.D.1.h.(4)(a) Added the words "supply" and "(potable and non-potable)".
- 67.200.D.1.i. Added the language "the parameter for which standards have been established (R.61-68) such as".

- 67.200.D.1.k. Deleted the words “The following shall be evaluated:”.
- 67.200.D.1.k.(1) Revised this section in it’s entirety.
- 67.200.D.2. Changed the word “preliminary” to “proposed”.
- 67.200.D.2.b. Changed the word “treatment” to “sewerage”, and “daily flow” to “and peak flows”.
- 67.300.A.4. Added the language “and to confirm ownership requirements are met”.
- 67.300.A.6. Added the language “and navigable waters easements.”
- 67.300.A.7. Added the language “(or either the period to appeal has lapsed without appeal, or the appeal has been resolved to sustain the permit)”.
- 67.300.A.8. Added the language “(including considerations of infiltration and inflow),”.
- 67.300.A.8.a. Added the language “(including considerations of infiltration and inflow),”.
- 67.300.A.8.b. Changed the word “adequate” to “available”. Added language concerning the advancement of effluent disposal capacity for a wastewater treatment facility. Changed the words “,to compensate for non-permitted flows,” to “to address issues”.
- 67.300.A.8.c.(3) Added language pertaining to the appeal of an effluent disposal permit.
- 67.300.A.9. Added a sentence noting a possible exception to the requirement for public ownership of a project serving more than one (1) parcel of deeded property.
- 67.300.A.11. Added the word “hourly” to peak flow, and the word “daily” to average flow projection.
- 67.300.A.18. Changed the word “shall” to “may”.
- 67.300.A.19. Added language pertaining to general certification of a project by OCRM.
- 67.300.B.4. Changed the words “be laid” to “designed”.
- 67.300.B.6. Added language pertaining to consideration of curvilinear sewers for those in excess of twenty four (24) inches in diameter.
- 67.300.B.8. Changed the word “nor” to “except when” and added the word “not”.
- 67.300.C.1. Added the words “or other means of controlling access”.
- 67.300.C.5. Added a sentence requiring that a pump station alarm system be designed to function if power is not available to the pump. Changed the words “water supply intake” to “primary source water protection”.

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- 67.300.C.9. Added language to clarify which shutoff valves at a pump station are being referred to.
- 67.300.C.15. Changed the words “water supply intake” to “primary source water protection”. Added a sentence allowing the Department to evaluate auxiliary power requirements for certain businesses.
- 67.300.C.15.a. Added language to clarify the on site standby generator requirement.
- 67.300.C.15.b. Added the language “, with automatic switching feature”.
- 67.300.C.15.d. Deleted the words “gasoline driven”.
- 67.300.D.5. Added language to provide an alternative for force main connections to existing manholes.
- 67.300.D.7. Added a new section requiring a check valve be provided on individual force mains.
- 67.300.E. Deleted the words “for Residential Development”.
- 67.300.E.1.a. Added the language to include vacuum systems and expanding the sentence pertaining to reliable system operation and maintenance.
- 67.300.E.1.c. Added the words “low population”, to the word density.
- 67.300.E.1.e. Changed the word “sewers” to “sewerage systems”.
- 67.300.E.2.c. Added the words “, unless otherwise approved by the Department”.
- 67.300.E.4. Deleted the words “These types of systems are not approved.” pertaining to vacuum sewers.
- 67.300.E.4.a.- d. Added a new section listing the design requirements for vacuum sewer systems.
- 67.300.E.5. Deleted this section pertaining to non-residential development.
- 67.300.F.2. Added the language “or other means of controlling access”.
- 67.300.F.6. Added a sentence requiring that potential odors be addressed for equalization or holding basins.
- 67.300.F.9. Added language pertaining to holding basin liner requirements, specifically to allow for alternatives to this requirement for treated wastewater. Added the words “to preclude inappropriate seepage”.
- 67.300.F.12. Added a sentence requiring the wastewater treatment facility to account for return flows, as far as quantity and quality.
- 67.300.F.15.c. Added the words “and/or discharge”.
- 67.300.F.16. Added the sentence “Disposal shall be consistent with applicable Department regulations.”, pertaining to the disposal of wastewater treatment facility residuals.

- 67.300.F.17. Added a sentence requiring that a closure plan be approved by the Department prior to actual closure.
- 67.300.G.1.b.(3) Added the language “As a prerequisite for approval of a pump and haul operation,”.
- 67.300.G.1.b.(4) Added the sentence “The Department may specify a form to be used for reporting.”.
- 67.300.G.1.b.(5) Changed the words “on a daily basis” to “during each day’s use”, and added the words “, and pumped out as needed”.
- 67.300.G.1.b.(6)(d) Added the language “some type of financial assurance (e.g.,” and “)”. Deleted the words “responsible for” and the sentence “The responsible party shall have complete control of the escrow account.” Added the words “(e.g., contract hauler”.
- 67.300.G.1.b.(6)(e) Added a sentence allowing consideration of alternative storage capacity requirements for non-residential applications.
- 67.300.G.2. Deleted the sentence “Pump and haul operations may be allowed in accordance with the following:” from this section. Relocated this sentence to a new section, for clarity.
- 67.300.G.2.a. Relocated the following sentence to a new section, for clarity. “Pump and haul operations may be allowed in accordance with the following:”.
- 67.300.G.2.a.(1)-(6) Re-numbered these subsections for clarity.
- 67.300.G.2.b.-e. Added four (4) new sections to address permanent and temporary pump and haul operations for industrial facilities, and to address situations when an industry has been disconnected from sewer service.
- 67.300.H.2.b. Added the language “(and would be used to revise the current level of remaining capacity)”.
- 67.400.B.1. Changed the words “expansions of existing wastewater treatment facilities” to “all components of an expanding facility”. Added language noting specific requirements are not for existing facilities and those facilities, such as industrial operations, that can shut down their operations.
- 67.400.D.2. Added the word “average” to twenty four (24) hour design flow. Added a sentence allowing considerations of other alternatives to the twenty four (24) hour capacity holding basin.
- Appendix B Relocated the section on General Construction Permits, in it’s entirety, from subsection 67.300.A.20. to a new Appendix B. Text remained the same; however, several subsections referenced in the text did slightly change based on relocating this section to a new Appendix B.

Notice of Staff-Conducted Informational Forum and Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held on November 13, 2001 at 1:30 p.m. in Conference Room 4380, fourth floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. Notices of this forum will be mailed out by the Department on October 12, 2001. The purpose of the forum is to answer questions, clarify issues and receive formal comments from

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interested persons on the proposed amendments. 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 1-23-111.

Interested persons are also provided an opportunity to submit written comments to the staff forum by writing to Jeff deBessonnet, Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, Fax Number (803) 898-4215. Written comments must be received no later than 4:00 p.m. on November 16, 2001. Comments received for the forum and comment period 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 amendments to the regulations for public notice and comment may be obtained by contacting Jeff deBessonnet, Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, Telephone Number (803)898-4157, Fax Number (803)898-4215, E-Mail (debessjp@columb32.dhec.state.sc.us).

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

Interested persons of the public and regulated community are invited to make oral or written comments on the proposed amendments to the regulations at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 13, 2001. The public hearing will be held in the Board Room of the Commissioner's Suite, Third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to 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 of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments to the regulations by writing to Jeff deBessonnet, Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. on November 26, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on December 13, 2001, 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 noticed above.

Copies of the final proposed regulation for submission for public hearing before the DHEC Board may be obtained by contacting Jeff deBessonnet, Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, Telephone Number (803)898-4157, Fax Number (803)898-4215, E-Mail (debessjp@columb32.dhec.state.sc.us).

Preliminary Fiscal Impact Statement:

It is anticipated that these amendments will not create any additional cost to the State. Any cost should be offset by the existing fees received with construction applications received for new wastewater facilities permitted by the Department. Regulation 61-30, Environmental Protection Fees, Promulgated Pursuant to S.C. Code Section 48-2-10 et seq., authorizes the Department to collect fees for certain wastewater construction permits. Therefore, no additional state funding is being requested; existing staff and resources will be utilized to enforce these amendments to the regulations.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-67, Standards for Wastewater Facility Construction

Purpose: The purpose of this amendment is to consider revisions including allowing the use of vacuum sewer systems and criteria for alternative collection system use. The Department will also consider the consistency of administrative and technical review issues in comparison with the drinking water standards (R.61-58). The Department will evaluate changes in pump and haul criteria, service connection and water supply intake definitions, criteria for sewer design related to infiltration and inflow, rules for application submittal requirements and available capacity at treatment plant determinations. The Department will consider other minor changes and clarification as needed for overall improvement of the regulation.

Legal Authority: The Standards for Wastewater Facility Construction Regulations are authorized by Sections 48-1-50 and 48-1-110, S.C. Code of Laws (1987), as amended.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-67 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

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

DHEC has identified areas that need to be revised to bring clarity and to update the regulation to match other regulatory programs. In addition, revision is necessary for several areas in the regulation to provide for clarification of the intent of the regulation on specific points, including consistency of the administrative and technical review issues in comparison with the drinking water standards (R.61-58). The regulation itself is needed in order to ensure that all wastewater collection, transmission, and treatment facilities are properly designed, constructed, operated and maintained in order to protect public health and safety and the environment of the State.

The proposed amendment is reasonable because it will clarify the existing regulation, update it based on current technologies and issues, and incorporate into regulation sound engineering practices utilized by the Department for the design of new wastewater collection, transmission, and treatment facilities. This amendment defines a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department.

The benefit is that these proposed amendments will continue to define a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department while allowing flexibility for designs in unique circumstances. Properly designed and maintained wastewater facilities will protect public health and safety and the environment of the State. It is anticipated that these amendments will not create any additional cost to the regulated community because design standards required under these amendments will be consistent with current engineering practices utilized by the Department for new wastewater collection, transmission, and treatment facilities.

DETERMINATION OF COSTS AND BENEFITS:

It is anticipated that these amendments will not create any additional cost to the State. The cost should be offset by the funds received with construction applications received for wastewater facilities. Regulation 61-30, Environmental Protection Fees, Promulgated Pursuant to S.C. Code Section 48-2-10 et seq., authorizes the Department to collect fees for certain wastewater construction permits. Therefore, no additional state funding is being requested; existing staff and resources will be utilized to enforce these amendments to the regulations. It is anticipated that these amendments will not create any additional cost to the regulated community because the design

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standards required under these amendments will be consistent with current guidelines utilized by the Department for new wastewater collection, transmission, and treatment facilities.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this amendment would not compromise the protection of the environment or the health and safety of citizens. The effect should be beneficial because the amendment will ensure properly designed and maintained wastewater facilities which will protect public health and safety and the environment of the State.

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

Failure of the Department to have the flexibility to enforce these proposed amendments may result in improperly designed and maintained wastewater facilities and inappropriately restrict the use of certain technologies. The environmental consequence of improperly designed and maintained wastewater facilities would be that these wastewater facilities could fail, thereby leading to contamination of ground and surface waters, soils, and air, and would likely have a short term and a long term detrimental impact on the health of the citizens of South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2675
COMMISSION ON HIGHER EDUCATION
CHAPTER 62

Statutory Authority: 1976 Code Section 59-150-360

62-900.85–145 South Carolina HOPE Scholarship

Preamble: The South Carolina HOPE Scholarship, established under the South Carolina Education Lottery Act, was approved by the General Assembly during the 2001 legislative session and signed into law on June 13, 2001. This Act authorizes funding for scholarships to cover the cost of attendance, up to a maximum of two thousand dollars to eligible students attending eligible four-year public and independent institutions in South Carolina. The goal of the SC HOPE Scholarship Program is to provide a merit scholarship to students who achieve academically but are not eligible to receive the LIFE or Palmetto Fellows Scholarship. The Act authorizes the Commission on Higher Education to create regulations for administration of the SC HOPE Scholarship Program.

Notice of Drafting for the proposed amendments were published in the State Register on September 28, 2001. Comments from the notice were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion:

62-900.85	Funding
62-900.90	Program definitions
62-900.95	Student eligibility
62-900.100	Duration of award

- 62-900.105 Transfer students
- 62-900.110 Students with disabilities
- 62-900.115 Withdrawal, suspension or dropping below full-time status
- 62-900.120 Policies and procedures for awarding
- 62-900.125 Institutional procedures for award notification
- 62-900.130 Scholarship disbursements
- 62-900.135 Verification of scholarships
- 62-900.140 Program administration and audits
- 62-900.145 Suspension and termination of institutional participation

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 South Carolina Commission on Higher Education on December 6, 2001 to be held in the Large Conference Room of the S.C. Commission on Higher Education, Suite 200, 2nd floor, Washington Mutual Building, 1333 Main Street, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission 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 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 regulations by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 16, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 6, 2001, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement: Funding for the SC HOPE Scholarship Program is dependent upon the proceeds generated by the SC Education Lottery.

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

DESCRIPTION OF REGULATION: 62-900.85-145, South Carolina HOPE Scholarship

Purpose: Regulation 62-900 is being amended to create administrative procedures for administration of the SC HOPE Scholarship program.

Legal Authority: The legal authority for Regulation 62-900 is Section 59-150-360, S.C. Code of Laws.

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

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

The proposed regulation will define the criteria used by the Commission on Higher Education and the eligible institutions of higher education for the distribution of funds provided to institutions for student who qualify for assistance under the SC Education Lottery Act

DETERMINATION OF COSTS AND BENEFITS:

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Implementation of these regulations will enable the Commission on Higher Education to provide funding to South Carolina's four-year institutions in support of the academic program costs associated with the first year of enrollment for students who do not qualify for either the Legislative Incentives for Future Excellence (LIFE) or Palmetto Fellows Scholarship Programs. Costs will be determined by the student population served and the revenues generated by the SC Education Lottery.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not Applicable.

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2674
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

62-900.1-75 Legislative Incentives for Future Excellence (LIFE) Scholarship

Preamble:

The South Carolina Commission on Higher Education proposes to draft new regulations for the Legislative Incentives for Future Excellence (LIFE) Scholarship Program established under Title 59 Section 59-149-10. House Bill 4535, Legislative Incentives for Future Excellence (LIFE) Scholarship, was approved by the General Assembly during the 1998 legislative session and amended during the 2001 legislative session under the South Carolina Education Lottery Act. The purpose of the LIFE Scholarship Program is: to increase access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

Notice of Drafting for the proposed regulations were published in the State Register on September 28, 2001. Comments from both notices were considered in formulating the proposed revisions. See Statement of Need and Reasonableness herein.

Section-by-Section Discussion

Section 62-900.1	Program definitions
Section 62-900.5	Student eligibility
Section 62-900.10	Continued eligibility
Section 62-900.15	Terms of eligibility
Section 62-900.20	Regaining or earning eligibility
Section 62-900.25	Transfer students
Section 62-900.30	students with disabilities
Section 62-900.35	Enrollment in internships, cooperative work programs, travel study programs, and National and International student exchange programs
Section 62-900.40	Withdrawal, suspension or dropping below full-time status
Section 62-900.45	Student appeals procedures
Section 62-900.50	Policies and procedures for awarding
Section 62-900.55	Institutional procedures for award notification

Section 62-900.60	Scholarship disbursements
Section 62-900.65	Verification of scholarships
Section 62-900.70	Program administration and audits
Section 62-900.75	Suspension and termination of institutional participation

Notice of Commission on Higher Education 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 South Carolina Commission on Higher Education on December 6, 2001 to be held in the Large Conference Room of the S.C. Commission on Higher Education, Suite 200, located in the Washington Mutual Building, 1333 Main Street, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the agenda to be published by the Commission 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 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 regulations by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 16, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 6, 2001, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statements:

Based on the new criteria for the LIFE Scholarship Program, it is estimated approximately 20,887 students will qualify for a LIFE Scholarship for the 2002-2003 AY at a cost of \$84,440,006. However, the Act states that lottery proceeds must be used to supplement, not supplant existing resources. It is assumed that the General Fund for LIFE scholarships would be maintained at its current level of \$46,693,825 assuming a 3% increase in the number of eligible recipients and a 3% increase in tuition and fees. Any increase in funding above this amount will be dependent upon the proceeds generated by the S.C. Education Lottery.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-900.1-75, Legislative Incentives for Future Excellence (LIFE) Scholarship

Purpose: Regulation 62-900 is being created in its entirety to provide administrative procedures for administration of the Legislative Incentives of Future Excellence.

Legal Authority: The legal authority for the Regulation 62-900 is Section 59-149-10, S.C. Code of Laws.

Plan for implementation: The proposed regulations will take effect upon approval by the General Assembly and publication in the State Register. The proposed regulations will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will define the criteria used by the Commission on Higher Education for distribution of funds to students who qualify for the LIFE Scholarship.

DETERMINATION OF COSTS AND BENEFITS: The LIFE Scholarship will provide merit based funding to SC residents in order to increase access to higher education, improve the employability of South Carolina's students so

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as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

UNCERTANTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:
Not applicable

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2678
COMMISSION ON HIGHER EDUCATION
Chapter 62
Statutory Authority: 1976 Code Section 59-111-75

62-200 South Carolina National Guard Student Loan Repayment Program

Preamble:

The Commission on Higher Education proposes to add in its entirety R.62-200 of the South Carolina National Guard Student Loan Program. Pursuant to Act 41, the Commission on Higher Education, in consultation with the South Carolina Student Loan Corporation, shall develop a loan repayment program for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guards (SCNG) in areas of critical need. The Commission on Higher Education must define areas of critical need annually in consultation with the Adjutant General. The Commission on Higher Education shall promulgate regulation to set forth the terms of the loan repayment program.

Notice of Drafting for the proposed amendments were published in the *State Register* on September 28, 2001. Comments from the notice were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion:

62-200 Purpose of the South Carolina National Guard Student Loan Repayment Program (SLRP)
62-205 Funding
62-210 Member Eligibility
62-215 Areas of Critical Need
62-220 Annual Application
62-225 Disbursements
62-230 Expiration of Eligibility to Participate
62-235 Appeals
62-240 Program Oversight

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 South Carolina Commission on Higher Education on December 6, 2001, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission 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 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 regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 16, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 6, 2001, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions. Funding for the South Carolina National Guard Student Loan Repayment Program is dependent upon proceeds generated by the S.C. Education Lottery.

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

DESCRIPTION OF REGULATION: 62-200 S.C. National Guard Student Loan Repayment Program

Purpose: R. 62-200 is being added in its entirety to create administrative procedures for implementing the S.C. National Guard Student Loan Repayment Program.

Legal Authority: The legal authority for R. 62-200 is Section 59-111-75, S.C. Code of Laws.

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will define the criteria to be used by the Commission on Higher Education for distribution of funds to students who qualify for student loan repayment.

DETERMINATION OF COSTS AND BENEFITS: The South Carolina National Guard will benefit by having an additional recruitment incentive to provide to soldiers in areas of critical need to serve in the National Guard. The State will benefit by having additional soldiers available to assist in times of emergency.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not Applicable.

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

Instructions: Add new R.62-200, South Carolina National Guard Student Loan Repayment Program, to Chapter 62 regulations.

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Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2677
COMMISSION ON HIGHER EDUCATION
Chapter 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 South Carolina Need-based Grants Program

Preamble:

The Commission proposes to amend and replace in its entirety R.62-450 of the South Carolina Need-based Grants Program. The proposed amendments will clarify the policies and procedures for administering the Need-based Grants Program. The proposed amendments include language that will allow students who are pursuing their first professional degree to receive the grant for up to eight full-time equivalent terms.

Notice of Drafting for the proposed amendments were published in the State Register on September 28, 2001. Comments from the notice were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion:

62-460 Added a definition for "first professional degree." This will allow students enrolled in first professional degree programs eligibility to receive the State Need-based Grant. Students are eligible to receive the grant for a maximum of eight full-time equivalent terms as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate degree are not eligible for grant funding.

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 South Carolina Commission on Higher Education on December 6, 2001, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission 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 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 regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 16, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 6, 2001, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments 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 Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 62-450 South Carolina Need-based Grants Program

Purpose: R. 62-450 is being amended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship.

Legal Authority: The legal authority for R. 62-450 is Section 59-142-20, S.C. Code of Laws.

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will promote consistency among the regulation for scholarship and grant programs administered by the Commission on Higher Education.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulation for scholarship and grant programs administered by the Commission on Higher Education.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not Applicable.

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

Instructions: Add new R.62-450, South Carolina Need-based Grants Program, to Chapter 62 regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Document No. 2676
COMMISSION ON HIGHER EDUCATION
Chapter 62
Statutory Authority: 1976 Code Section 59-104-20

62-300 Palmetto Fellows Scholarship Program

Preamble:

The Commission on Higher Education proposes to amend and replace in its entirety R.62-300 of the Palmetto Fellows Scholarship Program. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship. Beginning with the 2002-03 academic year, the proposed amendments will ensure that all students who meet eligibility requirements are awarded a Palmetto Fellows Scholarship not to exceed twice the amount of the previous year's average cost-of-tuition at South Carolina public four-year institutions as determined by the Commission on Higher Education. The proposed regulation also includes language that will allow students who are pursuing their first professional degree to receive the scholarship for up to eight terms.

Notice of Drafting for the proposed amendments were published in the *State Register* on August 24, 2001. Comments from the notice were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion:

- 62-310 Added a definition for "first professional degree." This will allow students enrolled in first professional degree programs eligibility to receive the Palmetto Fellows Scholarship. Students are eligible to receive the scholarship for a maximum of eight terms as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate degree are not eligible for scholarship funding.
- 62-325 Revised the selection process to reflect language approved under the S.C. Education Lottery Act, "funds made available from the Education Lottery Account must be used to provide Palmetto Fellows Scholarships to all eligible applicants." This will ensure that all students who are eligible and apply for the Palmetto Fellows Scholarship receive an award.
- 62-330 The annual award amount increased from \$5000 per academic year to twice the amount of the previous year's average cost-of-tuition at South Carolina public four-year institutions as determined by the Commission on Higher Education. Since the LIFE Scholarship will increase to the cost of tuition, this will retain the Palmetto Fellows Scholarship as the premier State scholarship.
- 62-335 Added language to clarify the requirements to retain eligibility for the Palmetto Fellows Scholarship so that exempted credit hours may not be included in the thirty credit hours required each academic year. This policy has been in effect but was not specifically stated in the regulation.
- 62-340 Palmetto Fellows enrolled at an eligible public or independent institution may transfer the scholarship award to another eligible public or independent institution upon obtaining prior approval from the Commission on Higher Education.

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 South Carolina Commission on Higher Education on December 6, 2001, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission 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 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 regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on November 16, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 6, 2001, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

The estimated amount to fund the proposed revisions to the Palmetto Fellows Scholarship is an additional \$12 million per fiscal year. Any increase in funding for the Palmetto Fellows Scholarship Program would be dependent upon additional funding appropriated by the General Assembly.

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

DESCRIPTION OF REGULATION: 62-300 Palmetto Fellows Scholarship Program

Purpose: R. 62-300 is being amended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship.

Legal Authority: The legal authority for R. 62-300 is Section 59-104-20, S.C. Code of Laws.

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will promote consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education and retain the Palmetto Fellow Scholarship as the premier State scholarship.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education and students will benefit because of the increase scholarship amount.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not Applicable.

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

Instructions: Add new R.62-300, Palmetto Fellows Scholarship Program, to Chapter 62 regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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DIVISION OF LABOR

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health is proposing a revised regulation amending the requirements for keeping records of occupational injuries and illnesses as required by the United States Department of Labor.

Regulation 71, Article I, Subarticle 3 – Recording and Reporting Occupational Injuries and Illnesses.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended such hearing will be conducted at the Administrative Law Judge Division at 1:30 p.m. on Tuesday, December 11, 2001. Written comments may be directed to Rebecca G. Warr, Standards Officer, Occupational Safety and Health, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, not later than 5:00 p.m., Monday, November 26, 2001.

Preliminary Fiscal Impact Statement: There will be no cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Revising guidelines for recording and reporting occupational injuries and illnesses.

Legal Authority: Statutory Authority: 1976 Code Title 41, Section 220; 29 USC Section 667 (c)(7) and (e).

Plan for Implementation: The Department will publicize the requirements in all newsletters and publications. Forms will be available on the Department web site.

DETERMINATION OF NEED AND REASONABLENESS ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The South Carolina Department of Labor, Licensing and Regulation operates an occupational safety and health plan approved by the United States Department of Labor. As a requirement of that approval the Department is required to have recordkeeping regulations which produce records and statistical data which are identical to those promulgated by the United States Department of Labor. See 66 Federal Register, No. 13, p. 6135.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment and public health of this State.

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 this regulation is not implemented in this State.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2685

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: S.C. Code Sections 50-11-2200 and 50-11-2210

Preamble:

The Department proposes to establish regulations for the protection, preservation, operation, maintenance, and use of land owned by the Department. Current regulations which exist for specific properties will be repealed in order to consolidate regulations filed under statutory authority S.C. Code Sections 50-11-2200 and 50-11-2210. The following current regulations should be repealed:

- 123-70. Dennis Wildlife Center
- 123-82. Parr Hydroelectric Project Fish and Game management Area
- 123-90. Capers Island
- 123-91. Turtle island
- 123-92. Stevens Creek Natural Area
- 123-93. Victoria Bluff Natural Area
- 123-94. Protection and management of the Eastatoe Creek Wildlife management Area in Pickens County, South Carolina
- 123-95. Protection and management of the Flat Creek/Forty Acre Rock Natural area in Lancaster County, South Carolina
- 123-152. Application of Rules to Heritage Preserves

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on November 27, 2001, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

This amendment to Regulation Chapter 123 will result in increased public use opportunities on Department-owned properties throughout the State. Local economies should benefit from sales of outdoor recreation supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

1. DESCRIPTION OF THE REGULATION:

Purpose: These regulations govern the conduct and activities of visitors to all lands owned by the Department of Natural resources in order to protect and preserve natural resources while providing maximum public benefit through regulated outdoor recreation opportunities. The repeal of current regulations which apply to specific properties will consolidate and simplify regulations for Department-owned properties.

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Legal Authority: Under 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas; for seasons, bag limits and methods of take for deer in Game Zones 1, 2 and 4; for seasons, bag limits and methods of take for bear and turkey; and authority for regulating acts or conduct on Department-owned land by prescribing acceptable times, locations, means, and other appropriate restrictions not inconsistent with the protection, preservation, operation, maintenance, and use of such lands.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure and site specific use brochures for Department properties. The public will be notified through news releases and other Department media outlets and publications. Where appropriate, use regulations will be posted at the entrances to specific properties.

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program and the Heritage Trust Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish use regulations to allow public use of the properties while protecting the natural resource values of the land.

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulations will not require any additional costs to the state. There are no significant new costs imposed by the establishment of use regulations on existing Department properties or the addition of new properties since management costs will be provided through existing DNR programs. Clarification of existing regulations under appropriate authority and the addition of new regulations will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123 will result in increased public recreation opportunities which should generate additional State revenue through local expenditures associated with use of the properties.

9. UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. Environmental impacts will be positive since the proposed regulation will result in additional opportunity for outdoor recreation for South Carolinians and increased awareness and commitment for natural resources.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text of Proposed Regulation for Public Comment:

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: **www.scstatehouse.net** If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Document No. 2634

DEPARTMENT OF ARCHIVES AND HISTORY CHAPTER 12

Statutory Authority: 1976 Code Section 60-11, Archives Act

12-100 through 12-107

Synopsis: The Guidelines for the South Carolina Certified Local Government (CLG) program incorporate the federal requirements for the certification of local government historic preservation programs and the state responsibilities for those local programs that are specified in the National Historic Preservation Act as amended. The Guidelines set forth minimum requirements for local governments to participate in the program; procedures for the Department to certify, monitor, and decertify local governments; procedures to transfer Historic Preservation Fund grants to CLGs; and procedures for CLGs to comment on nominations to the National Register of Historic Places.

Revisions to the Guidelines are being made to comply with the 1999 revision of the federal regulations governing the Certified Local Government program (36 CFR 61.5) made as a result of 1992 amendments to the National Historic Preservation Act, and to comply with changes in the National Park Service Historic Preservation Fund Grants Manual. The revised regulations do not alter the minimum requirements for participation. They clarify definitions, update citations of federal and state law and regulations, and refine the procedures to transfer funds to CLGs, and to certify, monitor, and decertify CLGs based on changes in the federal law and regulations.

The Notice of Drafting for the proposed revisions was published in Volume 24, Issue 12 of the *State Register* on December 22, 2000. The proposed regulations were published in Volume 25, Issue 7 of the *State Register* on July 27, 2001 with an opportunity for a public hearing on September 7, 2001 at the quarterly meeting of the Archives & History Commission. No public comments were received so the proposed regulations are submitted here as final regulations.

Instructions: Replace the existing Sections 12-100 through 12-107 in Chapter 12, Article 1, with the following text.

Text:

GUIDELINES FOR IMPLEMENTATION OF CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM IN SOUTH CAROLINA

(Statutory Authority: Title 60, Chapter 11, Archives Act)

12-100. Introduction.

The Certified Local Government (CLG) program in South Carolina promotes community preservation planning and heritage education through a partnership with the State Historic Preservation Office (SHPO) that facilitates funding, technical assistance and training. Through local preservation planning, CLGs are better prepared to manage future growth and encourage economic development while protecting the historic and pre-historic resources that are significant to their community, to the state, and to the nation.

Certified local governments (CLGs) are eligible to apply to the SHPO for matching funds earmarked for "certified local governments". In order to become certified, a local government must meet certain requirements, among them to have enacted a historic preservation ordinance and to have appointed a historic preservation commission to monitor changes to historic properties. The CLG program also encourages local preservation planning and educational activities.

Since the enactment of the National Historic Preservation Act of 1966, the nation's historic preservation program, administered by the United States Department of the Interior, has operated as a decentralized partnership between the states and the federal government. This program called for the states to identify, evaluate, and protect historic resources and provided federal aid to assist the states in this activity. In South Carolina, the State Historic Preservation Program is administered by the South Carolina Department of Archives and History whose Director is the State Historic Preservation Officer. In 1980, Congress, recognizing the crucial role of the local government in the preservation of our cultural resources, passed the National Historic Preservation Act Amendments of 1980 (PL96-515), making it possible for local governments to be involved formally in the National Historic Preservation Program. This law provided the legal basis for certification of local governments and the formation of a federal-state-local preservation partnership. The National Historic Preservation Act Amendments of 1992 (PL 102-575) modified the certification requirements. In sum, the National Historic Preservation Act as amended (16 U.S.C. 470 et seq.) provides the legal framework for the national historic preservation partnership.

This document sets forth South Carolina's procedures, based on the federal act and the rules for implementing that act developed by the Department of the Interior (36 CFR 61), for local certification and funds transfer.

12-101. Criteria for Participation in South Carolina's Certified Local Government (CLG) Program.

The National Historic Preservation Act as amended contains five broad standards which local governments must meet to be certified as participants in the National Historic Preservation Program. The law states that "Any local government shall be certified to participate under the provisions of this section (101(c)(1)) if the applicable State Historic Preservation Officer, and the Secretary (of the United States Department of the Interior), certifies that the local government: (A) enforces appropriate State or local legislation for the designation and protection of historic properties; (B) has established an adequate and qualified historic preservation review commission by State or local legislation; (C) maintains a system for the survey and inventory of historic properties . . . ; (D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and (E) satisfactorily performs the responsibilities delegated to it under this Act." The Act goes on to define "designation" and "protection" (Section 101(c)(4)), provide direction for funding CLGs (Section 103(c)) and define local commission and other historic preservation terms (Section 301).

Local governments in South Carolina that want to become certified local governments must satisfy these federal standards. The role and responsibilities of CLGs are further defined and expanded below to explain the specific standards a local government should fulfill to be certified in South Carolina.

A. Enforces Appropriate State or Local Legislation for the Designation and Protection of Historic Properties

- (1) The local government must set forth criteria and processes for designating districts and landmarks of historic and/or pre-historic significance.
- (2) The local government shall adopt a historic preservation ordinance, the purpose of which is clearly stated.
- (3) The ordinance must define the authority by which its provisions are carried out.
- (4) The ordinance must clearly delineate the jurisdiction of the design review committee.
- (5) The ordinance must set forth processes for designating districts and landmarks of historic and/or pre-historic significance.
- (6) The ordinance must set forth criteria and processes for the review and approval or disapproval of:
 - (a) alteration, demolition, and relocation of designated landmarks,
 - (b) the alteration of designated sites,
 - (c) the construction of new structures within designated districts, and
 - (d) other actions that may affect locally designated properties.
- (7) The ordinance must set forth procedures for enforcing decisions.
- (8) The ordinance must make provision for right of appeal.

B. Has Established an Adequate and Qualified Historic Preservation Commission by State or Local Legislation

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(1) The historic preservation review commission shall consist of at least five and no more than ten members and is appointed by the governing body of the municipality or county. (S.C. 1976 Code Sec. 6-29-870) Resumes for commission members should be kept on file by the CLG, and sent to the SHPO.

(2) Commission members, both laymen and professional, shall have a demonstrated interest, competence, or knowledge in historic preservation. To the extent that such professionals are available in the community, commission members shall include one or more professionals in preservation related disciplines such as architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture. CLGs may also want to include commissioners trained in real estate, engineering and law. Interest, competence, or knowledge in historic preservation should be identified on commissioners' resumes giving their educational and volunteer background, attendance at workshops and seminars, and related activities.

(3) Local governments may be certified without professionally qualified commission members in the types of disciplines listed in B(2) above, if they can provide written documentation that they have made a reasonable effort to obtain professional expertise. Written documentation should include (a) a list of individuals in the community known to have the professional qualifications listed below, (b) a list of individuals contacted to serve on the commission, and (c) a letter explaining why local professionals declined the invitation to serve on the commission.

(4) Commission meetings shall be held as often as is necessary to complete the commission's work in a timely fashion but at least three times per year.

(5) Each commission member and CLG staff person should attend information or educational meetings pertaining to work and functions of the commission, to historic preservation, or to operations of federal, state, and local preservation programs. The SHPO shall provide information pertaining to the work of commissions and make educational meetings available for commissioners, elected officials and interested citizens.

(6) The role of the commission as the historic preservation review authority for the local government shall be clearly defined in accordance with these Guidelines with responsibilities complementary to the State Historic Preservation Program (outlined in 36 CFR 61.4(b)). These responsibilities shall include, but not necessarily be limited to, the following:

(a) The commission shall endeavor to educate the community about their own historic resources.

(b) The commission shall have authority specified in the ordinance to review and render decisions on all proposed alterations, relocations, demolitions, and new construction affecting designated historic preservation conservation areas or individually designated local landmarks.

(c) The commission shall have the first review and evaluation of all proposed National Register nominations within its jurisdiction if the commission chooses to comment. The chief elected local official shall forward all National Register nominations to the SHPO with their and the commission's recommendations for consideration by the State Board of Review.

(d) When the commission considers actions, including National Register nominations, which require evaluation by a professional in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in this area (for example, an archaeological site).

(7) The CLG shall submit to the SHPO an annual report of commission activities. The annual report form will include the number of cases reviewed, disposition of cases, new local designations, commission appointments, new or revised resumes, minutes or a synopsis of the minutes, and local preservation plans and projects.

(8) The Commission shall adopt By-Laws and Rules of Procedure.

(9) In all deliberations, any member of the commission who has a direct or indirect financial interest in any property which is the subject matter of, or affected by, a decision of the Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Board relating to that property.

(10) The SHPO may, by mutual written agreement with the local government, arrange other preservation projects with the certified local government historic preservation commission or other local groups.

C. Maintain A System for the Survey and Inventory of Historic Properties

- (1) The CLG shall carry out its responsibilities for survey and inventory as follows:
 - (a) coordinate with the SHPO to identify and record historic and pre-historic properties within its jurisdiction based on priorities set by the CLG; and
 - (b) maintain an inventory of the designated districts, sites, and structures within the jurisdiction established by the ordinance with a periodic evaluation of the inventory and revisions as certificates of appropriateness are issued.
- (2) The CLG shall make the local inventory records accessible to the public, except when knowledge of certain properties, such as archaeological site locations, may constitute a threat to their preservation. In such cases, inventory information may be restricted.

D. Provides for Adequate Public Participation in the Local Historic Preservation Program, Including the Process of Recommending Properties for Nomination to the National Register

- (1) All meetings of the historic preservation review commission shall be publicly announced and open to the public. The agenda shall be announced prior to the meeting.
- (2) Accurate and complete minutes of all decisions and actions of the commission, including the reasons for making the decisions, and copies of the written notification to the applicants must be kept on file and made available to the public upon request.
- (3) The commission shall make all decisions in a public forum (except as provided by freedom of information laws) and shall give each applicant written notification of decisions affecting the applicant.
- (4) The commission's By-Laws and Rules of Procedure shall be available for public inspection.
- (5) The CLG should encourage publication in the news media of information leading to clearer public understanding of historic preservation, including procedures for local historic designations, National Register criteria, and appropriate rehabilitation work for local design review districts.

E. Satisfactorily Performs the Responsibilities Delegated to It Under the National Historic Preservation Act

In carrying out the mandated responsibility to monitor and evaluate the performance of the CLGs, the SHPO will use the procedures in 12-101 above. See 12-103 of this document for SHPO involvement in monitoring and decertifying CLGs.

12-102. Process for Certification of Local Governments in South Carolina.

A. The chief elected official of the local government shall request certification from the SHPO. The request for certification shall include:

- (1) A completed Certified Local Government application signed by the chief elected official.
- (2) A copy of the local historic preservation ordinance as adopted by the local government that creates the historic preservation review commission and provides for designation and protection of historic districts and landmarks.
- (3) A copy of the local commission's By-Laws and Rules of Procedure.
- (4) A list and accompanying map(s) of the area(s) to which the ordinance applies.
- (5) A list of resumes for the members of the historic preservation commission with mailing addresses and telephone numbers. The resumes should indicate members' expertise or interest in fields related to historic preservation. If the membership of the proposed commission does not meet the professional qualifications outlined in subsection 12-101B(2) above provide written documentation showing that a reasonable effort to obtain professional expertise has been made.
- (6) List and resumes of pertinent local government staff members.

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B. The SHPO shall respond to the chief elected official within forty-five calendar days of the receipt of an adequately documented written request. The state shall prepare a written certification agreement listing the responsibilities of the local government when certified, which will include: the four minimum responsibilities required by the federal law and regulations and by these state guidelines and any additional responsibilities that are mutually agreeable. Once the chief local elected official and SHPO have signed the certification agreement the SHPO will forward a request for concurrence to the National Park Service. The effective date of certification is the date of the Secretary's concurrence. If the request for concurrence cannot be affirmed as submitted, the National Park Service will notify the SHPO prior to fifteen working days after receipt of the request, and provide written notification of what is necessary for the request to be approved.

Substantive changes in Certification Agreements between the CLG and SHPO must be forwarded as a written amendment to the National Park Service for concurrence before the amendment may be considered in effect. The NPS will notify the SHPO of its decision in writing and send a copy to the CLG.

12-103. Process for Monitoring and Decertification of Certified Local Governments.

A. The SHPO shall conduct periodic review and monitoring of CLGs no less often than once every four years to assure that each government is fulfilling the CLG requirements and that each is performing its responsibilities in a manner consistent with the comprehensive state historic preservation planning process. The SHPO shall review the annual reports submitted by CLGs, records of the administration of grant funds allocated from the HPF, and other documents as necessary. The SHPO will notify the CLG in writing of the results of the evaluation.

B. If the SHPO evaluation indicates that the performance of a CLG is inadequate, the SHPO shall document that assessment and recommend in writing to the local government steps to bring its performance up to an acceptable level. The SHPO shall give the CLG a period of not less than thirty, or more than one hundred eighty days to implement improvements. If the SHPO determines that sufficient improvement has not occurred, the SHPO shall recommend decertification of the local government to the Secretary of the Interior. The SHPO must notify the CLG in writing prior to, or at the time of, its recommendation to the Secretary for decertification. The notification must state the specific reasons for the proposed decertification, describe the SHPO's technical assistance efforts, and affirm that the SHPO will notify the CLG of the NPS concurrence with the decertification. The NPS will notify the SHPO in writing within thirty working days after receipt of the recommendation, if there are problems with the recommendation or if the NPS needs more time to review it. The local government is decertified if the NPS concurs in writing with the SHPO's recommendation to decertify the CLG. The SHPO must inform the CLG in writing of the decertification. If the local government wishes to become recertified it must reapply for certification.

C. CLGs may petition the SHPO to be decertified voluntarily and without prejudice. The SHPO must forward a copy of the CLG's letter as an enclosure to the NPS along with the SHPO's request to decertify the CLG.

D. When a CLG which is administering a CLG grant is decertified, the SHPO will conduct financial assistance close out procedures for that grant as specified in the Historic Preservation Fund Grants Manual.

12-104. Transfer of Historic Preservation Fund (HPF) Allocations to Certified Local Governments.

A. In order to be eligible to receive a portion of the local share of the HPF allocation to South Carolina, DOI requires that each certified local government:

- (1) Shall have adequate financial management systems which:
 - (a) meet federal standards of the Office of Management and Budget (OMB) Circular A-102, Attachment G, "Standards of Grantee Financial Management Systems";

(b) are auditable in accordance with federal Accounting Office Standards for Audit of Governmental Organization, Programs, Activities, and Functions and OMB Circular A-133 "Audit Requirements," (A copy of any audit of HPF funds must be sent to the SHPO.);

(c) are available for review and evaluation by the SHPO.

(2) Shall adhere to all requirements of the Historic Preservation Fund Grants Manual.

(3) Shall adhere to any requirements mandated by Congress pertaining to the HPF. The SHPO will advise CLGs of special directives regarding the use of HPF grants by local governments.

B. The SHPO is prepared to assist local governments in developing and implementing financial management systems that address the requirements listed above. The State is responsible, through financial audit, for the proper accounting of HPF CLG grant monies in accordance with OMB Circular A-133 "Audit Requirements."

(1) The local matching share of the South Carolina allocation for the HPF will be available to CLGs on at least a fifty percent reimbursable basis for HPF eligible historic preservation activities and projects. Currently, federal law provides that at least ten percent of the HPF allocation to South Carolina be set aside for distribution to CLGs. At such time as Congress may appropriate more than Sixty-five million dollars to the HPF, one half of the amount above Sixty-five million dollars shall also be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

(2) All CLGs are eligible to receive funding, but the SHPO is not required to award funds to all eligible governments. The intent is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities. CLG funds cannot be used as a substitute for existing local funding for historic preservation.

(3) Funded CLGs will be sub-grantees of the state. In no event will a grant be awarded which is insufficient to produce a specific product or impact. Any funds awarded must be used for HPF eligible activities and must be consistent with the grant selection criteria.

(4) Use of HPF funds will be limited by all existing federal and state restrictions and cannot usually be matched with federal funds. Exceptions are Community Development Block Grants. Additionally, only direct costs may be charged unless the CLG has a current indirect cost rate and the CLG meets specific requirements pertaining to cost rates in the Historic Preservation Fund Grants Manual.

(5) A CLG may use Pass-Through funds for activities involving historic or archaeological resources outside its jurisdiction if it meets qualifications listed in the Historic Preservation Fund Grants Manual. Activities that will occur outside the jurisdiction of the CLG need to demonstrate a direct benefit to identifying, evaluation, and protecting historic or archaeological resources of the CLG.

(6) Subgrants can be pooled by CLGs for specific purposes. To pool subgrants, all local governments must be certified, and one CLG designated as the administrator of the subgrant. Pooling of subgrants must follow the procedures outlined in the Historic Preservation Fund Grants Manual.

(7) CLG subgrants may be administered by a designated third-party if the CLG indicates in its funding application to the State that it wants any subgrant awarded to it to be administered by a specific organization. Third party administration shall follow requirements outlined in the Historic Preservation Fund Grants Manual.

12-105. Application for Pass-Through Funds.

A. Notice of the availability of these funds and funding applications will be sent to CLGs and interested local governments by the SHPO. The CLG funding application (and any resulting funding agreement) will include all specific special conditions and requirements placed on the annual funding allocation and its use. Materials distributed with the funding application will also include instructions to the applicants and a timetable for the grant cycle.

B. The chief elected official of a CLG shall submit an application to the SHPO which outlines the proposed grant activities products, schedule, and budget, including the source and amount of matching funds. Grant applications will be evaluated by the SHPO, based on selection criteria printed with the grant application notice, and submitted to the Archives and History Commission for selection. All applicants will be notified of their funding status.

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12-106. Funding Priority.

The SHPO awards funds on a competitive basis to certified local governments based on program goals and priorities distributed with the application form. Priority will be given to projects that increase the capability and effectiveness of local governments to address historic preservation needs and issues. Basic funding goals will be identification, evaluation, nomination, and protection of historic resources. These may be accomplished through survey, nomination of properties to the National Register, establishment of local historic district(s), public education programs, planning studies, local historic preservation commission education and staffing, and development of comprehensive community-wide historic preservation plans, stabilization and weatherization of historic buildings, and similar preservation efforts. An effort will be made to distribute funds to a maximum number of eligible applicants and in as many areas, rural as well as urban, in the state as possible. The state shall make every effort to ensure that no CLG will receive a disproportionate share of the allocation. The requirement that tangible results be produced with HPF funds awarded cannot be waived. Rationale for applicants selected and amounts awarded will be made available to the public on request.

12-107. Certified Local Government Participation in the South Carolina National Register Nomination Process.

A. The SHPO will assist the CLG in encouraging the nomination of local properties eligible for listing in the National Register of Historic Places. The SHPO staff will provide instructions and review drafts of National Register nominations to ensure that they meet federal requirements. The SHPO may delegate to a CLG responsibilities related to processing National Register nominations. The SHPO may authorize the local preservation commission of a CLG to act for the State Review Board for the purpose of considering National Register nominations within the CLG's jurisdiction provided the commission meets the professional qualifications required for the State Review Board.

B. The CLG commission and the mayor or chief elected local official will receive between sixty and one hundred twenty days prior to the meeting of the State Review Board, a copy of the documentation for all National Register nomination(s) for property(ies) within its jurisdiction for their review and recommendation if they wish to comment. Should the SHPO receive, independent of a CLG commission, a completed nomination for a property within the CLG's jurisdiction to be considered for the National Register, the SHPO shall forward the information to the pertinent CLG commission and inform the chief elected local official, interested parties and the property owner(s) of the transmittal of the proposed nomination. Should the CLG receive a completed nomination, prepared independently of the SHPO, the chief elected local official will forward a copy of the nomination to the SHPO and inform the SHPO, interested parties and the owner(s) of the date the commission will make a recommendation. Federal agencies that nominate properties within their control are encouraged to notify the CLG, but are not required to do so.

C. Within sixty days of receipt of a completed nomination, after providing a reasonable opportunity for public comment, the chief elected local official will transmit the report of the commission along with the elected official's recommendation to the SHPO. If both the commission and the chief elected official recommend that a property not be nominated, the SHPO will take no further action, unless an appeal is filed with the State within thirty days in accordance with Section 101(C)(2) of the Act or as outlined in federal regulations 36 CFR 60.12. If the commission and/or the chief elected local official take no action or recommend that a property be nominated, the SHPO will present the nomination for review to the State Board of Review. With the agreement of the local commission, the state may expedite the process provided that there has been an opportunity for public participation in the local review process. The SHPO staff will assist the CLG with public information meetings concerning nominations.

D. The SHPO will notify all owners, interested parties, the CLG commission, and the chief elected local official between seventy-five and thirty days prior to the State Board of Review meeting at which the property will be considered.

E. Nominations reviewed and approved by the State Board of Review shall be forwarded by the SHPO to the Keeper of the National Register for final review and approval. Reports and recommendations made by a CLG for any property within its jurisdiction shall be included with nominations submitted by the State to the Keeper.

Final Impact Statement: The Department of Archives and History staff estimates that there will be no additional costs incurred by the State or its political subdivisions in complying with the revised regulations.

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Document No. 2648

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Chapter 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 et seq.

R.61-62, Air Pollution Control Regulations and Standards

Synopsis:

The United States Environmental Protection Agency (EPA) promulgated several amendments to 40 CFR Parts 60, 63, and 68 during the past few years. Recent amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and Chemical Accident Prevention. These rules and other amendments were published prior to January 1, 2001. Pursuant to S.C. Code Section 48-1-10 et seq., the South Carolina Department of Health and Environmental Control (Department) has amended Regulation 61-62, Air Pollution Control Regulations and Standards, to incorporate these amendments. The Department has also made corrections and clarifications to the existing regulations to improve ease of use of the regulations by the regulated community. In addition, the Department has amended 61-62.5, Standard 7, Prevention of Significant Deterioration, and the South Carolina State Implementation Plan (SIP), to maintain conformity with Federal requirements and ensure compliance with Federal standards.

Discussion of Revisions:

<u>SECTION CITATION</u>	<u>EXPLANATION OF CHANGE</u>
61-62.1 Section I, Definition 94	Volatile Organic Compound needs to be revised to include volatile methyl siloxanes
61-62.1 Section II, Part B(1)	Clarifies when written request for an operating permit is due
61-62.3, Section I, Numbers 2,3, 4, 5	Correct typographical errors
61-62.5, Standard 1, Section I.A	Clarifies opacity requirements for existing sources
61-62.5, Standard 1, Section I.B	Clarifies opacity requirements for new sources
61-62.5, Standard 4, Section V	Correct column heading for production rate to delete extraneous "it"
61-62.5, Standard 4, Section VIII	Correct "Other Manufacturing" - Table B heading
61-62.5, Standard 4, Section XI	Update reference to Clean Air Act
61-62.5, Standard 5, Section I, Part A	Correct definition of "petroleum liquids"
61-62.5, Standard 5, Section I, Part C	Update reference to Clean Air Act
61-62.5, Standard 5, Section I, Part D	Correct typographical error
61-62.5, Standard 5, Section I, Part E(1)	Correct typographical error
61-62.5, Standard 5, Section I, Part F(3)	Correct spelling error
61-62.5, Standard 5, Section II, Part A(2)	Correct language for clarity

61-62.5, Standard 5, Section II, Part F(2)	Add degree symbol
61-62.5, Standard 5, Section II, Part N(4)	Delete the word “was”
61-62.5 Standard 6, Title	Correct typographical error
61-62.5, Standard 6, Section IV, Part A.2	Correct typographical error
61-62.5, Standard 7	Replace entire regulation to incorporate Federal amendments
61-62.5, Standard 8, Section II.E	Correct typographical errors in pollutant list
61-62.5, Standard 8, Section I.D	Add entire footnote to paragraphs (2) and (3)
61-62.5, Standard 8, Section II.E	Correct misspelling of “2-Acetylaminofluorine” and add footnote designation (FN*)
61-62.60, Subpart A	Subpart is amended
61-62.60, Subpart Cb	Subpart is added and incorporated by reference
61-62.60, Subparts D through Eb	Subparts are amended
61-62.60, Subpart Ec	Subpart is added and incorporated by reference
61-62.60, Subparts F, H, J, K, Ka, Kb, L, M, N, Na, O, P, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, PPP, QQQ, RRR, SSS, TTT, UUU, WWW	Subparts are amended
61-62.60, Subparts AAA and OOO	Subparts are added and incorporated by reference
Table of Contents is eliminated	
61-62.63, Subparts A, OOO,	RRR Subparts are added and incorporated by reference
61-62.63, Subparts F, G, H, L, M, N, O, S, T, U, W, X, CC, GG, II, YY, EEE, GGG, JJJ, and PPP	Subparts are amended
R.61-62.68.3	Change CFR reference in first paragraph
R.61-62.68.3	Add definition of retail facility in the new law
R.61-62.68.58(a)	Clarifies sentence
R.61-62.68.79(a)	Clarifies sentence

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R.61-62.68.126	Add section to create an exclusion for regulated flammable substances used as fuel or held for sale as fuel at retail facilities
R.61-62.68.130	Add footnotes to Tables 3 and 4 to remind reader of the exclusion for regulated flammable substances
61-62.70.2	Add quotation mark in front of “ non major source”
61-62.70.5(a)(2)(iv)(A)(2)	Correct the spelling of “addresses” to “addressed”
61-62.70.7(e)(6)(v)	Correct capitalization of “title IV”
61-62.70.9(b)(2)(v)(B)	Correct capitalization of “title IV”
61-62.70.7(f)(1)(i)	Correct “§§ 70.7(c) (1)(ii)” to “§ 70.7(c)(1)(ii)”
61-62.70.9(b)(2)(ii)(A)	Add section (§) mark

Text of Amendments:

61-62.1, Definitions, and General Requirements

Section I, Definition 94 for Volatile Organic Compound (VOC) shall be amended as follows:

94. Volatile Organic Compound (VOC) - Any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This includes compounds other than the following compounds:

2-(ethoxydifluoromethyl)-(1,1,1,2,3,3,3-heptafluoropropane)
acetone
(C₄ F₉ OCH₃) (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane)
(C₄ F₉ OC₂ H₅) (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane)
((CF₃)₂ CFCF₂ OCH₃) (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane)
CFC-11 (trichlorofluoromethane)
CFC-12 (dichlorodifluoromethane)
CFC-113 (trichlorotrifluoroethane)
CFC-114 (dichlorotetrafluoroethane)
CFC-115 (chloropentafluoroethane)
ethane
HCFC-22 (chlorodifluoromethane)
HCFC-31 (chlorofluoromethane)
HCFC-123 (dichlorotrifluoroethane)
HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane)
HCFC-124 (2-chloro-1,1,1,2-tetra-fluoroethane)
HCFC-134a (tetrafluoroethane)
HCFC-141b (dichlorofluoroethane)
HCFC-142b (chlorodifluoroethane)
HCFC-151a (1-chloro-1-fluoroethane)
HCFC 225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane)
HCFC 225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane)
HFC-23 (trifluoromethane)
HFC-32 (difluoromethane)

HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane)
 HFC-125 (pentafluoroethane)
 HFC-134 (1,1,2,2-tetrafluoroethane)
 HFC-143a (1,1,1-trifluoroethane)
 HFC-152a (1,1-difluoroethane)
 HFC-161 (ethylfluoride)
 HFC-236ea (1,1,1,2,3,3-hexafluoropropane)
 HFC-236fa (1,1,1,3,3,3-hexafluoropropane)
 HFC-245ca (1,1,2,2,3-pentafluoropropane)
 HFC-245ea (1,1,2,3,3-pentafluoropropane)
 HFC-245eb (1,1,1,2,3-pentafluoropropane)
 HFC-245fa (1,1,1,3,3-pentafluoropropane)
 HFC-365mfc (1,1,1,3,3-pentafluoropropane)
 methane
 methyl acetate
 methyl chloroform (1,1,1-trichloroethane)
 methylene chloride
 parachlorobenzotrifluorides (PCBTF)
 perfluorocarbon compounds that fall into these classes:
 cyclic, branched, or linear, completely fluorinated alkanes;
 cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
 perchloroethylene
 volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes (VMS))

These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOC will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emission standard.

Section II, Permit Requirements, Part B.1. shall be revised as follows:

B. Operating Permit

1. Original

A written request to obtain an operating permit shall be submitted to the Department at least fifteen (15) days prior to placing any new, increased or altered source into operation.

61-62.3, Air Pollution Episodes

Section 1, Numbers 2, 3, 4, and 5 shall be revised as follows:

2. WATCH – This level will be activated when continuous air quality monitoring indicates that one of the following pollutant concentrations has been reached:

PM₁₀ – 350 µg/m³, 24-hour average;

SO₂ – 400 µg/m³ (0.15 p.p.m.), 24-hour average;

O₃ (Ozone) – 400 µg/m³ (0.2 p.p.m.), 1-hour average;

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and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

3. ALERT – This level indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An alert will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

PM₁₀ – 420 µg/m³, 24-hour average;

SO₂ – 800 µg/m³ (0.3 p.p.m.), 24-hour average;

O₃ (Ozone) – 800 µg/m³ (0.4 p.p.m.), 1-hour average;

and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

4. EMERGENCY – The primary objective of this plan is to prevent this level from ever being reached; however, should this level be reached the most stringent control actions are necessary. An emergency will be declared when monitoring indicates that one of the following pollutant concentrations has been reached:

PM₁₀ – 500 µg/m³, 24-hour average;

SO₂ – 1600 µg/m³ (0.6 p.p.m.), 24-hour average;

O₃ (Ozone) – 1000 µg/m³ (0.5 p.p.m.), 1-hour average;

and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for twelve (12) hours or more, or increase, or in the case of ozone, the situation is likely to recur within the next 24 hours unless control actions are taken.

5. TERMINATION – Once declared, any level reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower level will be assumed.

61-62.5, Standard Number 1, Emissions From Fuel Burning Operations

Section 1.A, Visible Emissions, (Existing Sources) shall be revised as follows:

No one shall discharge to the ambient air from any existing source constructed prior to February 11, 1971, smoke which exceeds an opacity of forty (40) percent. The forty (40) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

Section 1.B, Visible Emissions, (New Sources) shall be revised as follows:

No one shall discharge to the ambient air from any source constructed on or after February 11, 1971, smoke which exceeds an opacity of twenty (20) percent. The twenty (20) percent opacity limit may be exceeded for soot blowing, but may not be exceeded for more than six (6) minutes in a one hour period nor be exceeded for more than a total of twenty-four (24) minutes in a twenty-four (24) hour period. Emissions caused by soot blowing shall not exceed sixty (60) percent.

61-62.5, Standard Number 4, Emissions from Process Industries

Section V, Cotton Gins, table column heading for production rate has extraneous "itt" which should be deleted as follows:

Production Rate (Output) (Bales [FN*] per Hour)

Section VIII, Other Manufacturing, Table B heading shall be revised as follows:

EFFECT FACTOR FOR PARTICULATE MATTER EMISSIONS**

(TO BE USED WITH STANDARD 4 – SECTION VIII)

Section XI, C.2., Total Reduced Sulfur Emissions from Kraft Pulp Mills, shall be updated to reference the Clean Air Act as follows:

Exceptions granted under this part are not effective until submitted to and approved by the Administrator of the United States Environmental Protection Agency as a revision of the Implementation Plan for Control of Designated Pollutants, pursuant to Section 111(d) of the Clean Air Act as amended November 1990.

61-62.5, Standard Number 5, Volatile Organic Compounds

Section I, Part A, Definition Number 54, Petroleum Liquids shall be revised as follows:

"Petroleum Liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-80, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-82, or diesel fuel oils Numbers 2-D and 4-D as specified in A.S.T.M. D975-82.

Section I, Part C, 2.b., shall be updated to reference the Clean Air Act as follows:

Exceptions granted under this part are not effective until submitted to and approved by the Administrator of the United States Environmental Protection Agency as a revision of the State Implementation Plan pursuant to Section 110(a)(3)(A) of the Clean Air Act as amended November 1990.

Section I, Part D, Compliance Schedules, shall be revised to show that a quotation mark should replace the colon as follows:

The following schedules of compliance apply to the individual Parts of Section II as indicated by the references given in these individual Parts. The "date of notification" refers to the date that a plant or source is notified in writing that it is subject to one of the VOC Regulations.

Section I, Part F.3.i.(iii), last paragraph shall be revised as follows:

Copies of all records and reports required under this Part shall be available for inspection during normal working hours and furthermore, copies of the required records and reports shall be furnished within ten working days after receipt of a written request from the Department.

Section II, Part A.2.a.(v), last sentence shall be revised as follows:

(v). a capture system must be used in conjunction with emission control equipment systems. The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide

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for an overall VOC emission reduction efficiency sufficient to meet the emission limitations in paragraph 1 of this part.

Section II, Part E.1. shall be revised as follows:

No owner or operator of a magnet wire coating oven subject to this Part may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of 1.7 pounds per gallon (0.20 kilograms per liter) of coating, excluding water and exempt solvents, delivered to the coating applicator from magnet wire coating operations.

Section II, Part F.2.b. shall be revised to add the degree symbol as follows:

b. 0.42 kilograms/1 (3.5 lb/gal) of coating, excluding water and exempt solvents, delivered to a coating applicator in a coating application system that utilizes air dried or forced warm air dried at temperatures up to 90°C (194° F);

Section II, Part N.4.b.(viii) shall be revised to delete the extra word "was" as follows:

(viii) store waste solvent only in covered containers and not dispose of waste solvent nor transfer it to another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere; and,

61-62.5, Standard Number 6, Alternative Emission Limitation Options

Title should read with "Bubble" in singular form as follows:

STANDARD NO. 6 ALTERNATIVE EMISSION LIMITATION OPTIONS ("Bubble")

Section IV, Part A.2, second paragraph should be corrected to change ug/m³ to µg/m³ as follows:

A "significantly greater impact" is one that equals or exceeds:

1.0 µg/m³ on annual basis for TSP and SO₂ .

5.0 µg/m³ on 24 hour basis for TSP and SO₂ .

25.0 µg/m³ on 3 hour basis for SO₂.

61-62.5, Standard Number 7, Prevention of Significant Deterioration

Standard 7 shall be revised in its entirety as follows:

REGULATION 61-62.5
AIR POLLUTION CONTROL STANDARDS

STANDARD NO. 7
PREVENTION OF SIGNIFICANT DETERIORATION

(a) Reserved.

(b) Definitions. For the purposes of this section:

(b)(1)(i) Major stationary source means:

(b)(1)(i)(a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Act: Fossil fuel-fired steam electric plants of

more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(b)(1)(i)(b) Notwithstanding the stationary source size specified in paragraph (b)(1)(i) of this section, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or

(b)(1)(i)(c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(1) of this section, as a major stationary source, if the changes would constitute a major stationary source by itself.

(b)(1)(ii) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(b)(1)(iii) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(b)(1)(iii)(a) Coal cleaning plants (with thermal dryers);

(b)(1)(iii)(b) Kraft pulp mills;

(b)(1)(iii)(c) Portland cement plants;

(b)(1)(iii)(d) Primary zinc smelters;

(b)(1)(iii)(e) Iron and steel mills;

(b)(1)(iii)(f) Primary aluminum ore reduction plants;

(b)(1)(iii)(g) Primary copper smelters;

(b)(1)(iii)(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(b)(1)(iii)(i) Hydrofluoric, sulfuric, or nitric acid plants;

(b)(1)(iii)(j) Petroleum refineries;

(b)(1)(iii)(k) Lime plants;

(b)(1)(iii)(l) Phosphate rock processing plants;

(b)(1)(iii)(m) Coke oven batteries;

(b)(1)(iii)(n) Sulfur recovery plants;

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- (b)(1)(iii)(o) Carbon black plants (furnace process);
 - (b)(1)(iii)(p) Primary lead smelters;
 - (b)(1)(iii)(q) Fuel conversion plants;
 - (b)(1)(iii)(r) Sintering plants;
 - (b)(1)(iii)(s) Secondary metal production plants;
 - (b)(1)(iii)(t) Chemical process plants;
 - (b)(1)(iii)(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
 - (b)(1)(iii)(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (b)(1)(iii)(w) Taconite ore processing plants;
 - (b)(1)(iii)(x) Glass fiber processing plants;
 - (b)(1)(iii)(y) Charcoal production plants;
 - (b)(1)(iii)(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, and
 - (b)(1)(iii)(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.
- (b)(2)(i) Major modification means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.
- (b)(2)(ii) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.
- (b)(2)(iii) A physical change or change in the method of operation shall not include:
- (b)(2)(iii)(a) Routine maintenance, repair and replacement;
 - (b)(2)(iii)(b) Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plant pursuant to the Federal Power Act;
 - (b)(2)(iii)(c) Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;
 - (b)(2)(iii)(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (b)(2)(iii)(e) Use of an alternative fuel or raw material by a stationary source which:

(b)(2)(iii)(e)(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166; or

(b)(2)(iii)(e)(2) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;

(b)(2)(iii)(f) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166.

(b)(2)(iii)(g) Any change in ownership at a stationary source.

(b)(2)(iii)(h) The addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the Department determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(b)(2)(iii)(h)(1) When the Department has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of title I, if any, and

(b)(2)(iii)(h)(2) The Department determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(b)(2)(iii)(i) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(b)(2)(iii)(i)(1) The State implementation plan for the State in which the project is located, and

(b)(2)(iii)(i)(2) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(b)(2)(iii)(j) The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(b)(2)(iii)(k) The reactivation of a very clean coal-fired electric utility steam generating unit.

(b)(3)(i) Net emissions increase means the amount by which the sum of the following exceeds zero:

(b)(3)(i)(a) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and

(b)(3)(i)(b) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b)(3)(ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:

(b)(3)(ii)(a) The date five years before construction on the particular change commences; and

(b)(3)(ii)(b) The date that the increase from the particular change occurs.

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(b)(3)(iii) An increase or decrease in actual emissions is creditable only if the Department has not relied on it in issuing a permit for the source under this section, which permit is in effect when the increase in actual emissions from the particular change occurs.

(b)(3)(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxide, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM-10 emissions can be used to evaluate the net emissions increase for PM-10.

(b)(3)(v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(b)(3)(vi) A decrease in actual emissions is creditable only to the extent that:

(b)(3)(vi)(a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(b)(3)(vi)(b) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(b)(3)(vi)(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(b)(3)(vii) [Reserved]

(b)(3)(viii) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(b)(4) Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(b)(5) Stationary source means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Federal Clean Air Act.

(b)(6) Building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

(b)(7) Emissions unit means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act.

(b)(8) Construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(b)(9) Commence as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(b)(9)(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b)(9)(ii) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(b)(10) Necessary preconstruction approvals or permits means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

(b)(11) Begin actual construction means, in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(b)(12) Best available control technology means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under Act which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(b)(13)(i) "Baseline concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a baseline date is established and shall include:

(b)(13)(i)(a) The actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b)(13)(ii) of this section;

(b)(13)(i)(b) The allowable emissions of major stationary sources which commenced construction before the major source baseline date but were not in operation by the applicable minor source baseline date.

(b)(13)(ii) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

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(b)(13)(ii)(a) Actual emissions from any major stationary source on which construction commenced after the major source baseline date; and

(b)(13)(ii)(b) Actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

(b)(14)(i) "Major source baseline date" means:

(b)(14)(i)(a) In the case of particulate matter and sulfur dioxide, January 6, 1975, and

(b)(14)(i)(b) In the case of nitrogen dioxide, February 8, 1988.

(b)(14)(ii) "Minor source baseline date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations. The trigger date is:

(b)(14)(ii)(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(b)(14)(ii)(b) In the case of nitrogen dioxide, February 8, 1988.

(b)(14)(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(b)(14)(iii)(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the Federal Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21; and

(b)(14)(iii)(b) In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(b)(14)(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Department shall rescind a minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions.

(b)(15)(i) "Baseline area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 $\mu\text{g}/\text{m}^3$ (annual average) of the pollutant for which the minor source baseline date is established.

(b)(15)(ii) Area redesignations under section 107(d)(1)(D) or (E) of the Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(b)(15)(ii)(a) Establishes a minor source baseline date; or

(b)(15)(ii)(b) Is subject to 40 CFR 52.21 and would be constructed in the same state as the state proposing the redesignation.

(b)(15)(iii) Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that such baseline area shall not remain in effect if the Department rescinds the corresponding minor source baseline date in accordance with paragraph (b)(14)(iv) of this section.

(b)(16) Allowable emissions means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(b)(16)(i) The applicable standards as set forth in 40 CFR parts 60 and 61;

(b)(16)(ii) The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

(b)(16)(iii) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(b)(17) Federally enforceable means all limitations and conditions which are enforceable by the Department, including those requirements developed pursuant to 40 CFR parts 60 and 61, requirements within any applicable State implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

(b)(18) Secondary emissions means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(b)(18)(i) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b)(18)(ii) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

(b)(19) Innovative control technology means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.

(b)(20) Fugitive emissions means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(b)(21)(i) Actual emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with paragraphs (b)(21)(ii) through (iv) of this section.

(b)(21)(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b)(21)(iii) The Department may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

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(b)(21)(iv) For any emissions unit (other than an electric utility steam generating unit specified in paragraph (b)(21)(v) of this section) which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(b)(21)(v) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the Department on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Department if he determines such a period to be more representative of normal source post-change operations.

(b)(22) Complete means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

(b)(23)(i) Significant means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tons per year (tpy)

Nitrogen oxides: 40 tpy

Sulfur dioxide: 40 tpy

Particulate matter:

25 tpy of particulate matter emissions;

15 tpy of PM10 emissions

Ozone: 40 tpy of volatile organic compounds

Lead: 0.6 tpy

Asbestos: 0.007 tpy

Beryllium: 0.0004 tpy

Mercury: 0.1 tpy

Vinyl chloride: 1 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H₂S): 10 tpy

Total reduced sulfur (including H₂S): 10 tpy

Reduced sulfur compounds (including H₂S): 10 tpy

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tons per year).

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year)

Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year)

(b)(23)(ii) Significant means, in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Federal Clean Air Act that paragraph (b)(23)(i) of this section, does not list, any emissions rate.

(b)(23)(iii) Notwithstanding paragraph (b)(23)(i) of this section, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 $\mu\text{g}/\text{m}^3$, (24-hour average).

(b)(24) Federal Land Manager means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(b)(25) High terrain means any area having an elevation 900 feet or more above the base of the stack of a source.

(b)(26) Low terrain means any area other than high terrain.

(b)(27) Indian Reservation means any federally recognized reservation established by Treaty, Agreement, executive order, or act of Congress.

(b)(28) Indian Governing Body means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self government.

(b)(29) Adverse impact on visibility means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with (1) times of visitor use of the Federal Class I area, and (2) the frequency and timing of natural conditions that reduce visibility.

(b)(30) Volatile organic compounds (VOC) is as defined in §51.100(s) of this chapter.

(b)(31) Electric utility steam generating unit means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(b)(32) Pollution control project means any activity or project undertaken at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(b)(32)(i) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(b)(32)(ii) An activity or project to accommodate switching to a fuel which is less polluting than the fuel in use prior to the activity or project, including, but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;

(b)(32)(iii) A permanent clean coal technology demonstration project conducted under title II, section 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(b)(32)(iv) A permanent clean coal technology demonstration project that constitutes a repowering project.

(b)(33) Representative actual annual emissions means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of a unit, (or a different consecutive two-year period within 10 years after that change, where the Department

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determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the Department shall:

(b)(33)(i) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State or Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(b)(33)(ii) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

(b)(34) Clean coal technology means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(b)(35) Clean coal technology demonstration project means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology", up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

(b)(36) Temporary clean coal technology demonstration project means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(b)(37)(i) Repowering means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Department, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(b)(37)(ii) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(b)(37)(iii) The Department shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under section 409 of the Clean Air Act.

(b)(38) Reactivation of a very clean coal-fired electric utility steam generating unit means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(b)(38)(i) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory at the time of enactment;

(b)(38)(ii) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(b)(38)(iii) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(b)(38)(iv) Is otherwise in compliance with the requirements of the Clean Air Act.

(c) Ambient air increments. In areas designated as Class I, II or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

Pollutant	| Maximum allowable | increase (micrograms | per cubic meter)
----- CLASS I -----	
Particulate matter:	
PM-10, annual arithmetic mean.....|	4
PM-10, 24-hr maximum.....|	8
Sulfur dioxide:	
Annual arithmetic mean.....|	2
24-hr maximum.....|	5
3-hr maximum.....|	25
Nitrogen dioxide:	
Annual arithmetic mean.....|	2.5
----- CLASS II -----	
Particulate matter:	
PM-10, annual arithmetic mean.....|	17
PM-10, 24-hr maximum.....|	30
Sulfur dioxide:	
Annual arithmetic mean.....|	20
24-hr maximum.....|	91
3-hr maximum.....|	512
Nitrogen dioxide:	
Annual arithmetic mean.....|	25
----- CLASS III -----	
Particulate matter:	
PM-10, annual arithmetic mean.....|	34
PM-10, 24-hr maximum.....|	60
Sulfur dioxide:	
Annual arithmetic mean.....|	40
24-hr maximum.....	182
3-hr maximum.....	700
Nitrogen dioxide:	
Annual arithmetic mean.....	50

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

(d) Ambient air ceilings. No concentration of a pollutant shall exceed:

(d)(1) The concentration permitted under the national secondary ambient air quality standard, or

(d)(2) The concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

(e) Restrictions on area classifications. (1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

(e)(1)(i) International parks,

(e)(1)(ii) National wilderness areas which exceed 5,000 acres in size,

(e)(1)(iii) National memorial parks which exceed 5,000 acres in size, and

(e)(1)(iv) National parks which exceed 6,000 acres in size.

(e)(2) Areas which were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this section.

(e)(3) Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this section.

(e)(4) The following areas may be redesignated only as Class I or II:

(e)(4)(i) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(e)(4)(ii) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(f) [Reserved]

(g) Redesignation. (1) All areas (except as otherwise provided under paragraph (e) of this section) are designated Class II as of December 5, 1974. Redesignation (except as otherwise precluded by paragraph (e) of this section) may be proposed by the respective States or Indian Governing Bodies, as provided below, subject to approval by the Administrator as a revision to the applicable State implementation plan.

(g)(2) The State may submit to the Administrator a proposal to redesignate areas of the State Class I or Class II provided that:

(g)(2)(i) At least one public hearing has been held in accordance with procedures established in §51.102 of this chapter;

(g)(2)(ii) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(g)(2)(iii) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(g)(2)(iv) Prior to the issuance of notice respecting the redesignation of an area that includes any Federal lands, the State has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of 60 days) to confer with the State respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the State shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

(g)(2)(v) The State has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(g)(3) Any area other than an area to which paragraph (e) of this section refers may be redesignated as Class III if -

(g)(3)(i) The redesignation would meet the requirements of paragraph (g)(2) of this section;

(g)(3)(ii) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of the State, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless State law provides that the redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation:

(g)(3)(iii) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(g)(3)(iv) Any permit application for any major stationary source or major modification, subject to review under paragraph (l) of this section, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(g)(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the Department a proposal to redesignate areas Class I, Class II, or Class III: Provided, That:

(g)(4)(i) The Indian Governing Body has followed procedures equivalent to those required of a State under paragraphs (g)(2), (g)(3)(iii), and (g)(3)(iv) of this section; and

(g)(4)(ii) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located and which border the Indian Reservation.

(g)(5) The Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with paragraph (e) of this section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

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(g)(6) If the Administrator disapproves any proposed redesignation, the State or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator.

(h) Stack heights. (1) The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by--

(h)(1)(i) So much of the stack height of any source as exceeds good engineering practice, or

(h)(1)(ii) Any other dispersion technique.

(h)(2) Paragraph (h)(1) of this section shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

(i) Review of major stationary sources and major modifications--Source applicability and exemptions. (1) No stationary source or modification to which the requirements of paragraphs (j) through (r) of this section apply shall begin actual construction without a permit which states that the stationary source or modification would meet those requirements. The Department has authority to issue any such permit.

(i)(2) The requirements of paragraphs (j) through (r) of this section shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Act that it would emit, except as this section otherwise provides.

(i)(3) The requirements of paragraphs (j) through (r) of this section apply only to any major stationary source or major modification that would be constructed in an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the Federal Clean Air Act.

(i)(4) The requirements of paragraphs (j) through (r) of this section shall not apply to a particular major stationary source or major modification, if;

(i)(4)(i) Construction commenced on the source or modification before August 7, 1977. The regulations at 40 CFR 52.21 as in effect before August 7, 1977, shall govern the review and permitting of any such source or modification; or

(i)(4)(ii) The source or modification was subject to the review requirements of 40 CFR 52.21(d)(1) as in effect before March 1, 1978, and the owner or operator:

(i)(4)(ii)(a) Obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

(i)(4)(ii)(b) Commenced construction before March 19, 1979; and

(i)(4)(ii)(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(i)(4)(iii) The source or modification was subject to 40 CFR 52.21 as in effect before March 1, 1978, and the review of an application for approval for the stationary source or modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such a case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978; or

(i)(4)(iv) The source or modification was not subject to 40 CFR 52.21 as in effect before March 1, 1978, and the owner or operator:

(i)(4)(iv)(a) Obtained all final Federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before March 1, 1978;

(i)(4)(iv)(b) Commenced construction before March 19, 1979; and

(i)(4)(iv)(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(i)(4)(v) The source or modification was not subject to 40 CFR 52.21 as in effect on June 19, 1978 or under the partial stay of regulations published on February 5, 1980 (45 FR 7800), and the owner or operator:

(i)(4)(v)(a) Obtained all final Federal, state and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before August 7, 1980;

(i)(4)(v)(b) Commenced construction within 18 months from August 7, 1980, or any earlier time required under the applicable State Implementation Plan; and

(i)(4)(v)(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

(i)(4)(vi) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the governor of the state in which the source or modification would be located requests that it be exempt from those requirements; or

(i)(4)(vii) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(i)(4)(vii)(a) Coal cleaning plants (with thermal dryers);

(i)(4)(vii)(b) Kraft pulp mills;

(i)(4)(vii)(c) Portland cement plants;

(i)(4)(vii)(d) Primary zinc smelters;

(i)(4)(vii)(e) Iron and steel mills;

(i)(4)(vii)(f) Primary aluminum ore reduction plants;

(i)(4)(vii)(g) Primary copper smelters;

(i)(4)(vii)(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i)(4)(vii)(i) Hydrofluoric, sulfuric, or nitric acid plants;

(i)(4)(vii)(j) Petroleum refineries;

(i)(4)(vii)(k) Lime plants;

(i)(4)(vii)(l) Phosphate rock processing plants;

(i)(4)(vii)(m) Coke oven batteries;

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- (i)(4)(vii)(n) Sulfur recovery plants;
- (i)(4)(vii)(o) Carbon black plants (furnace process);
- (i)(4)(vii)(p) Primary lead smelters;
- (i)(4)(vii)(q) Fuel conversion plants;
- (i)(4)(vii)(r) Sintering plants;
- (i)(4)(vii)(s) Secondary metal production plants;
- (i)(4)(vii)(t) Chemical process plants;
- (i)(4)(vii)(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (i)(4)(vii)(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (i)(4)(vii)(w) Taconite ore processing plants;
- (i)(4)(vii)(x) Glass fiber processing plants;
- (i)(4)(vii)(y) Charcoal production plants;
- (i)(4)(vii)(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (i)(4)(vii)(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act; or
- (i)(4)(viii) The source is a portable stationary source which has previously received a permit under this section, and
 - (i)(4)(viii)(a) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and
 - (i)(4)(viii)(b) The emissions from the source would not exceed its allowable emissions; and
 - (i)(4)(viii)(c) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
 - (i)(4)(viii)(d) Reasonable notice is given to the Department prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Department not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the Department.
- (i)(4)(ix) The source or modification was not subject to 40 CFR 52.21 with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator:
 - (i)(4)(ix)(a) Obtained all final Federal, State, and local preconstruction approvals or permits necessary under the applicable State implementation plan before July 31, 1987;

(i)(4)(ix)(b) Commenced construction within 18 months after July 31, 1987, or any earlier time required under the State implementation plan; and

(i)(4)(ix)(c) Did not discontinue construction for a period of 18 months or more and completed construction within a reasonable period of time.

(i)(4)(x) The source or modification was subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987 and the owner or operator submitted an application for a permit under this section before that date, and the Department subsequently determines that the application as submitted was complete with respect to the particulate matter requirements then in effect in this section. Instead, the requirements of paragraphs (j) through (r) of this section that were in effect before July 31, 1987 shall apply to such source or modification.

(i)(5) The requirements of paragraphs (j) through (r) of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the Federal Clean Air Act.

(i)(6) The requirements of paragraphs (k), (m) and (o) of this section shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

(i)(6)(i) Would impact no Class I area and no area where an applicable increment is known to be violated, and

(i)(6)(ii) Would be temporary.

(i)(7) The requirements of paragraphs (k), (m) and (o) of this section as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each pollutant subject to regulation under the Act from the modification after the application of best available control technology would be less than 50 tons per year.

(i)(8) The Department may exempt a stationary source or modification from the requirements of paragraph (m) of this section, with respect to monitoring for a particular pollutant if:

(i)(8)(i) The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide--575 $\mu\text{g}/\text{m}^3$, 8-hour average;
 Nitrogen dioxide--14 $\mu\text{g}/\text{m}^3$, annual average;
 Particulate matter--10 $\mu\text{g}/\text{m}^3$ of PM-10, 24-hour average;
 Sulfur dioxide--13 $\mu\text{g}/\text{m}^3$, 24-hour average;
 Ozone;1
 Lead--0.1 $\mu\text{g}/\text{m}^3$, 3-month average;
 Mercury--0.25 $\mu\text{g}/\text{m}^3$, 24-hour average;
 Beryllium--0.001 $\mu\text{g}/\text{m}^3$, 24-hour average;
 Fluorides--0.25 $\mu\text{g}/\text{m}^3$, 24-hour average;
 Vinyl chloride--15 $\mu\text{g}/\text{m}^3$, 24-hour average;
 Total reduced sulfur--10 $\mu\text{g}/\text{m}^3$, 1-hour average;
 Hydrogen sulfide--0.2 $\mu\text{g}/\text{m}^3$, 1-hour average;
 Reduced sulfur compounds--10 $\mu\text{g}/\text{m}^3$, 1-hour average; or

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1 No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data.

(i)(8)(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in paragraph (i)(8)(i) of this section, or the pollutant is not listed in paragraph (i)(8)(i) of this section.

(i)(9) The requirements for best available control technology in paragraph (j) of this section and the requirements for air quality analyses in paragraph (m)(1) of this section, shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under those regulations before August 7, 1980, and the Department subsequently determines that the application as submitted before that date was complete. Instead, the requirements at 40 CFR 52.21(j) and (n) as in effect on June 19, 1978 apply to any such source or modification.

(i)(10)(i) The requirements for air quality monitoring in paragraphs (m)(1)(ii) through (iv) of this section shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 8, 1981, and the Department subsequently determines that the application as submitted before that date was complete with respect to the requirements of this section other than those in paragraphs (m)(1)(ii) through (iv) of this section, and with respect to the requirements for such analyses at 40 CFR 52.21(m)(2) as in effect on June 19, 1978. Instead, the latter requirements shall apply to any such source or modification.

(i)(10)(ii) The requirements for air quality monitoring in paragraphs (m)(1)(ii) through (iv) of this section shall not apply to a particular source or modification that was not subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submits an application for a permit under this section on or before June 8, 1981, and the Department subsequently determines that the application as submitted before that date was complete, except with respect to the requirements in paragraphs (m)(1)(ii) through (iv).

(i)(11)(i) At the discretion of the Department, the requirements for air quality monitoring of PM₁₀ in paragraphs (m)(1)(i)--(iv) of this section may not apply to a particular source or modification when the owner or operator of the source or modification submits an application for a permit under this section on or before June 1, 1988 and the Department subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1)(i)--(iv).

(i)(11)(ii) The requirements for air quality monitoring of PM₁₀ in paragraphs (m)(1), (ii) and (iv) and (m)(3) of this section shall apply to a particular source or modification if the owner or operator of the source or modification submits an application for a permit under this section after June 1, 1988 and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988 to the date the application becomes otherwise complete in accordance with the provisions set forth under paragraph (m)(1)(viii) of this section, except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

(i)(12) The requirements of paragraph (k)(2) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increase took effect as part of the applicable implementation plan and the Department subsequently determined that the application as submitted before that date was complete.

(i)(13) The requirements in paragraph (k)(2) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM-10 if (i) the owner or operator of the source or

modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM-10 took effect in an implementation plan to which this section applies, and

(i)(13)(ii) the Department subsequently determined that the application as submitted before that date was otherwise complete. Instead, the requirements in paragraph (k)(2) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

(j) Control technology review. (1) A major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emissions standard and standard of performance under 40 CFR parts 60 and 61.

(j)(2) A new major stationary source shall apply best available control technology for each pollutant subject to regulation under the Federal Clean Air Act that it would have the potential to emit in significant amounts.

(j)(3) A major modification shall apply best available control technology for each pollutant subject to regulation under the Federal Clean Air Act for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(j)(4) For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than 18 months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of best available control technology for the source.

(k) Source impact analysis. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(k)(1) Any national ambient air quality standard in any air quality control region; or

(k)(2) Any applicable maximum allowable increase over the baseline concentration in any area.

(l)(1) All estimates of ambient concentrations required under this paragraph shall be based on applicable air quality models, data bases, and other requirements specified in appendix W of 40 CFR 51 (Guideline on Air Quality Models).

(l)(2) Where an air quality model specified in appendix W of part 51 of this chapter (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the Department must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with paragraph (q) of this section.

(m) Air quality analysis--(1) Preapplication analysis. (i) Any application for a permit under this section shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(m)(1)(i)(a) For the source, each pollutant that it would have the potential to omit in a significant amount;

(m)(1)(i)(b) For the modification, each pollutant for which it would result in a significant net emissions increase.

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(m)(1)(ii) With respect to any such pollutant for which no National Ambient Air Quality Standard exists, the analysis shall contain such air quality monitoring data as the Department determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

(m)(1)(iii) With respect to any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase.

(m)(1)(iv) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the application, except that, if the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period.

(m)(1)(v) For any application which becomes complete, except as to the requirements of paragraphs (m)(1)(iii) and (iv) of this section, between June 8, 1981, and February 9, 1982, the data that paragraph (m)(1)(iii) of this section, requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

(m)(1)(v)(a) If the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over at least the period required by those regulations.

(m)(1)(v)(b) If the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that paragraph (m)(1)(iii) of this section, requires shall have been gathered over at least that shorter period.

(m)(1)(v)(c) If the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the Department may waive the otherwise applicable requirements of this paragraph (v) to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

(m)(1)(vi) The owner or operator of a proposed stationary source or modification of volatile organic compounds who satisfies all conditions of 40 CFR part 51 Appendix S, section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under paragraph (m)(1) of this section.

(m)(1)(vii) For any application that becomes complete, except as to the requirements of paragraphs (m)(1)(iii) and (iv) pertaining to PM₁₀, after December 1, 1988 and no later than August 1, 1989 the data that paragraph (m)(1)(iii) requires shall have been gathered over at least the period from August 1, 1988 to the date the application becomes otherwise complete, except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data that paragraph (m)(1)(iii) requires shall have been gathered over that shorter period.

(m)(1)(viii) With respect to any requirements for air quality monitoring of PM₁₀ under paragraphs (i)(11)(i) and (ii) of this section the owner or operator of the source or modification shall use a monitoring method approved by the Department and shall estimate the ambient concentrations of PM₁₀ using the data collected by such approved monitoring method in accordance with estimating procedures approved by the Department.

(m)(2) Post-construction monitoring. The owner or operator of a major stationary source or major modification shall, after construction of the stationary source or modification, conduct such ambient monitoring as the Department determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

(m)(3) Operations of monitoring stations. The owner or operator of a major stationary source or major modification shall meet the requirements of Appendix B to part 58 of this chapter during the operation of monitoring stations for purposes of satisfying paragraph (m) of this section.

(n) Source information. The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section.

(n)(1) With respect to a source or modification to which paragraphs (j), (l), (n) and (p) of this section apply, such information shall include:

(n)(1)(i) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(n)(1)(ii) A detailed schedule for construction of the source or modification;

(n)(1)(iii) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that best available control technology would be applied.

(n)(2) Upon request of the Department, the owner or operator shall also provide information on:

(n)(2)(i) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(n)(2)(ii) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

(o) Additional impact analyses. (1) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(o)(2) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(o)(3) Visibility monitoring. The Department may require monitoring of visibility in any Federal class I area near the proposed new stationary source for major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

(p) Sources impacting Federal Class I areas--additional requirements--(1) Notice to Federal land managers. The Department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal land manager and the Federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Federal Class I area. The Department shall also provide the Federal land manager and such Federal officials with a copy of the preliminary determination required under paragraph (q) of this section, and shall make available to them any materials used in making that determination, promptly after the Department makes such determination. Finally, the Department shall also notify all affected Federal land managers within 30 days of receipt of any advance notification of any such permit application.

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(p)(2) Federal Land Manager. The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Department, whether a proposed source or modification will have an adverse impact on such values.

(p)(3) Visibility analysis. The Department shall consider any analysis performed by the Federal land manager, provided within 30 days of the notification required by paragraph (p)(1) of this section, that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Federal Class I area. Where the Department finds that such an analysis does not demonstrate to the satisfaction of the Department that an adverse impact on visibility will result in the Federal Class I area, the Department must, in the notice of public hearing on the permit application, either explain his decision or give notice as to where the explanation can be obtained.

(p)(4) Denial--impact on air quality related values. The Federal Land Manager of any such lands may demonstrate to the Department that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Department concurs with such demonstration, then he shall not issue the permit.

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

Pollutant	| Maximum allowable | increase (micrograms | per cubic meter)
Particulate matter:	
PM-10, annual arithmetic mean.....|	17
PM-10, 24-hr maximum.....|	30
Sulfur dioxide:	
Annual arithmetic mean.....|	20
24-hr maximum.....|	91
3-hr maximum.....|	325
Nitrogen dioxide:	
Annual arithmetic mean.....|	25

(p)(6) Sulfur dioxide variance by Governor with Federal Land Manager's concurrence. The owner or operator of a proposed source or modification which cannot be approved under paragraph (q)(4) of this section may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related

values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Department shall issue a permit to such source or modification pursuant to the requirements of paragraph (q)(7) of this section: Provided, That the applicable requirements of this section are otherwise met.

(p)(7) Variance by the Governor with the President's concurrence. In any case where the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the Department shall issue a permit pursuant to the requirements of paragraph (q)(7) of this section: Provided, That the applicable requirements of this section are otherwise met.

(p)(8) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to paragraph (q)(5) or (6) of this section the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

MAXIMUM ALLOWABLE INCREASE		
[Micrograms per cubic meter]		
Period of exposure	| Terrain areas	
	| Low	| High
24-hr maximum.....|	36	| 62
3-hr maximum.....|	130	| 221

(q) Public participation. (1) Within 30 days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted and transmit a copy of such application to EPA. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this section, the date on which the Department received all required information.

(q)(2) Within 1 year after receipt of a complete application, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner:

(q)(2)(i) Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

(q)(2)(ii) Make available in at least one location in each region in which the proposed plant or modification would be constructed a copy of all materials the applicant submitted, a copy of the preliminary determination and a copy or summary of other materials, if any, considered in making the preliminary determination.

(q)(2)(iii) Notify the public, by advertisement in a newspaper of general circulation in each region in which the proposed plant or modification would be constructed, of the application, the preliminary determination, the degree of increment consumption that is expected from the plant or modification, and the opportunity for comment at a public hearing as well as written public comment.

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(q)(2)(iv) Send a copy of the notice of public comment to the applicant, the Administrator of EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the plant or modification would be located, any comprehensive regional land use planning agency and any State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the plant or modification.

(q)(2)(v) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the plant or modification, alternatives to the plant or modification, the control technology required, and other appropriate considerations.

(q)(2)(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant's response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed plant or modification.

(q)(2)(vii) Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

(q)(2)(viii) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Department made available preconstruction information and public comments relating to the plant or modification.

(q)(2)(ix) Notify EPA of every action related to the consideration of the permit.

(q)(3) The requirements of Section (q), Public Participation, of this standard shall not apply to any major plant or major modification which Section (i), Review of Major Stationary Sources and Major Modifications, would exempt from the requirements of Sections (k), (m), and (o), but only to the extent that, with respect to each of the criteria for construction approval under the South Carolina State Implementation Plan and for exemption under Section (i), requirements providing the public with at least as much participation in each material determination as those of Section (q) have been met in the granting of such construction approval.

(r) Source obligation. (1) Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(r)(2) Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

(r)(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State implementation plan and any other requirements under local, State, or Federal law.

(r)(4) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7,

1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements or paragraphs (j) through (s) of this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(s) Environmental impact statements. Whenever any proposed source or modification is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Department conducted pursuant to this section shall be coordinated with the broad environmental reviews under that Act and under section 309 of the Clean Air Act to the maximum extent feasible and reasonable.

(t) Disputed permits or redesignations. If any State affected by the redesignation of an area by an Indian Governing Body, or any Indian Governing Body of a tribe affected by the redesignation of an area by a State, disagrees with such redesignation, or if a permit is proposed to be issued for any major stationary source or major modification proposed for construction in any State which the Governor of an affected State or Indian Governing Body of an affected tribe determines will cause or contribute to a cumulative change in air quality in excess of that allowed in this part within the affected State or Indian Reservation, the Governor or Indian Governing Body may request the Department to enter into negotiations with the parties involved to resolve such dispute. If requested by any State or Indian Governing Body involved, the Administrator shall make a recommendation to resolve the dispute and protect the air quality related values of the lands involved. If the parties involved do not reach agreement, the Department shall resolve the dispute and his determination, or the results of agreements reached through other means, shall become part of the applicable State implementation plan and shall be enforceable as part of such plan. In resolving such disputes relating to area redesignation, the Department shall consider the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.

(u) through (u)(3) - Reserved.

(u)(4) In the case of a source or modification which proposes to construct in a class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase applicable if the area were designated a class II area, and where no standard under section 111 of the act has been promulgated for such source category, the Administrator must approve the determination of best available control technology as set forth in the permit.

(v) Innovative control technology. (1) An owner or operator of a proposed major stationary source or major modification may request the Department in writing no later than the close of the comment period under 40 CFR 124.10 to approve a system of innovative control technology.

(v)(2) The Department shall, with the consent of the governor(s) of the affected state(s), determine that the source or modification may employ a system of innovative control technology, if:--

(v)(2)(i) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

(v)(2)(ii) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph (j)(2) of this section, by a date specified by the Department. Such date shall not be later than 4 years from the time of startup or 7 years from permit issuance;

(v)(2)(iii) The source or modification would meet the requirements of paragraphs (j) and (k) of this section, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Department;

(v)(2)(iv) The source or modification would not before the date specified by the Department:

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(v)(2)(iv)(a) Cause or contribute to a violation of an applicable national ambient air quality standard; or

(v)(2)(iv)(b) Impact any area where an applicable increment is known to be violated; and

(v)(2)(v) All other applicable requirements including those for public participation have been met.

(v)(2)(vi) The provisions of paragraph (p) of this section (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

(v)(3) The Department shall withdraw any approval to employ a system of innovative control technology made under this section, if:

(v)(3)(i) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or

(v)(3)(ii) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(v)(3)(iii) The Department decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(v)(4) If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with paragraph (v)(3) of this section, the Department may allow the source or modification up to an additional 3 years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

(w) Permit rescission. (1) Any permit issued under this section or a prior version of this section shall remain in effect, unless and until it expires under paragraph (s) of this section or is rescinded.

(w)(2) Any owner or operator of a stationary source or modification who holds a permit for the source or modification which was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this section, may request that the Administrator rescind the permit or a particular portion of the permit.

(w)(3) The Department shall grant an application for rescission if the application shows that this section would not apply to the source or modification.

(w)(4) If the Department rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.

61-62.5, Standard Number 8, Toxic Air Pollutants

Section I.D, Numbers 2 and 3, should have the associated footnote [FN1] located at the bottom of this page instead of at the end of the document.

Section II.E in the "Chemical Name" column, the following words shall be revised as follows:

2-Acetylaminofluorene

Hexachloronaphthalene

Methyl Ethyl Ketone (2-Butanone)

Propionaldehyde

Section II, Part E in the “Maximum Allowable Concentration” column heading, an asterisk (footnote mark) should be added as follows:

MAXIMUM ALLOWABLE CONCENTRATION ($\mu\text{g}/\text{m}^3$)*

61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60 shall be revised in its entirety as follows:

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

REGULATION NUMBER 61-62.60

SOUTH CAROLINA DESIGNATED FACILITY PLAN AND NEW SOURCE PERFORMANCE
STANDARDS

Note: Facilities subject to the regulations listed below may be subject to additional requirements specified elsewhere in Regulation 61-62, Air Pollution Control Regulations and Standards. The word “Administrator” as used in this regulation shall mean the Department of Health and Environmental Control unless the context requires otherwise.

Subpart A - “General Provisions”

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

40 CFR Part 60 subpart A	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]

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40 CFR Part 60 subpart A	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	May 22, 2000	[65 FR 32033]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subparts B - Ca [Reserved]

Subpart Cb - "Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994"

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

40 CFR Part 60 subpart Cb	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65415]

40 CFR Part 60 subpart Cb	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 62	August 25, 1997	[62 FR 45119, 45120]
Revision	Vol. 62	August 25, 1997	[62 FR 45125]

Subpart Cc - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”

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

40 CFR Part 60 subpart Cc	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 63	February 24, 1999	[64 FR 9261]

Subpart Cd - “Emission Guidelines and Compliance Times for Sulfuric Acid Production Units”

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

40 CFR Part 60 subpart Cd	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65414]

Subpart Ce - “Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators”

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

40 CFR Part 60 subpart Ce	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48379]

Subpart D - “Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971”

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

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40 CFR Part 60 subpart D	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 61	September 24, 1996	[61 FR 49976]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978”

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

40 CFR Part 60 subpart Da	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

The provisions of Title 40 CFR Part 60, subpart Db as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Db	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Dc - “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units”

The provisions of Title 40 CFR Part 60, subpart Dc as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Dc	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart E - “Standards of Performance for Incinerators”

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

40 CFR Part 60 subpart E	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20792]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 54	February 14, 1989	[54 FR 6665]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Ea - “Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994”

The provisions of Title 40 CFR Part 60, subpart Ea as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart Ea	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 60	December 19, 1995	[60 FR 65384]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Eb - “Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced after June 19, 1996”

The provisions of Title 40 CFR Part 60, subpart Eb as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Eb	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65419]
Revision	Vol. 62	August 25, 1997	[62 FR 45120, 45121]
Revision	Vol. 62	August 25, 1997	[62 FR 45125, 45126]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Ec - “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996

The provisions of Title 40 CFR Part 60, subpart Ec as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Ec	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

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

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

40 CFR Part 60 subpart F	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]

40 CFR Part 60 subpart F	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart G - “Standards of Performance for Nitric Acid Plants”

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

40 CFR Part 60 subpart G	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 50	April 22, 1985	[50 FR 15894]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]

Subpart H - “Standards of Performance for Sulfuric Acid Plants”

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

40 CFR Part 60 subpart H	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 48	September 29, 1983	[48 FR 44700]
Revision	Vol. 48	October 20, 1983	[48 FR 48669]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart I - “Standards of Performance for Asphalt Concrete Plants”

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

40 CFR Part 60 subpart I	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]

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40 CFR Part 60 subpart I	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 51	April 10, 1986	[51 FR 12325]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart J - "Standards of Performance for Petroleum Refineries"

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

40 CFR Part 60 subpart J	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]

Subpart K - "Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978"

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

40 CFR Part 60 subpart K	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 42	April 8, 1987	[52 FR 11429]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Ka - “Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984”

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

40 CFR Part 60 subpart Ka	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 18, 1980	[45 FR 83229]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart Kb - “Standards of Performance For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984”

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

40 CFR Part 60 subpart Kb	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 52	June 16, 1987	[52 FR 22780]
Revision	Vol. 54	August 11, 1989	[54 FR 32973]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart L - “Standards of Performance for Secondary Lead Smelters”

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

40 CFR Part 60 subpart L	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

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Subpart M - "Standards of Performance for Secondary Brass and Bronze Production Plants"

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

40 CFR Part 60 subpart M	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 49	October 30, 1984	[49 FR 43618]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart N - "Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973"

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

40 CFR Part 60 subpart N	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 43	April 13, 1978	[43 FR 15602]
Revision	Vol. 51	January 2, 1986	[51 FR 160]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Na- "Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983"

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

40 CFR Part 60 subpart Na	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 51	January 2, 1986	[51 FR 161]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart O - "Standards of Performance for Sewage Treatment Plants"

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

40 CFR Part 60 subpart O	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	March 8, 1974	[39 FR 9319]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	November 10, 1977	[42 FR 58521]
Revision	Vol. 53	October 6, 1988	[53 FR 39416]
Revision	Vol. 54	February 14, 1989	[54 FR 6668]
Revision	Vol. 54	June 27, 1989	[54 FR 27015]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	February 3, 1994	[59 FR 5108]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart P - “Standards of Performance for Primary Copper Smelters”

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

40 CFR Part 60 subpart P	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2338]
Revision	Vol. 41	February 26, 1976	[41 FR 8346]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Q - “Standards of Performance for Primary Zinc Smelters”

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

40 CFR Part 60 subpart Q	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart R - “Standards of Performance for Primary Lead Smelters”

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

40 CFR Part 60 subpart R	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart S - "Standards of Performance for Primary Aluminum Reduction Plants"

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

40 CFR Part 60 subpart S	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	June 30, 1980	[45 FR 44207]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]
Revision	Vol. 62	October 7, 1997	[62 FR 52399]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart T - "Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants"

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

40 CFR Part 60 subpart T	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33154]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart U - "Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants"

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

40 CFR Part 60 subpart U	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart V - “Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants”

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

40 CFR Part 60 subpart V	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart W - “Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants”

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

40 CFR Part 60 subpart W	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart X - “Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities”

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

40 CFR Part 60 subpart X	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]

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40 CFR Part 60 subpart X	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 62	April 15, 1997	[62 FR 18280]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Y - "Standards of Performance for Coal Preparation Plants"

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

40 CFR Part 60 subpart Y	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2234]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 42	September 7, 1977	[42 FR 44812]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart Z - "Standards of Performance for Ferroalloy Production Facilities"

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

40 CFR Part 60 subpart Z	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	May 4, 1976	[41 FR 18501]
Revision	Vol. 41	May 20, 1976	[41 FR 20659]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart AA - "Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and on or Before August 17, 1983"

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

40 CFR Part 60 subpart AA	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	September 23, 1975	[40 FR 43852]
Revision	Vol. 49	October 31, 1984	[49 FR 43843]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	March 2, 1999	[64 FR 10109, 10110]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart AAa - “Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983”

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

40 CFR Part 60 subpart AAa	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	October 31, 1984	[49 FR 43845]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	March 2, 1999	[64 FR 10110, 10111]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart BB - “Standards of Performance for Kraft Pulp Mills”

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

40 CFR Part 60 subpart BB	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart CC - “Standards of Performance for Glass Manufacturing Plants”

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

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40 CFR Part 60 subpart CC	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	October 7, 1980	[45 FR 66751]
Revision	Vol. 49	October 19, 1984	[49 FR 41035]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart DD - "Standards of Performance for Grain Elevators"

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

40 CFR Part 60 subpart DD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 52	November 5, 1988	[54 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart EE - "Standards of Performance for Surface Coating of Metal Furniture"

The provisions of Title 40 CFR Part 60, subpart EE as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart EE	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	October 29, 1982	[47 FR 49287]
Revision	Vol. 50	April 30, 1985	[50 FR 18248]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart FF - (Reserved)

Subpart GG - "Standards of Performance for Stationary Gas Turbines"

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

40 CFR Part 60 subpart GG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]

40 CFR Part 60 subpart GG	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart HH - “Standards of Performance for Lime Manufacturing Plants”

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

40 CFR Part 60 subpart HH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	April 26, 1984	[49 FR 18080]
Revision	Vol. 52	February 17, 1987	[52 FR 4773]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart II and JJ - (Reserved)

Subpart KK - “Standards of Performance for Lead-Acid Battery Manufacturing Plants”

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

40 CFR Part 60 subpart KK	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16573]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart LL - “Standards of Performance for Metallic Mineral Processing Plants”

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

40 CFR Part 60 subpart LL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	February 21, 1984	[49 FR 6464]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart MM - “Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations”

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The provisions of Title 40 CFR Part 60, subpart MM as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart MM	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 48	February 4, 1983	[48 FR 5454]
Revision	Vol. 50	September 9, 1985	[50 FR 36834]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 59	October 11, 1994	[59 FR 51386]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart NN - "Standards of Performance for Phosphate Rock Plants"

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

40 CFR Part 60 subpart NN	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16589]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart OO - (Reserved)

Subpart PP - "Standards of Performance for Ammonium Sulfate Manufacture"

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

40 CFR Part 60 subpart PP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	November 12, 1980	[45 FR 74850]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart QQ - "Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing"

The provisions of Title 40 CFR Part 60, subpart QQ as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart QQ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 8, 1982	[45 FR 50649]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart RR - “Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations”

The provisions of Title 40 CFR Part 60, subpart RR as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart RR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48375]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart SS - “Standards of Performance for Industrial Surface Coating: Large Appliances”

The provisions of Title 40 CFR Part 60, subpart SS as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SS	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	October 27, 1982	[47 FR 47785]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart TT - “Standards of Performance for Metal Coil Surface Coating”

The provisions of Title 40 CFR Part 60, subpart TT as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart TT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 48	January 10, 1983	[48 FR 1056]
Revision	Vol. 51	June 24, 1986	[51 FR 22938]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 56	May 3, 1991	[56 FR 20497]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart UU - “Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture”

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

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40 CFR Part 60 subpart UU	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	August 6, 1982	[47 FR 34143]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

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

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

40 CFR Part 60 subpart VV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 49	May 30, 1984	[49 FR 22607]
Revision	Vol. 49	June 29, 1984	[49 FR 26738]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 60	August 18, 1995	[60 FR 43258]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart WW - "Standards of Performance for the Beverage Can Surface Coating Industry"

The provisions of Title 40 CFR Part 60, subpart WW as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart WW	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 55	December 13, 1990	[55 FR 51384]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart XX - "Standards of Performance for Bulk Gasoline Terminals"

The provisions of Title 40 CFR Part 60, subpart XX as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart XX	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	August 18, 1983	[48 FR 37590]
Revision	Vol. 48	December 22, 1983	[48 FR 56580]

40 CFR Part 60 subpart XX	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart AAA - “Standards of Performance for New Residential Wood Heaters”

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

40 CFR Part 60 subpart AAA	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	February 26, 1988	[53 FR 5873]
Revision	Vol. 53	April 12, 1988	[53 FR 12009]
Revision	Vol. 53	April 26, 1988	[53 FR 14889]
Revision	Vol. 57	February 13, 1992	[57 FR 5328]
Revision	Vol. 60	June 29, 1995	[60 FR 33925]
Revision	Vol. 63	November 24, 1998	[63 FR 64874]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart BBB - “Standards of Performance for the Rubber Tire Manufacturing Industry”

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

40 CFR Part 60 subpart BBB	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 52	September 15, 1987	[52 FR 34874]
Revision	Vol. 52	October 9, 1987	[52 FR 37874]
Revision	Vol. 54	September 19, 1989	[54 FR 38635]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart CCC - (Reserved)

Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”

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

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40 CFR Part 60 subpart DDD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	December 11, 1990	[55 FR 51035]
Revision	Vol. 56	March 5, 1991	[56 FR 9178]
Revision	Vol. 56	March 22 1991	[56 FR 12299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 64	March 9, 1999	[64 FR 11541]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart EEE - (Reserved)

Subpart FFF - “Standards of Performance for Flexible Vinyl and Urethane Coating and Printing”

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

40 CFR Part 60 subpart FFF	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	June 29, 1984	[49 FR 26892]
Revision	Vol. 49	August 17, 1984	[49 FR 32848]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

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

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

40 CFR Part 60 subpart GGG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	May 30, 1984	[49 FR 22606]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart HHH - “Standards of Performance for Synthetic Fiber Production Facilities”

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

40 CFR Part 60 subpart HHH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	April 5, 1984	[49 FR 13651]
Revision	Vol. 49	April 27, 1984	[49 FR 18096]
Revision	Vol. 55	December 13, 1990	[55 FR 51384]
Revision	Vol. 59	June 23, 1994	[59 FR 32341]

40 CFR Part 60 subpart HHH	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”

The provisions of Title 40 CFR Part 60, subpart III as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart III	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart JJJ - “Standards of Performance for Petroleum Dry Cleaners”

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

40 CFR Part 60 subpart JJJ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	September 21, 1984	[49 FR 37331]
Revision	Vol. 50	November 27, 1985	[50 FR 49026]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart KKK - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Onshore Natural Gas Processing Plants”

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

40 CFR Part 60 subpart KKK	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	June 24, 1985	[50 FR 26124]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions”

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

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40 CFR Part 60 subpart LLL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart MMM - (Reserved)

Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”

The provisions of Title 40 CFR Part 60, subpart NNN as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart NNN	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart OOO - “Standards of Performance for Nonmetallic Mineral Processing Plants”

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

40 CFR Part 60 subpart OOO	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 51	August 1, 1985	[51 FR 31337]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]
Revision	Vol. 62	June 9, 1997	[62 FR 31360]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart PPP - “Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants”

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

40 CFR Part 60 subpart PPP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	February 25, 1985	[50 FR 7699]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart QQQ - “Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems”

The provisions of Title 40 CFR Part 60, subpart QQQ as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart QQQ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	November 23, 1988	[53 FR 47623]
Revision	Vol. 60	August 18, 1995	[60 FR 43259]
Revision	Vol. 53	November 23, 1985	[53 FR 47623]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart RRR - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing (SOCMI) Reactor Processes”

The provisions of Title 40 CFR Part 60, subpart RRR as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart RRR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 58	August 31, 1993	[58 FR 45948]
Revision	Vol. 60	November 27, 1995	[60 FR 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Subpart TTT - “Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines”

The provisions of Title 40 CFR Part 60, subpart TTT as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart TTT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	January 29, 1988	[53 FR 2676]
Revision	Vol. 53	May 27, 1988	[53 FR 19300]

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40 CFR Part 60 subpart TTT	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 54	June 15, 1989	[54 FR 25459]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart UUU - “Standards of Performance for Calciners and Dryers in Mineral Industries”

The provisions of Title 40 CFR Part 60, subpart UUU as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart UUU	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 57	September 28, 1992	[57 FR 44503]
Revision	Vol. 58	July 29, 1993	[58 FR 40591]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

The provisions of Title 40 CFR Part 60, subpart VVV as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VVV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]

Subpart WWW - “Standards of Performance for Municipal Solid Waste Landfills”

The provisions of Title 40 CFR Part 60, subpart WWW as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart WWW	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 64	February 24, 1999	[64 FR 9262]
Revision	Vol. 65	April 10, 2000	[65 FR 18906]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

61-62.63, South Carolina National Emission Standards for Hazardous Air Pollutants (NESHAPs)

R.61-62.63 shall be revised in its entirety to incorporate all federal changes and amendments published prior to January 1, 2001, as follows:

SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS

South Carolina State Register Vol. 25, Issue 10
October 26, 2001

REGULATION NUMBER 61-62.63

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR SOURCE CATEGORIES

Subpart A – “General Provisions”

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

40 CFR Part 63 subpart A	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1994	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart B – “Constructed and Reconstructed Major Sources”

Section 63.40 - Applicability

(a) Applicability. The requirements of Sections 63.40 through 63.44 shall apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants (HAP) after the effective date of this subpart unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) of the Act and incorporated in 40 CFR Part 63, or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before the effective date of section 112(g)(2)(B) in the State.

(b) Exclusion for electric utility steam generating units. The requirements of this subpart do not apply to electric utility steam generating units unless and until such time as these units are added to the source category list pursuant to section 112(c)(5) of the Act.

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(c) Relationship to local requirements. Nothing in this subpart shall prevent a local agency from imposing more stringent requirements than those contained in this subpart.

(d) Exclusion for stationary sources in deleted source categories. The requirements of this subpart do not apply to stationary sources that are within a source category that has been deleted from the source category list pursuant to section 112(c)(9) of the Act.

(e) Exclusion for research and development activities. The requirements of this subpart do not apply to research and development activities, as defined in Regulation 61-62.63, Section 63.41.

(f) Synthetic Minor Provisions. Any "affected source," as defined by Regulation 61-62.63, Section 63.41, may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor source.

(1) An affected source desiring to be a synthetic minor source shall provide a written request to the Department for a federally enforceable construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package. The construction or reconstruction of the source shall not commence until the source has received an effective permit to construct.

(2) The enforceable permit conditions provisions of S.C. Regulation 61-62.1, Section II.G.4 shall apply to synthetic minor source permits.

(3) The public participation procedures of S.C. Regulation 61-62.1, Section II.G.5. shall apply to synthetic minor source permits.

(4) The emergency provisions of S.C. Regulation 61-62.1, Section II.G.6. shall apply to synthetic minor source permits.

(5) The permit application provisions of S.C. Regulation 61-62.1, Section II.G.8. shall apply to synthetic minor source permits.

Section 63.41 - Definitions

Terms used in this subpart that are not defined below or in Regulation 61-62.1, Section I, have the meaning given to them in the Clean Air Act and in 40 CFR Part 63, Subpart A.

(a) "Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

(b) "Affected source" means the stationary source or group of stationary sources which, when fabricated (on site), erected, or installed meets the definition of "construct a major source" or the definition of "reconstruct a major source" contained in this subpart.

(c) "Affected States" are :

(1) The States of Georgia and/or North Carolina if, as determined by the Department, their air quality may be affected by a MACT determination made in accordance with this subpart; or

(2) Any portions of the State of Tennessee whose air quality may be affected and that are within 50 miles of the major source for which a MACT determination is made in accordance with this subpart.

(d) "Available information" means, for purposes of identifying control technology options for the affected source, information contained in the following information sources as of the date of approval of the MACT determination by the Department:

- (1) A relevant proposed regulation, including all supporting information;
- (2) Background information documents for a draft or proposed regulation;
- (3) Data and information available from the Control Technology Center developed pursuant to Section 113 of the Act;
- (4) Data and information contained in the Aerometric Informational Retrieval System, including information in the MACT database;
- (5) Any additional information that can be expeditiously provided by the Administrator; and
- (6) For the purpose of determinations by the Department, any additional information provided by the applicant or others, and any additional information considered available by the Department.

(e) "Construct a major source" means:

(1) To fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, or

(2) To fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria (i) through (vi) of this paragraph:

(i) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of this subpart will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(ii) (A) The Department has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented best available control technology (BACT), or lowest achievable emission rate (LAER) under 40 CFR part 51 or 52; or

(B) The Department determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, or LAER);

(iii) The Department determines that the percent control efficiency for emissions of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(iv) The Department has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (2)(i), (2)(ii), and (2)(iii) of this definition apply and concerning the continued adequacy of any prior LAER, or BACT;

(v) If any commenter has asserted that a prior LAER, or BACT is no longer adequate, the Department has determined that the level of control required by that prior determination remains adequate; and

(vi) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the Department are predicated will be construed by the Department as

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applicable requirements under section 504(a) of the Act and either have been incorporated into any existing part 70 permit for the affected facility or will be incorporated into such permit upon issuance.

(f) "Control technology" means measures, processes, methods, systems, or techniques to limit the emission of hazardous air pollutants including, but not limited to, measures that:

(1) Reduce the quantity of, or eliminate emissions of, such pollutants through process changes, substitution of materials or other modifications;

(2) Enclose systems or processes to eliminate emissions;

(3) Collect, capture or treat such pollutants when released from a process, stack, storage or fugitive emissions point;

(4) Are design, equipment, work practice, or operational standards (including requirements for operator training or certification) as provided in 42 U.S.C. 7412(h); or

(5) Are a combination of paragraphs (1)-(4) of this definition.

(g) "Effective date" in South Carolina of section 112(g)(2)(B) of the Act is July 1, 1998.

(h) "Electric utility steam generating unit" means any fossil fuel fired combustion unit of more than 25 megawatts that serves a generator that produces electricity for sale. A unit that co-generates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electric output to any utility power distribution system for sale shall be considered an electric utility steam generating unit.

(i) "Greenfield site" means a contiguous area under common control that is an undeveloped site.

(j) "Hazardous Air Pollutant (HAP)" means any air pollutant defined in or pursuant to section 112(b) of the Act.

(k) "List of Source Categories" means the Source Category List required by section 112(c) of the Act.

(l) "Maximum achievable control technology (MACT) emission limitation for new sources" means the emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the Department, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

(m) "Notice of MACT Approval" means a document issued by the Department containing all federally enforceable conditions necessary to enforce the application and operation of MACT or other control technologies such that the MACT emission limitation is met.

(n) "Presumptive MACT determination" means an estimation of maximum achievable control technology (MACT), based on limited data gathered within a short time frame, that serves as a basis for a decision on how to develop an emission standard for a particular source category. Factors such as control technology costs, non-air quality health and environmental impacts, energy requirements, and benefits are not typically considered in the estimation.

(o) "Process or production unit" means any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one process or production unit.

(p) “Reconstruct a major source” means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and

(2) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this subpart.

(q) “Research and development activities” means activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.

(r) “Similar source” means a stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology.

Section 63.42 - Program Requirements Governing Construction or Reconstruction of Major Sources.

Prohibition:

After the effective date of section 112(g)(2)(B) in the State, no person may begin actual construction or reconstruction of a major source of HAP in the State unless:

(a) The major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h) or section 112(j) in 40 CFR Part 63, and the owner or operator has fully complied with all procedures and requirements for preconstruction review established by that standard, including any applicable requirements set forth in 40 CFR Part 63, subpart A; or

(b) The Department has made a final and effective case-by-case determination pursuant to the provisions of Regulation 61-62.63, Section 63.43, such that emissions from the constructed or reconstructed major source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

Section 63.43 - Maximum Achievable Control Technology (MACT) Determinations for Constructed and Reconstructed Major Sources.

(a) Applicability:

The requirements of this section apply to an owner or operator who constructs or reconstructs a major source of HAP²s subject to a case-by-case determination of maximum achievable control technology pursuant to Regulation 61-62.63, Section 63.42.

(b) Requirements for constructed and reconstructed major sources. When a case-by-case determination of MACT is required by Regulation 61-62.63, Section 63.42, the owner or operator shall obtain from the Department an approved MACT determination according to paragraph (c) of this section.

(c) Review Process:

(1) The owner or operator shall apply for and obtain a Notice of MACT Approval according to the procedures outlined in paragraphs (f) through (h) of this section.

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(2) The MACT emission limitation and requirements established shall be effective as required by paragraph (j) of this section, consistent with the principles established in paragraph (d) of this section, and supported by the information listed in paragraph (e) of this section. The owner or operator shall comply with the requirements in paragraphs (k) and (l) of this section, and with all applicable requirements in 40 CFR Part 63, subpart A.

(d) Principles of MACT determinations. The following general principles shall govern preparation by the owner or operator of each permit application or other application requiring a case-by-case MACT determination concerning construction or reconstruction of a major source, and all subsequent review of and actions taken concerning such an application by the Department:

(1) The MACT emission limitation or MACT requirements recommended by the applicant and approved by the Department shall not be less stringent than the emission control which is achieved in practice by the best controlled similar source, as determined by the Department.

(2) Based upon available information, as defined in this subpart, the MACT emission limitation and control technology (including any requirements under paragraph (d)(3) of this section) recommended by the applicant and approved by the Department shall achieve the maximum degree of reduction in emissions of HAP which can be achieved by utilizing those control technologies that can be identified from the available information, taking into consideration the costs of achieving such emission reduction and any non-air quality health and environmental impacts and energy requirements associated with the emission reduction.

(3) The applicant may recommend a specific design, equipment, work practice, or operational standard, or a combination thereof, and the Department may approve such a standard if the Department specifically determines that it is not feasible to prescribe or enforce an emission limitation under the criteria set forth in section 112(h)(2) of the Act.

(4) If the Administrator has either proposed a relevant emission standard pursuant to section 112(d) or section 112(h) of the Act or adopted a presumptive MACT determination for the source category which includes the constructed or reconstructed major source, then the MACT requirements applied to the constructed or reconstructed major source shall have considered those MACT emission limitations and requirements of the proposed standard or presumptive MACT determination.

(e) Application requirements for a case-by-case MACT determination.

(1) An application for a MACT determination (whether a permit application under Title V of the Act, an application for a Notice of MACT Approval, or other document specified by the Department under paragraph (c) of this section) shall specify a control technology selected by the owner or operator that, if properly operated and maintained, will meet the MACT emission limitation or standard as determined according to the principles set forth in paragraph (d) of this section.

(2) In each instance where a constructed or reconstructed major source would require additional control technology or a change in control technology, the application for a MACT determination shall contain the following information:

(i) The name and address (physical location) of the major source to be constructed or reconstructed;

(ii) A brief description of the major source to be constructed or reconstructed and identification of any listed source category or categories in which it is included;

(iii) The expected commencement date for the construction or reconstruction of the major source;

(iv) The expected completion date for construction or reconstruction of the major source;

(v) The anticipated date of start-up for the constructed or reconstructed major source;

(vi) The HAP emitted by the constructed or reconstructed major source, and the estimated emission rate for each such HAP, to the extent this information is needed by the Department to determine MACT;

(vii) Any federally enforceable emission limitations applicable to the constructed or reconstructed major source;

(viii) The maximum and expected utilization of capacity of the constructed or reconstructed major source, and the associated uncontrolled emission rates for that source, to the extent this information is needed by the Department to determine MACT;

(ix) The controlled emissions for the constructed or reconstructed major source in tons/yr at expected and maximum utilization of capacity, to the extent this information is needed by the Department to determine MACT;

(x) A recommended emission limitation for the constructed or reconstructed major source consistent with the principles set forth in paragraph (d) of this section;

(xi) The selected control technology to meet the recommended MACT emission limitation, including technical information on the design, operation, size, estimated control efficiency of the control technology (and the manufacturer's name, address, telephone number, and relevant specifications and drawings, if requested by the Department);

(xii) Supporting documentation including identification of alternative control technologies considered by the applicant to meet the emission limitation, and analysis of cost and non-air quality health environmental impacts or energy requirements for the selected control technology; and

(xiii) Any other relevant information required pursuant to 40 CFR Part 63, subpart A.

(3) In each instance where the owner or operator contends that a constructed or reconstructed major source will be in compliance, upon startup, with case-by-case MACT under this subpart without a change in control technology, the application for a MACT determination shall contain the following information:

(i) The information described in paragraphs (e)(2)(i) through (e)(2)(x) of this section; and

(ii) Documentation of the control technology in place.

(f) Administrative procedures for review of the Notice of MACT Approval.

(1) The Department will notify the owner or operator in writing, within 45 days from the date the application is first received, as to whether the application for a MACT determination is complete or whether additional information is required.

(2) The Department will initially approve the recommended MACT emission limitation and other terms set forth in the application, or the Department will notify the owner or operator in writing of its intent to disapprove the application, within 30 calendar days after the owner or operator is notified in writing that the application is complete.

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(3) The owner or operator may present, in writing, within 60 calendar days after receipt of notice of the Department's intent to disapprove the application, additional information or arguments pertaining to, or amendments to, the application for consideration by the Department before it decides whether to finally disapprove the application.

(4) The Department will either initially approve or issue a final disapproval of the application within 90 days after it notifies the owner or operator of an intent to disapprove or within 30 days after the date additional information is received from the owner or operator, whichever is earlier.

(5) A final determination by the Department to disapprove any application will be in writing and will specify the grounds on which the disapproval is based. If any application is finally disapproved, the owner or operator may submit a subsequent application concerning construction or reconstruction of the same major source, provided that the subsequent application has been amended in response to the stated grounds for the prior disapproval.

(6) An initial decision to approve an application for a MACT determination will be set forth in the Notice of MACT Approval as described in paragraph (g) of this section.

(g) Notice of MACT Approval.

(1) The Notice of MACT Approval will contain a MACT emission limitation (or a MACT work practice standard if the Department determines it is not feasible to prescribe or enforce an emission standard) to control the emissions of HAP. The MACT emission limitation or standard will be determined by the Department and will conform to the principles set forth in paragraph (d) of this section.

(2) The Notice of MACT Approval will specify any notification, operation and maintenance, performance testing, monitoring, reporting and record keeping requirements. The Notice of MACT Approval will include:

(i) In addition to the MACT emission limitation or MACT work practice standard established under this subpart, additional emission limits, production limits, operational limits or other terms and conditions necessary to ensure federal enforceability of the MACT emission limitation;

(ii) Compliance certifications, testing, monitoring, reporting and record keeping requirements that are consistent with the requirements of Regulation 61-62.70.6(c);

(iii) In accordance with section 114(a)(3) of the Act, requirements for monitoring capable of demonstrating continuous compliance during the applicable reporting period. Such monitoring data shall be of sufficient quality to be used as a basis for enforcing all applicable requirements established under this subpart, including emission limitations;

(iv) A statement requiring the owner or operator to comply with all applicable requirements contained in 40 CFR Part 63, subpart A;

(3) All provisions contained in the Notice of MACT Approval shall be federally enforceable upon the effective date of issuance of such notice, as provided by paragraph (j) of this section.

(4) The Notice of MACT Approval shall expire if construction or reconstruction has not commenced within 18 months of issuance, unless the Department has granted an extension which shall not exceed an additional 12 months.

(h) Opportunity for public comment on the Notice of MACT Approval.

(1) The Department will provide opportunity for public comment on the Notice of MACT Approval, including, at a minimum:

(i) Availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of the Department's initial decision to approve the application;

(ii) A 30-day period for submittal of public comment; and

(iii) A notice by prominent advertisement in the area affected of the location of the source information and initial decision specified in paragraph (h)(1)(i) of this section.

(2) At the discretion of the Department, the Notice of MACT Approval setting forth the initial decision to approve the application may become final automatically at the end of the comment period if no adverse comments are received. If adverse comments are received, the Department will make any necessary revisions in its analysis and decide whether to finally approve the application within 30 days after the end of the comment period.

(i) EPA notification. The Department will send a copy of the final Notice of MACT Approval to the Administrator through the appropriate Regional Office, and to all other state and local air pollution control agencies having jurisdiction in affected states.

(j) Effective date of MACT determination shall be the date the Notice of MACT Approval becomes final.

(k) Compliance date. On and after the date of start-up, a constructed or reconstructed major source which is subject to the requirements of this subpart shall be in compliance with all applicable requirements specified in the MACT determination.

(l) Compliance with MACT determinations.

(1) An owner or operator of a constructed or reconstructed major source that is subject to a MACT determination shall comply with all requirements in the final Notice of MACT Approval, including but not limited to any MACT emission limitation or MACT work practice standard, and any notification, operation and maintenance, performance testing, monitoring, reporting, and recordkeeping requirements.

(2) An owner or operator of a constructed or reconstructed major source which has obtained a MACT determination shall be deemed to be in compliance with section 112(g)(2)(B) of the Act only to the extent that the constructed or reconstructed major source is in compliance with all requirements set forth in the final Notice of MACT Approval. Any violation of such requirements by the owner or operator shall be deemed by the Department and by EPA to be a violation of the prohibition on construction or reconstruction in section 112(g)(2)(B) for whatever period the owner or operator is determined to be in violation of such requirements, and shall subject the owner or operator to appropriate enforcement action under the Act.

(m) Reporting to the Administrator. Within 60 days of the issuance of a final Notice of MACT Approval, the Department will provide a copy of such notice to the Administrator, and will provide a summary in a compatible electronic format for inclusion in the MACT data base.

Section 63.44 - Requirements for Constructed or Reconstructed Major Sources Subject to a Subsequently Promulgated MACT Standard or MACT Requirement.

(a) If the Administrator promulgates an emission standard under section 112(d) or section 112(h) of the Act or the Department issues a determination under section 112(j) of the Act that is applicable to a stationary source or group of sources which would be deemed to be a constructed or reconstructed major source under this subpart before the date that the owner or operator has obtained a final and legally effective MACT determination under any of the review options available pursuant to Regulation 61-62.63, Section 63.43, the owner or operator of the

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source(s) shall comply with the promulgated standard or determination rather than any MACT determination under section 112(g) by the Department, and the owner or operator shall comply with the promulgated standard by the compliance date in the promulgated standard.

(b) If the Administrator promulgates an emission standard under section 112(d) or section 112(h) of the Act or the Department makes a determination under section 112(j) of the Act that is applicable to a stationary source or group of sources which was deemed to be a constructed or reconstructed major source under this subpart and has been subject to a prior case-by-case MACT determination pursuant to Regulation 61-62.63, Section 63.43, and the owner or operator obtained a final and legally effective case-by-case MACT determination prior to the promulgation date of such emission standard, then the Department will (if the initial part 70 permit has not yet been issued) issue an initial operating permit which incorporates the emission standard or determination, or will (if the initial part 70 permit has been issued) revise the operating permit according to the reopening procedures in Regulation 61-62.70, or 40 CFR part 70 or part 71, whichever is relevant, to incorporate the emission standard or determination.

(1) The EPA may include in the emission standard established under section 112(d) or section 112(h) of the Act a specific compliance date for those sources which have obtained a final and legally effective MACT determination under this subpart and which have submitted the information required by Regulation 61-62.63, Section 63.43, to the Department before the close of the public comment period for the standard established under section 112(d) of the Act. Such date shall assure that the owner or operator shall comply with the promulgated standard as expeditiously as practicable, but not longer than eight years after such standard is promulgated. In that event, the Department shall incorporate the applicable compliance date in the part 70 operating permit.

(2) If no compliance date has been established in the promulgated 112(d) or 112(h) standard or section 112(j) determination, for those sources which have obtained a final and legally effective MACT determination under this subpart, then the Department shall establish a compliance date in the permit that assures that the owner or operator shall comply with the promulgated standard or determination as expeditiously as practicable, but not longer than eight years after such standard is promulgated or a section 112(j) determination is made.

(c) Notwithstanding the requirements of paragraphs (a) and (b) of this section, if the Administrator promulgates an emission standard under section 112(d) or section 112(h) of the Act or the Department issues a determination under section 112(j) of the Act that is applicable to a stationary source or group of sources which was deemed to be a constructed or reconstructed major source under this subpart and which is the subject of a prior case-by-case MACT determination pursuant to Regulation 61-62.63, Section 63.43 of this subpart, and the level of control required by the emission standard issued under section 112(d) or section 112(h) or the determination issued under section 112(j) of the Act is less stringent than the level of control required by any emission limitation or standard in the prior MACT determination, the Department is not required to incorporate any less stringent terms of the promulgated standard in the part 70 operating permit applicable to such source(s) and may in its discretion consider any more stringent provisions of the prior MACT determination to be applicable legal requirements when issuing or revising such an operating permit.

Note: Section 112 of the Clean Air Act as amended in 1990 requires the United States Environmental Protection Agency (USEPA) to issue emission standards for all major sources of the listed hazardous air pollutants. These rules are generally known as "maximum achievable control technology" (MACT) standards. On June 26, 1995 [60 FR 32913], the USEPA granted full approval to the State of South Carolina under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal rules as promulgated. These rules are incorporated by reference below and will be periodically revised as future Federal MACT standards are promulgated. The word "Administrator" as used in Subparts C through XXX shall mean the Department of Health and Environmental Control unless the context requires otherwise.

Subpart C - (Reserved)

Subpart D - (Reserved)

Subpart E - (Reserved)

Subpart F – “National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry”

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

40 CFR Part 63 subpart F	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19454]
Revision	Vol. 59	September 20, 1994	[59 FR 48176]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 59	October 28, 1994	[59 FR 54132]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18023]
Revision	Vol. 60	April 10, 1995	[60 FR 18028]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	June 20, 1996	[61 FR 31439]
Revision	Vol. 61	December 5, 1996	[61 FR 64574]
Revision	Vol. 62	January 17, 1997	[62 FR 2729]
Revision	Vol. 63	May 12, 1998	[63 FR 26081]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]

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

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

40 CFR Part 63 subpart G	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19468]
Revision	Vol. 59	June 6, 1994	[59 FR 29201]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	December 5, 1996	[61 FR 64575]
Revision	Vol. 62	January 17, 1997	[62 FR 2742]
Revision	Vol. 63	December 9, 1998	[63 FR 67792]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

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

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

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

Subpart I – “National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks”

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

40 CFR Part 63 subpart I	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19587]
Revision	Vol. 59	September 20, 1994	[59 FR 48178]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 59	October 28, 1994	[59 FR 54132]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18025]
Revision	Vol. 60	April 10, 1995	[60 FR 18030]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	June 20, 1996	[61 FR 31441]
Revision	Vol. 62	January 17, 1997	[62 FR 2792]

Subpart J – K - (Reserved)

Subpart L – “National Emission Standards for Coke Oven Batteries”

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

40 CFR Part 63 subpart L	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 58	October 27, 1993	[58 FR 57911]

40 CFR Part 63 subpart L	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 59	January 13, 1994	[59 FR 1992]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

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

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

40 CFR Part 63 subpart M	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 58	September 22, 1993	[58 FR 49376]
Revision	Vol. 58	December 20, 1993	[58 FR 66289]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	June 11, 1996	[61 FR 29485]
Revision	Vol. 61	September 19, 1996	[61 FR 49265]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]

Subpart N – “National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”

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

40 CFR Part 63 subpart N	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	May 24, 1995	[60 FR 27598]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 61	June 3, 1996	[61 FR 27787]
Revision	Vol. 62	January 30, 1997	[62 FR 4465]
Revision	Vol. 62	August 11, 1997	[62 FR 42920]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]

Subpart O – “Ethylene Oxide Emission Standards for Sterilization Facilities”

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

40 CFR Part 63 subpart O	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 62	December 9, 1997	[62 FR 64736]
Revision	Vol. 63	December 4, 1998	[63 FR 66994]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]

Subpart P - (Reserved)

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Subpart Q – “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers”

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

40 CFR Part 63 subpart Q	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	September 8, 1994	[59 FR 46350]
Revision	Vol. 63	July 23, 1998	[63 FR 39519]

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

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

40 CFR Part 63 subpart R	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	December 14, 1994	[59 FR 64318]
Revision	Vol. 60	February 8, 1995	[60 FR 7627]
Revision	Vol. 60	June 26, 1995	[60 FR 32913]
Revision	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	December 8, 1995	[60 FR 62992]
Revision	Vol. 61	February 29, 1996	[61 FR 7723]
Revision	Vol. 62	February 28, 1997	[62 FR 9092]

Subpart S – “National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry”

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

40 CFR Part 63 subpart S	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 63	April 15, 1998	[63 FR 18616]
Revision	Vol. 63	August 7, 1998	[63 FR 42239]
Revision	Vol. 63	September 16, 1998	[63 FR 49459]
Revision	Vol. 63	December 28, 1998	[63 FR 71389]
Revision	Vol. 64	April 12, 1999	[64 FR 17563]
Revision	Vol. 65	December 22, 2000	[65 FR 80755]

Subpart T – “National Emission Standards for Halogenated Solvent Cleaning”

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

40 CFR Part 63 subpart T	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29485]
Revision	Vol. 63	May 5, 1998	[63 FR 24751]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]

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

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

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

Subpart V - (Reserved)

Subpart W – “National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production”

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

40 CFR Part 63 subpart W	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	March 8, 1995	[60 FR 12676]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]

Subpart X – “National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting”

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

40 CFR Part 63 subpart X	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	June 23, 1995	[60 FR 32594]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	December 12, 1996	[61 FR 65336]

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40 CFR Part 63 subpart X	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 62	June 13, 1997	[62 FR 32216]
Revision	Vol. 63	August 24, 1998	[63 FR 45011]
Revision	Vol. 64	January 29, 1999	[64 FR 4572]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]

Subpart Y – “National Emission Standards for Marine Tank Vessel Loading Operations”

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

40 CFR Part 63 subpart Y	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	September 19, 1995	[60 FR 48399]

Subpart Z - (Reserved)

Subpart AA – “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

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

40 CFR Part 63 subpart AA	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]

Subpart BB – “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

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

40 CFR Part 63 subpart BB	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]

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

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

40 CFR Part 63 subpart CC	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]

40 CFR Part 63 subpart CC	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]

Subpart DD – “National Emission Standards for Hazardous Air Pollutants From Off-Site Waste and Recovery Operations”

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

40 CFR Part 63 subpart DD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34158]
Revision	Vol. 64	July 20, 1999	[64 FR 38963]

Subpart EE – “National Emission Standards for Magnetic Tape Manufacturing Operations”

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

40 CFR Part 63 subpart EE	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 59	December 15, 1994	[59 FR 64596]
Revision	Vol. 64	April 9, 1999	[64 FR 17464]

Subpart FF - (Reserved)

Subpart GG – “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

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

40 CFR Part 63 subpart GG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1996	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]

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

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

40 CFR Part 63 subpart HH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32628]

Subpart II – “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)”

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

40 CFR Part 63 subpart II	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 15, 1995	[60 FR 64336]
Revision	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Subpart JJ – “National Emission Standards for Wood Furniture Manufacturing Operations”

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

40 CFR Part 63 subpart JJ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 7, 1995	[60 FR 62936]
Revision	Vol. 62	June 3, 1997	[62 FR 30259]
Revision	Vol. 62	June 9, 1997	[62 FR 31363]
Revision	Vol. 63	December 28, 1998	[63 FR 71380]

Subpart KK – “National Emission Standards for the Printing and Publishing Industry”

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

40 CFR Part 63 subpart KK	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	May 30, 1996	[61 FR 27140]

Subpart LL – “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

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

40 CFR Part 63 subpart LL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]

Subpart MM – NN - (Reserved)

Subpart OO – “National Emission Standards for Tanks - Level 1”

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

40 CFR Part 63 subpart OO	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34184]
Revision	Vol. 64	July 20, 1999	[64 FR 38985]

Subpart PP – “National Emission Standards for Containers”

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

40 CFR Part 63 subpart PP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34186]
Revision	Vol. 64	July 20, 1999	[64 FR 38987]

Subpart QQ – “National Emission Standards for Surface Impoundments”

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

40 CFR Part 63 subpart QQ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34190]
Revision	Vol. 64	July 20, 1999	[64 FR 38988]

Subpart RR – “National Emission Standards for Individual Drain Systems”

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

40 CFR Part 63 subpart RR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34193]
Revision	Vol. 64	July 20, 1999	[64 FR 38989]

Subpart SS – “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

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

40 CFR Part 63 subpart SS	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]

Subpart TT – “National Emission Standards for Equipment Leaks - Control Level 1”

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

40 CFR Part 63 subpart TT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34886]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]

Subpart UU – “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

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

40 CFR Part 63 subpart UU	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34899]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]

Subpart VV – “National Emission Standards for Oil-Water Separators and Organic-Water Separators”

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

40 CFR Part 63 subpart VV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34195]
Revision	Vol. 64	July 20, 1999	[64 FR 38991]

Subpart WW – “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

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

40 CFR Part 63 subpart WW	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]

Subpart XX - (Reserved)

Subpart YY – “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

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

40 CFR Part 63 subpart YY	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]

Subpart ZZ – BBB - (Reserved)

Subpart CCC – “National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants”

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

40 CFR Part 63 subpart CCC	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 22, 1999	[64 FR 33218]

Subpart DDD – “National Emission Standards for Hazardous Air Pollutants for Mineral Wood Production”

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

40 CFR Part 63 subpart DDD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29503]

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

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

40 CFR Part 63 subpart EEE	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]

Subpart FFF - (Reserved)

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

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

40 CFR Part 63 subpart GGG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]

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

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

40 CFR Part 63 subpart HHH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32647]

Subpart III – “National Emission Standards for Hazardous Air Pollutants From Flexible Polyurethane Foam Production”

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

40 CFR Part 63 subpart III	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 63	October 7, 1998	[63 FR 53996]

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

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

40 CFR Part 63 subpart JJJ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]

40 CFR Part 63 subpart JJJ	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]

Subpart KKK - (Reserved)

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

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

40 CFR Part 63 subpart LLL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]

Subpart MMM – “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

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

40 CFR Part 63 subpart MMM	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]

Subpart NNN – “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”

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

40 CFR Part 63 subpart NNN	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31708]

Subpart OOO – “National Emission Standards for Hazardous Air Pollutants: Manufacture Of Amino/Phenolic Resins”

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

40 CFR Part 63 subpart OOO	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 65	January 20, 2000	[65 FR 3276]
Revision	Vol. 65	February 22, 2000	[65 FR 8768]

Subpart PPP – “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”

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

40 CFR Part 63 subpart PPP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29439]
Revision	Vol. 64	June 14, 1999	[64 FR 31895]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]

Subpart QQQ - (Reserved)

Subpart RRR – “National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production”

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

40 CFR Part 63 subpart RRR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]

Subpart SSS - (Reserved)

Subpart TTT – “National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting”

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

40 CFR Part 63 subpart TTT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	June 4, 1999	[64 FR 30204]

Subpart UUU - (Reserved)

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

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

40 CFR Part 63 subpart VVV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]

Subpart WWW - (Reserved)

Subpart XXX – “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”

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

40 CFR Part 63 subpart XXX	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 64	May 20, 1999	[64 FR 27458]

61-62.68, Chemical Accident Prevention Provisions

Section 68.3, First paragraph, has been revised to change reference as follows:

Terms used in this part that are not defined below or in Regulation 61-62.1. Section I, have the meaning given to them in the Clean Air Act and in 40 CFR Part 68, subpart A.

Section 68.3, Definitions, has been revised to add a definition of “retail facility” as follows:

Retail facility means a stationary source at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program.

Section 68.58(a) shall be revised as follows:

The owner or operator shall certify that he or she has evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.

Section 68.79(a) shall be revised as follows:

The owner or operator shall certify that he or she has evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practices developed under the rule are adequate and are being followed.

Section 68.126, Exclusion, has been added to contain the following language:

Flammable substances used as fuel or held for sale as fuel at retail facilities. A flammable substance listed in Tables 3 and 4 of §68.130 is nevertheless excluded from all provisions of this part when the substance is used as a fuel or held for sale as a fuel at a retail facility.

Section 68.130, List of Substances, Tables 3 and 4 now contain footnotes that remind the reader of the exclusion for regulated flammable substances. The footnote reads as follows:

A flammable substance when used as a fuel or held for sale as a fuel at a retail facility is excluded from all provisions of this part (see §68.126).

61-62.70, Title V Operating Permit Program

Section 70.2, Definitions, for “Non-major source” has been revised to add a quotation mark as follows:

s. “Non-major source” means a source that is not major under this Part.

Section 70.5(a)(2)(iv)(A)(2) has been revised as follows:

(2) are subject to applicable requirements that are not addressed in the existing permit; or

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Section 70.7(e)(6)(v) has been revised as follows:

(v) No permittee shall make, without a permit revision, a change that is not addressed or prohibited by the facility's Part 70 permit, if such a change is subject to any requirements under Title V of the Act or is a modification under any provision of Title I of the Act.

Section 70.9 (b)(2)(v)(B) has been revised as follows:

(B) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

Section 70.7(f)(1)(i) has been revised as follows:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to § 70.7(c)(1)(ii).

Section 70.9(b)(2)(ii)(A) has been revised to add the section symbol before the referenced section as follows:

(A) The actual emissions of sources for which no fee is required under § 70.9(b)(4);

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards.

Purpose: These amendments and corrections maintain conformity with federal requirements and ensure compliance with federal standards.

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

Plan for Implementation: The amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the State Register.

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

The United States Environmental Protection Agency (EPA) promulgated several amendments to 40 CFR Parts 60, 63, and 68 during the past few years. Recent amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and Chemical Accident Prevention. These rules and other amendments were published prior to January 1, 2001. Pursuant to SC Code Section 48-1-10 et seq., the South Carolina Department of Health and Environmental Control (Department) has amended Regulation 61-62, Air Pollution Control Regulations and Standards, to incorporate these amendments. The Department has also made corrections and clarifications to the existing regulations to improve ease of use of the regulations by the regulated community. In addition, the Department has amended 61-62.5, Standard 7, Prevention of Significant Deterioration, and the South

Carolina State Implementation Plan (SIP), to maintain conformity with Federal requirements and ensure compliance with Federal standards.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions nor will the amendments result in any increased cost to the regulated community. The standards are already effective and applicable to the regulated community as a matter of Federal law. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the Federal Register notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, will provide continued protection of the environment and public health by adopting the recent changes in Federal law.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE 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 are not adopted in South Carolina.

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Document No. 2638

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Chapter 61

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

R.61-79. Hazardous Waste Management Regulations

Synopsis:

The Department has amended R.61-79 to reflect federal amendments through June 30, 2000. The amendments address: technical amendments to Land Disposal Restrictions Phase IV (corrections which became effective October 20, 1999); a new rule which allows certain generators of F006 sludges to accumulate up to 180 days without a permit if the sludge is recycled; the vacating of previous listings for organobromine production wastes; and other minor amendments. This amendment does not include Final National Emissions Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, sometimes called NESHAPS or MACT (for Maximum Achievable Control Technologies), which was part of the Notice of Proposed Regulation. On July 24th a federal appeals court vacated the rule and ordered EPA to rewrite it. We have received legal advice that, if the rule were promulgated, South Carolina regulation would be more stringent than federal standards. In such a case, review by the General Assembly would be required for the rule to become final. Furthermore, the Department's Bureau of Air Quality, which is the lead in this activity, regards the rule as vacated. Therefore amendments proposed to be added at 264.340, 265.340, and 266.100 and related cross-referenced sections are not included in this final amendment. In addition, minor typographical errors have been corrected to achieve conformity with federal regulations. These amendments appeared at 64 FR 52828-53077 and 64 FR 63209-63213, September 30 and November 19, 1999; 64 FR 56469-56472, October 20, 1999; 65 FR 12378-12398, March 8, 2000; 65 FR 14472-14475, March 17, 2000; FR 30886-30913, May 15, 2000; 65 FR 32214-32237, May 22, 2000; 65 FR 36365-36367, June 8, 2000.

Discussion of Revisions:

SECTION	CHANGE (all for federal compliance)
124.5(d)	Add clarification
260.10	Add two new definitions in alphabetical order
261.6(a)(3)(ii), (iii), &(iv)	Replace (ii), (iii), (iv)
261.6(c)(2)(i)	Replace; cite State authority before federal authority
261.11(b)	Add federal authority
261.22(a)(1)	Add SW-846 citation
261.31(a)	Replace entry for F037
261.31(b)(2)(ii)	Replace verb "treated" with "generated"
261.32 Table 1	Remove six listings: K140, K064, K065, K066, K090, K091
261.33(f)	Remove five listings: U408 "2,4,6 tribromophenol" and four carbamates
261.38	Replace Table I
261.38(c)(3)(i)	Replace paragraph
261 Appendix VII	Remove listing for K140
261 Appendix VIII	Remove listing for tribromophenol
262.34(a)(4)	Edit citation for 268
262.34	Add (g), (h) and (i) for F006 listings
262.41(b)	Replace paragraph regarding waste exports
264.112(c)(3)	Replace paragraph
264.113(e)	Replace to add federal authorities
264.573(b)	Replace paragraph
264.1033(a)(2)(i)	Remove obsolete requirement

265.118(e)(2)	Add federal authority
265.143 (b)(2), (f), & (g)	Replace
265.1080(b)(5)	Replace paragraph
265.1080(c)	Replace paragraph
265.1084(b)(3)(iii)	Replace paragraph
265.1084(b)(3)(iv)	Edit definition of "n" after equation
265.1090(a)	Replace (a)
266.43(b)(1) & (5)(i)(B)	Replace paragraph
266.100(b) through (f) and (h)	Add and reserve (b); move previous (b) and (c) to (c) and (d); amend new (d)(1) and (d)(3); move previous (d) and (e) to (e) and (f); add new (h)
266.101(c)&(1)	Edit both (c) and (1)
266.102(e)(6)(i)(B)	Enumerate the second paragraph of 102(e)(6)(i)(B) as "(2)"; redesignate (e)(6)(iii) as (ii)
266.105(c)&(d)	Add new (c), move previous (c) to (d)
266.112(b)(1)	Add language regarding PCBs
266.112(b)(2)(i)	Replace
266 Appendix VIII	Replace title; replace methyl ethyl ketone listing; add two notes
268.7(a)(1)	Edit to add cross reference
268.7(a)(3)(iii)	Add (iii) to facilitate LDR amendment
268.33	Remove text and reserve
268.40 Table	Amend K088 listing and remove K140 and U408 from Table; Add clarification note after Table
268.40(j)	Insert new 268.40(j)
268.48(a) Table	Delete 2, 4, 6 Tribromophenol
268.49(c)(1)(A) & (B)	Replace, adding language facilitating LDR amendment
270.27(a)(5)&(7)	Replace both paragraphs to clarify requirements (no changes in (6))
270.40 Appendix I	Insert A. 8. and replace L. 9

Instructions: Amend R.61-79 with each amendment provided with the text as follows:

Text of Amendment:

The following sections are added, deleted, or revised. All other sections remain.

R.61-79, Hazardous Waste Management

Replace 124.5(d) If the Department tentatively decides to terminate a permit under 270.43 other than at the request of the permittee, it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under 124.6.

Add two definitions at 260.10 in alphabetical order

Dioxins and furans (D/F) means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

TEQ means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

Replace 261.6(a)(3)(ii), (iii), and (iv)

261.6 Requirements for recyclable materials

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(a)(3) The following recyclable materials are not subject to regulation under 262 through 266, or 268, 270 or 124 and are not subject to the notification requirements of section 3010 RCRA and the notification requirements of the South Carolina Hazardous Waste Management Act (11/90; 12/92):

(ii) Scrap metal that is not excluded under 261.4(a)(13)

(iii) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery (2/92, 8/00)

(iv) Fuels produced from the refining of oil-bearing hazardous waste along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under 261.4(a)(12);

Replace 261.6(c)(2)(i); cite State authority before federal authority

261.6(c)(2)(i) Notification requirements under SCHWMA 44-56-120, and section 264.5 or section 265.5 and section 3010 of RCRA;

Replace 261.11(b); add federal authority

261.11 Criteria for listing hazardous waste.

(b) The Department list classes or types of solid waste as hazardous waste if there is reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste in Section 261.3 and found in section 1004(5) of RCRA.

Replace 261.22(a)(1) add SW-846 citation

261.22 Characteristic of corrosivity.

(a) (1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 260.11. (12/93)

261.31(a)/table replace entry for F037

F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to: those generated in oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under 261.4(a)(12)(i), if those residuals are to be disposed of. (8/00)	(T)
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261.31(b)(2)(ii) Replace verb "treated" with "generated"

261.31(b)(2)(ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other onsite records, documents and data sufficient to prove that:

- (A) the unit is an aggressive biological treatment unit as defined in this subsection; and
- (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

Table 261.32 remove six listings

Table 261.32: Remove listings for primary copper K064, primary lead K065, primary zinc K066, Ferroalloys K090, K091, and organic chemical K140

261.33(f) remove five listings

Subpart D Lists of Toxic Hazardous Wastes Section 261.33(f): Remove U408 and four carbamates: U391, U392, U386, U390

Replace 261.38 Table 1

Table 1 to 261.38.-- Detection and Detection Limit Values for Comparable Fuel Specification

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen as N.....	NA	9000	18400	4900	.....
Total Halogens as Cl.....	NA	1000	18400	540	.....
Total Organic Halogens as Cl....	NA	.....	.....	(¹)	.....
Polychlorinated biphenyls, total [Arocolors, total].....	1336-36-3	ND	.....	ND	1.4
Cyanide, total.....	57-12-5	ND	.....	ND	1.0
Metals:					
Antimony, total.....	7440-36-0	ND	.....	12	.....
Arsenic, total.....	7440-38-2	ND	.....	0.23	.....
Barium, total.....	7440-39-3	ND	.....	23	.....
Beryllium, total.....	7440-41-7	ND	.....	1.2	.....
Cadmium, total.....	7440-43-9	.....	ND	.....	1.2
Chromium, total.....	7440-47-3	ND	.....	2.3	.....
Cobalt.....	7440-48-4	ND	.....	4.6	.....
Lead, total.....	7439-92-1	57	18100	31	.....
Manganese.....	7439-96-5	ND	.....	1.2	.....
Mercury, total.....	7439-97-6	ND	.....	0.25	.....
Nickel, total.....	7440-02-0	106	18400	58	.....
Selenium, total.....	7782-49-2	ND	.....	0.23	.....
Silver, total.....	7440-22-4	ND	.....	2.3	.....
Thallium, total.....	7440-28-0	ND	.....	23	.....

Hydrocarbons:					
Benzo[a]anthracene	56-55-3	ND		2400	
Benzene	71-43-2	8000	19600	4100	
	205-99-2	ND		2400	
Benzo[b]fluoranthene					
	207-08-9	ND		2400	
Benzo[k]fluoranthene					
Benzo[a]pyrene	50-32-8	ND		2400	
Chrysene	218-01-9	ND		2400	
Dibenzo[a,h]anthracene	53-70-3	ND		2400	
7,12-Dimethylbenz[a]anthracene	57-97-6	ND		2400	
Fluoranthene	206-44-0	ND		2400	
Indeno(1,2,3-cd)pyrene	193-39-5	ND		2400	
Methylcholanthrene	56-49-5	ND		2400	
Naphthalene	91-20-3	6200	19400	3200	
Toluene	108-88-3	69000	19400	36000	
Oxygenates:					
Acetophenone	98-86-2	ND		2400	
Acrolein	107-02-8	ND		39	
Allyl alcohol	107-18-6	ND		30	
Bis(2-ethylhexyl)phthalate	117-81-7	ND		2400	
[Di-2-ethylhexyl phthalate]					
Butyl benzyl phthalate	85-68-7	ND		2400	
o-Cresol	95-48-7	ND		2400	
[2-Methyl phenol]					
m-Cresol	108-39-4	ND		2400	
[3-Methyl					

phenol].....					
p-Cresol	106-44-5	ND	.....	2400	.....
[4-Methyl phenol].....					
Di-n-butyl phthalate.....	84-74-2	ND	.....	2400	.....
Diethyl phthalate.....	84-66-2	ND	.....	2400	.....
2,4-Dimethylphenol	105-67-9	ND	.....	2400	.....
.....					
Dimethyl phthalate.....	131-11-3	ND	.....	2400	.....
Di-n-octyl phthalate.....	117-84-0	ND	.....	2400	.....
Endothall.....	145-73-3	ND	.....	100	
Ethyl methacrylate.....	97-63-2	ND	.....	39	.....
2-Ethoxyethanol [Ethylene glycol monoethyl ether].....	110-80-5	ND	.....	100	.....
Isobutyl alcohol.....	78-83-1	ND	.....	39	.....
Isosafrole.....	120-58-1	ND	.....	2400	.....
Methyl ethyl ketone [2-Butanone].....	78-93-3	ND	.....	39	
Methyl methacrylate.....	80-62-6	ND	.....	39	.....
1,4-Naphthoquinone.....	130-15-4	ND	.....	2400	.....
Phenol.....	108-95-2	ND	.....	2400	.....
Propargyl alcohol [2-Propyn-1-ol].....	107-19-7	ND	.....	30	
Safrole.....	94-59-7	ND	.....	2400	.....
Sulfonated Organics:					
Carbon disulfide.....	75-15-0	ND	.....	ND	39
Disulfoton.....	298-04-4	ND	.....	ND	2400
Ethyl methanesulfonate	62-50-0	ND	.....	ND	2400
.....					
Methyl meth-	66-27-3	ND	.....	ND	2400

anesulfonate					
Phorate.....	298-02-2	ND		ND	2400
1,3-Propane sultone.....	1120-71-4	ND		ND	100
Te-	3689-24-5	ND		ND	2400
traethyldithiopyrophosphate					
[Sulfotepp]....					
Thiophenol	108-98-5	ND		ND	30
[Benzenethiol]					
O,O,O-Triethyl phos- phorothioate	126-68-1	ND		ND	2400
Nitrogenated Organics:					
Acetonitrile	75-05-8	ND		ND	39
[Methyl cyanide].....					
2-Acetylamino- fluorene	53-96-3	ND		ND	2400
[2-AAF].....					
Acrylonitrile	107-13-1	ND		ND	39
4-Aminobiphenyl	92-67-1	ND		ND	2400
4-Aminopyridine	504-24-5	ND		ND	100
Aniline.....	62-53-3	ND		ND	2400
Benzidine.....	92-87-5	ND		ND	2400
Dibenz[a, j]acridine.....	224-42-0	ND		ND	2400
O,O-Diethyl O- pyrazinyl phosphorothioate	297-97-2	ND		ND	2400
[Thion- azin].....					
Dimethoate.....	60-51-5	ND		ND	2400
p-(Dimethyl- amino)azobenzene [4-Dimethyl- aminoazobenzene]	60-11-7	ND		ND	2400
3,3'- Dimethylbenzidine	119-93-7	ND		ND	2400

a , a -	122-09-8	ND		ND	2400
Dimethylphenethylamine					
.....					
3,3'-	119-90-4	ND		ND	100
Dimethoxybenzidine					
.....					
1,3-Dini-	99-65-0	ND		ND	2400
trobenzene					
[m-Dini-					
trobenzene]_....					
4,6-Dini-	534-52-1	ND		ND	2400
tro-o-					
cresol.....					
2,4-Dini-	51-28-5	ND		ND	2400
trophenol.....					
2,4-Dini-	121-14-2	ND		ND	2400
trotoluene_....					
2,6-Dini-	606-20-2	ND		ND	2400
trotoluene_....					
Dinoseb_[2-sec-	88-85-7	ND		ND	2400
Butyl-4,6					
-dinitro-					
phenol].....					
Diphen-	122-39-4	ND		ND	2400
ylamine.....					
Ethyl_carba-	51-79-6	ND		ND	100
mate_[Ure-					
thane].....					
Ethyl-	96-45-7	ND		ND	110
enethiourea_(2-					
Imidazolidinethione)					
.....					
Famphur_.....	52-85-7	ND		ND	2400
	126-98-7	ND		ND	39
Methacrylonitrile					
.....					
Methapyrilene	91-80-5	ND		ND	2400
.....					
Methomyl.....	16752-77-5	ND		ND	57
2-Methyl-	75-86-5	ND		ND	100
lactonitrile,					
[Acetone_cyano-					
hydrin].....					
Methyl_parathi-	298-00-0	ND		ND	2400
on.....					
MNNG_(N-Metyl	70-25-7	ND		ND	110
-N-nitroso-					
N'-nitro-					

guanidine).....					
1-Naphthylamine, [a-Naphthylamine].....	134-32-7	ND	.....	ND	2400
2-Naphthylamine, [b-Naphthylamine].....	91-59-8	ND	.....	ND	2400
Nicotine.....	54-11-5	ND	.....	ND	100
4-Nitroaniline, [p-Nitroaniline]....	100-01-6	ND	.....	ND	2400
Nitrobenzene.....	98-95-3	ND	.....	ND	2400
p-Nitrophenol, [p-Nitrophenol].....	100-02-7	ND	.....	ND	2400
5-Nitro-o-toluidine.....	99-55-8	ND	.....	ND	2400
N-Nitrosodibutylamine.....	924-16-3	ND	.....	ND	2400
N-Nitrosodiethylamine.....	55-18-5	ND	.....	ND	2400
N-Nitrosodiphenylamine, [Diphenylnitrosamine].....	86-30-6	ND	.....	ND	2400
N-Nitroso-N-methylethylamine.....	10595-95-6	ND	.....	ND	2400
N-Nitrosomorpholine.....	59-89-2	ND	.....	ND	2400
N-Nitrosopiperidine.....	100-75-4	ND	.....	ND	2400
N-Nitrosopyrrolidine.....	930-55-2	ND	.....	ND	2400
2-Nitropropane.....	79-46-9	ND	.....	ND	30
Parathion.....	56-38-2	ND	.....	ND	2400
Phenacetin.....	62-44-2	ND	.....	ND	2400

1,4-Phenylene diamine, [p-Phen- ylenediamine]	106-50-3	ND	.....	ND	2400
N- Phenylthiourea	103-85-5	ND	.....	ND	57
2-Picoline_[al- pha-Pic- oline].....	109-06-8	ND	.....	ND	2400
Propylthioracil, [6-Propyl-2- thioura- cil].....	51-52-5	ND	.....	ND	100
Pyridine.....	110-86-1	ND	.....	ND	2400
Strychnine.....	57-24-9	ND	.....	ND	100
Thioacetamide	62-55-5	ND	.....	ND	57
Thiofanox.....	39196-18-4	ND	.....	ND	100
Thiourea.....	62-56-6	ND	.....	ND	57
Toluene- 2,4-diamine [2,4-Diami- notoluene].....	95-80-7	ND	.....	ND	57
Toluene- 2,6-diamine [2,6-Diami- notoluene].....	823-40-5	ND	.....	ND	57
o-Tolu- idine.....	95-53-4	ND	.....	ND	2400
p-Tolu- idine.....	106-49-0	ND	.....	ND	100
1,3,5-Trini- trobenezene, [sym-Trin- itobenezene]....	99-35-4	ND	.....	ND	2400
Halogenated_Organic:					
Allyl chloride.....	107-05-1	ND	.....	ND	39
Aramite.....	140-57-8	ND	.....	ND	2400
Benzal_chloride [Dichloromethyl benzene].....	98-87-3	ND	.....	ND	100
Benzyl chloride.....	100-44-77	ND	.....	ND	100
bis(2-	111-44-4	ND	.....	ND	2400

Chloroethyl)ether					
[Dichoroethyl					
ether].....					
Bromoform	75-25-2	ND	.....	ND	39
[Tribromomethane]					
.....					
Bromomethane	74-83-9	ND	.....	ND	39
[Methyl					
bromide].....					
4-Bromophenyl	101-55-3	ND	.....	ND	2400
phenyl_ether					
[p-Bromo					
diphenyl					
ether].....					
Carbon_tetra-	56-23-5	ND	.....	ND	39
chloride.....					
Chlordane.....	57-74-9	ND	.....	ND	14
p-	106-47-8	ND	.....	ND	2400
Chloroaniline					
.....					
Chlorobenzene	108-90-7	ND	.....	ND	39
.....					
Chlorobenzilate	510-15-6	ND	.....	ND	2400
.....					
p-Chloro	59-50-7	ND	.....	ND	2400
-m-cresol.....					
2-Chloroethyl	110-75-8	ND	.....	ND	39
vinyl_ether....					
Chloroform.....	67-66-3	ND	.....	ND	39
Chloromethane	74-87-3	ND	.....	ND	39
[Methyl					
chloride].....					
2-	91-58-7	ND	.....	ND	2400
Chloronaphthalene					
[beta-					
Chloronaphthalene]					
.....					
2-Chlo-	95-57-8	ND	.....	ND	2400
rophenol					
[o-Chlorophe-					
nol].....					
Chloroprene_[2	1126-99-8	ND	.....	ND	39
-Chloro-					
1,3-buta-					
diene].....					
2,4-D_[2,4-	94-75-7	ND	.....	ND	7.0
Dichlorophenoxyacetic					
acid].....					

Diallate.....	2303-16-4	ND	.....	ND	2400
1,2-Dibromo_3- chloropropane	96-12-8	ND	.....	ND	39
.....					
1,2- Dichlorobenzene	95-50-1	ND	.....	ND	2400
[o- Dichlorobenzene]					
.....					
1,3- Dichlorobenzene	541-73-1	ND	.....	ND	2400
[m- Dichlorobenzene]					
.....					
1,4- Dichlorobenzene	106-46-7	ND	.....	ND	2400
[p- Dichlorobenzene]					
.....					
3,3'- Dichlorobenzidine	91-94-1	ND	.....	ND	2400
.....					
Dichlorodifluoromethane [CFC-12].....	75-71-8	ND	.....	ND	39
1,2-Di- chloroethane [Ethylene_di- chloride].....	107-06-2	ND	.....	ND	39
1,1- Dichloroethylene [Vinylidene chloride].....	75-35-4	ND	.....	ND	39
Dichloromethoxy ethane [Bis(2- chloroethoxy)methane	111-91-1	ND	.....	ND	2400
.....					
2,4- Dichlorophenol	120-83-2	ND	.....	ND	2400
.....					
2,6- Dichlorophenol	87-65-0	ND	.....	ND	2400
.....					
1,2- Dichloropropane [Propylene_di- chloride].....	78-87-5	ND	.....	ND	39
cis-1,3-	10061-01-5	ND	.....	ND	39

Dichloropropylene					
.....					
trans-1,3-	10061-02-6	ND	.....	ND	39
Dichloropropylene					
.....					
1,3-Di-	96-23-1	ND	.....	ND	30
chloro-2-					
propanol.....					
Endosulfan I...	959-98-8	ND	.....	ND	1.4
Endosulfan	33213-65-9	ND	.....	ND	1.4
II.....					
Endrin.....	72-20-8	ND	.....	ND	1.4
Endrin alde-	7421-93-4	ND	.....	ND	1.4
hyde.....					
Endrin Ketone..	53494-70-5	ND	.....	ND	1.4
Epichlo-	106-89-8	ND	.....	ND	30
rohydrin					
[1-Chlo-					
ro-2,3-epoxy					
propane].....					
Ethylidene	75-34-3	ND	.....	ND	39
dichloride [1,1					
-Dichlo-					
roethane].....					
2-	640-19-7	ND	.....	ND	100
Fluoroacetamide					
.....					
Heptachlor.....	76-44-8	ND	.....	ND	1.4
Heptachlor ep-	1024-57-3	ND	.....	ND	2.8
oxide.....					
Hex-	118-74-1	ND	.....	ND	2400
achlorobenzene					
.....					
Hexachloro-1,	87-68-3	ND	.....	ND	2400
3-butadiene					
[Hexa-					
chlorobutadiene]					
.....					
Hexachloro-	77-47-4	ND	.....	ND	2400
cyclopentadiene					
.....					
Hexa-	67-72-1	ND	.....	ND	2400
chloroethane					
.....					
Hexa-	70-30-4	ND	.....	ND	59000
chlorophene....					
Hex-	1888-71-7	ND	.....	ND	2400
achloropropene					

[Hex-achloropropylene]					
.....					
Isodrin.....	465-73-6	ND	.....	ND	2400
Kepone	143-50-0	ND	.....	ND	4700
[Chlordecone]					
.....					
Lindane [gamma-BHC] [gamma-Hexachlorocyclohexane].....	58-89-9	ND	.....	ND	1.4
Methylene chloride [Dichloromethane].....	75-09-2	ND	.....	ND	39
4,4'-Methylene-bis(2-chloroaniline)	101-14-4	ND	.....	ND	100
.....					
Methyl iodide [Iodomethane]	74-88-4	ND	.....	ND	39
.....					
Pentachlorobenzene	608-93-5	ND	.....	ND	2400
.....					
Pentachloroethane	76-01-7	ND	.....	ND	39
.....					
Pentachloronitrobenzene [PCNB]	82-68-8	ND	.....	ND	2400
[Quintobenzene]					
[Quintozene]					
.....					
Pentachlorophenol	87-86-5	ND	.....	ND	2400
.....					
Pronamide.....	23950-58-5	ND	.....	ND	2400
Silvex [2,4,5-Trichlorophenoxypropionic acid].....	93-72-1	ND	.....	ND	7.0
2,3,7,8-Te-trachlorodibenzo-p-dioxin [2,3,7,8-TCDD].....	1746-01-6	ND	.....	ND	30
1,2,4,5-Te-	95-94-3	ND	.....	ND	2400

trachlorobenzene					
.....					
1,1,2,2-Tetra- chloroethane	79-34-5	ND	.....	ND	39
.....					
Te- trachloroethylene	127-18-4	ND	.....	ND	39
[Per- chloroethylene]					
2,3,4,6-Tetra- chloro- phenol.....	58-90-2	ND	.....	ND	2400
1,2,4- Trichlorobenzene	120-82-1	ND	.....	ND	2400
.....					
1,1,1- Trichloroethane	71-55-6	ND	.....	ND	39
[Methyl_chloro- form].....					
1,1,2- Trichloroethane	79-00-5	ND	.....	ND	39
[Vinyl_tri- chloride].....					
Trichlo- roethylene.....	79-01-6	ND	.....	ND	39
.....	75-69-4	ND	.....	ND	39
Trichlorofluoromethane [Trichlormonofluoromethane]					
.....					
2,4,5- Trichlorophenol	95-95-4	ND	.....	ND	2400
.....					
2,4,6- Trichlorophenol	88-06-2	ND	.....	ND	2400
.....					
1,2,3- Trichloropropane	96-18-4	ND	.....	ND	39
.....					
Vinyl_Chloride	75-01-4	ND	.....	ND	39
.....					

Notes:

NA - Not Applicable.

ND - Nondetect.

(1) 25 or individual halogenated organics listed below.

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Replace 261.38(c)(3)(i)

261.38(c)(3)(i) As generated and prior to any blending, manipulation, or processing meet the constituent and heating value specifications of paragraphs (a)(1)(i) and (a)(2);

261 Appendix VII -Remove listing

261 Appendix VII Remove listing for K140

261 Appendix VIII - remove listing

261 Appendix VIII - Remove listing for tribromophenol

Replace 262.34(a)(4) citation for 268

262.34(a)(4) The generator complies with the requirements for owners or operators in subparts C and D in R.61-79.265, with 265.15(d) and 265.16, and with 268.7(a)(5).

Add (g) (h) and (i) to 262.34

262.34 Accumulation time

(g) A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without a permit or without having interim status provided that:

(1) The generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(2) The F006 waste is legitimately recycled through metals recovery;

(3) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and

(4) The F006 waste is managed in accordance with the following:

(i) The F006 waste is placed:

(A) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of part 265; and/or

(B) In tanks and the generator complies with the applicable requirements of subparts J, AA, BB, and CC of part 265, except 265.197(c) and 265.200; and/or 262.34(g)(4)(i)(C)

(C) In containment buildings and the generator complies with subpart DD of part 265, and has placed its professional engineer certification that the building complies with the design standards specified in 265.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

(1) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or

(2) Documentation that the unit is emptied at least once every 180 days.

(ii) In addition, such a generator is exempt from all the requirements in subparts G and H of part 265, except for 265.111 and 265.114.

(iii) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(iv) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste;" and

(v) The generator complies with the requirements for owners or operators in subparts C and D in part 265, with 265.16, and with 268.7(a)(5).

(h) [Reserved]

(i) A generator accumulating F006 in accordance with paragraphs (g) and (h) of this section who accumulates F006 waste on-site for more than 180 days, or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of parts 264 and 265 and the permit requirements of part 270 unless the generator has been granted an extension to the 180-day period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted if F006 waste must remain on-site for longer than 180 days or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Bureau on a case-by-case basis.

Replace 262.41(b)

262.41 (b) Any generator must submit the information required by paragraph (a) on a form designated by the Department and according to the instructions included with such form. Reporting for exports of hazardous waste is not required on the Report form. A separate annual report requirement is set forth at 262.56.

Replace 264.112(c)(3)

264.112(c)(3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under 264.228(c)(1)(i) or 264.258(c)(1)(i), must submit an amended closure plan to the Department no later than 60 days from the date that the owner or operator or Department determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of 264.310, or no later than 30 days from that date if the determination is made during partial or final closure. The Department will approve, disapprove, or modify this amended plan in accordance with the procedures in R.61-79.124 and R.61-79.270. In accordance with R.61-79.270.32, the approved closure plan will become a condition of permit issued under these regulations.

Replace 264.113(e)

264.113(e) In addition to the requirements in paragraph (d) of this section, an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004(o)(1) and 3005(j)(1) or 42 U.S.C. 3004(o)(2) or (3) or 3005(j)(2), (3), (4) or (13) and the SC Pollution Control Act 48-1-50 must: (11/90; 12/92; 12/93)

Replace 264.573(b)

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264.573(b) If an owner/operator elects to comply with 264.572(b) instead of 264.572(a), the drip pad must have:

Replace 264.1033(a)(2)(i)

264.1033(a)(2)(i) The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this subpart on the effective date that the facility becomes subject to the provisions of this subpart must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup.

Replace 265.118(e)(2)

265.118(e)(2) Issuance of a judicial decree or final orders under 3008 of RCRA to cease receiving wastes or close.

Replace 265.143(b)(2), (f)&(g)

265.143 Financial assurance for closure.

(b) Surety bond guaranteeing payment into a closure trust fund.

(2) The wording of the surety bond must be identical to the wording specified in section 264.151(b).

(f) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per facility. These mechanisms are limited to surety bonds, letters of credit, and insurance. The mechanisms must be as specified in paragraphs (a) through (d), respectively, of this section, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current closure cost estimate. A single standby trust fund may be established for two or more mechanisms. The Department may use any or all of the mechanisms to provide for closure of the facility.

(g) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one facility. Evidence of financial assurance submitted to the Department must include a list showing, for each facility, the EPA Identification Number, name, address, and the amount of funds for closure assured by the mechanism. If the facilities covered by the mechanism are in more than one State, evidence of financial assurance must be submitted to the Department clarifying how the coverage applies to each of the facilities and identical evidence of financial assurance must be submitted to and maintained with the Department and Regional Administrators of all such Regions. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Department may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

Replace 265.1080(b)(5)

265.1080 Applicability.

(b) The requirements of this subpart do not apply to the following waste management units at the facility:

(5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h), CERCLA authorities, or similar Federal or State authorities.

Replace 265.1080(c)

(c) For the owner and operator of a facility subject to this subpart who has received a final permit under RCRA section 3005 prior to December 6, 1996, the following requirements apply:

Replace 265.1084(b)(3)(iii)

265.1084(b)(3)(iii) Analysis. Each collected sample shall be prepared and analyzed in accordance with one or more of the methods listed in paragraphs (b)(3)(iii)(A) through (b)(3)(iii)(I) of this section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system to determine if the conditions of 264.1082(c)(2)(i) through (c)(2)(vi) or 265.1083(c)(2)(i) through (c)(2)(vi) are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³] at 25 degrees Celsius. Each of the analytical methods listed in paragraphs (b)(3)(iii)(B) through (b)(3)(iii)(G) of this section has an associated list of approved chemical compounds, for which EPA considers the method appropriate for measurement. If an owner or operator uses EPA Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses EPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, (incorporated by reference - refer to 260.11(a) of this chapter) to analyze one or more compounds that are not on that method's published list, the procedures in paragraph (b)(3)(iii)(H) of this section must be followed. At the owner or operator's discretion, the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}). If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant equal to or greater than 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

Replace 265.1084(b)(3)(iv) definition "n"

265.1084(b)(3)(iv) Calculations. The average VO concentration (C) on a mass-weighted basis shall be calculated by using the results for all waste determinations conducted in accordance with paragraphs (b)(3)(ii) and (iii) of this section and the following equation:

where: ...

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n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed 1 year). (11/99)

Replace 265.1090(a)

265.1090(a) Each owner or operator of a facility subject to requirements in this subpart shall record and maintain the information specified in paragraphs (b) through (j) of this section, as applicable to the facility. Except for air emission control equipment design documentation and information required by paragraphs (i) and (j) of this section, records required by this section shall be maintained in the operating record for a minimum of 3 years. Air emission control equipment design documentation shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service. Information required by paragraphs (i) and (j) of this section shall be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in 265.1085 through 265.1088 of this subpart in accordance with the conditions specified in 265.1080(d) or 265.1080(b)(7), respectively.

Replace 266.43(b)(1) & (5)(i)(B)

266.43 (b) Marketers are subject to the following requirements:

(1) Analysis of used oil fuel. Used oil fuel is subject to regulation under this subpart unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Section 266.40(e).

(5) Required notices.

(i) (B) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in section 266.41(b); and

Replace 266.100 (b) through (h)

266.100(b) [Reserved]

(c) The following hazardous wastes and facilities are not subject to regulation under this subpart:

(d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this subpart, except for 266.101 and 266.112.

(1) To be exempt from 266.102 through 266.111, an owner or operator of a metal recovery furnace or mercury recovery furnace must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, must comply with the requirements of paragraph (d)(3) of this section, and owners or operators of lead recovery furnaces that are subject to regulation under the Secondary Lead Smelting NESHAP must comply with the requirements of paragraph (h) of this section.

(3) To be exempt from 266.102 through 266.111, an owner or operator of a lead or nickel-chromium or mercury recovery furnace, except for owners or operators of lead recovery furnaces subject to regulation under the Secondary Lead Smelting NESHAP, [text following (3) is not amended]

(e) The standards for direct transfer operations under 266.111 apply only to facilities subject to the permit standards of 266.102 or the interim status standards of 266.103.

(f) The management standards for residues under 266.112 apply to any boiler or industrial furnace burning hazardous waste.

(g) Owners and operators of smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, or ruthenium, or any combination of these are conditionally exempt from regulation under this subpart, except for 266.112. To be exempt from 266.101 through 266.111 an owner or operator must: (12/93).....

(h) Starting June 23, 1997, owners or operators of lead recovery furnaces that process hazardous waste for recovery of lead and that are subject to regulation under the Secondary Lead Smelting NESHAP, are conditionally exempt from regulation under this subpart, except for 266.101. To be exempt, an owner or operator must provide a one-time notice to the Department identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this paragraph. The notice also must state that the waste burned has a total concentration of non-metal compounds listed in part 261, appendix VIII, of this chapter of less than 500 ppm by weight, as fired and as provided in paragraph (d)(2)(i) of this section, or is listed in appendix XI to this part 266.

Replace 266.101 (c)&(1)

266.101(c) Storage and treatment Facilities.

(1) Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provisions of parts 264, 265, and 270 of this chapter, except as provided by paragraph (c)(2) of this section. These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

Redesignate 266.102(e)(6)(i)(B)

266.102. Permit standards for burners.

(e) Operating requirements.

(6) Measuring parameters and establishing limits based on trial burn data :

(i) General requirements. As specified in paragraphs (e)(2) through (e)(5) of this section, each operating parameter shall be measured, and permit limits on the parameter shall be established, according to either of the following procedures:

(A) Instantaneous limits. A parameter may be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

(B) Hourly rolling average.

(1) The limit for a parameter may be established and continuously monitored on an hourly rolling average basis defined as follows:

(i) A continuous monitor is one which continuously samples the regulated parameter without interruption, and evaluates the detector response at least once each 15 seconds, and computes and records the average value at least every 60 seconds.

(ii) An hourly rolling average is the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.

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(2) The permit limit for the parameter shall be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

(ii) Rolling average limits for carcinogenic metals and lead. Feed rate limits for the carcinogenic metals (i.e., arsenic, beryllium, cadmium and chromium) and lead may be established either on an hourly rolling average basis as prescribed by paragraph (e)(6)(i) of this section or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours:

Insert new (c) in 266.105; move previous (c) to (d)

266.105 Standards to control particulate matter

(c) Oxygen correction.

(1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times 14 / (E - Y)$$

Where:

P_c is the corrected concentration of the pollutant in the stack gas, P_m is the measured concentration of the pollutant in the stack gas, E is the oxygen concentration on a dry basis in the combustion air fed to the device, and Y is the measured oxygen concentration on a dry basis in the stack.

(2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

(3) Compliance with all emission standards provided by this subpart must be based on correcting to 7 percent oxygen using this procedure.

(d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under 266.102) will be regarded as compliance with this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this section may be "information" justifying modification or revocation and re-issuance of a permit under 270.41 of this chapter.

Replace 266.112(b)(1)

266.112(b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

(1) Comparison of waste-derived residue with normal residue. The waste-derived residue must not contain appendix VIII, part 261 constituents (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in appendix VIII of this part that may be generated as products of incomplete combustion. Sampling and analyses shall be in conformance with procedures prescribed in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, incorporated by reference in 260.11(a) of this chapter. For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and

homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of appendix IX of this part.

Replace 266.112(b)(2)(i)

266.112(b)(2)(i) Nonmetal constituents. The concentration of each nonmetal toxic constituent of concern (specified in paragraph (b)(1) of this section) in the waste-derived residue must not exceed the health-based level specified in Appendix VII of this part, or the level of detection (using analytical procedures prescribed in SW-846), whichever is higher. If a health-based limit for a constituent of concern is not listed in appendix VII of this part, then a limit of 0.002 micrograms per kilogram or the level of detection (using analytical procedures contained in SW-846, or other appropriate methods), whichever is higher, must be used. The levels specified in appendix VII of this part (and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of appendix VII of this paragraph) are administratively stayed under the condition, for those constituents specified in paragraph (b)(1) of this section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 268.43 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of best good-faith efforts as defined by applicable Department guidance or standards, the owner or operator is deemed to be in compliance for that constituent. Until new guidance or standards are developed, the owner or operator may demonstrate such good --faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level provided by 268.43 for F039 nonwastewaters. In complying with the 268.43 F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans.

Note to this paragraph: The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 268.43 of this chapter for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register.

Replace title of 266 Appendix VIII; replace Methyl ethyl ketone listings; add two notes to table

266 Appendix VIII - Organic compounds for which Residues Must be Analyzed

Methyl ethyl ketone	Pentachlorophenol Pyrene Dimethyl phthalate Mononitrobenzene 2, 6-Toluene Diisocyanate Polychlorinated dibenzo-p-dioxins ¹ Polychlorinated dibenzo-furans ¹
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Analyses for polychlorinated dibenzo-p-dioxins and poly-chlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.).

Note to the Table: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

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Replace 268.7(a)(1); add (a)(3)(iii)

268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities

(a) Requirements for generators:

(1) A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in 268.40, 268.45, or 268.49. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in Test Methods of Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as referenced in 260.11 of this chapter, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in 268.40, and are described in detail in 268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of 268.9 of this part in addition to any applicable requirements in this section. (11/99, 8/00)

(3) (iii) If the waste changes, the generator must send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under 261.3(f) of this chapter are not subject to these requirements.

Remove and reserve 268.33

268.33 [Reserved]

Replace 268.40 K088 arsenic listing; remove K140 and U408 2,4,5-Tribromophenol listing; other listings remain

268.40 TABLE : Treatment Standards for Hazardous Wastes

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
D001 ⁹	Ignitable Characteristic Wastes, except for the 261.21(a)(1) High TOC Subcategory.	NA	NA	DEACT and meet 268.48 standards ⁸ ; or RORGS; or CMBST	DEACT and meet 268.48 standards ⁸ ; or RORGS; or CMBST
	High TOC Ignitable Characteristic Liquids Subcategory based on 261.21(a)(1) - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	RORGS; CMBST; or POLYM
D002 ⁹	Corrosive Characteristic Wastes.	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	Corrosivity (pH)	NA	NA	HLVIT
		Arsenic	7440-38-2	NA	HLVIT
		Barium	7440-39-3	NA	HLVIT
		Cadmium	7440-43-9	NA	HLVIT
		Chromium (Total)	7440-47-3	NA	HLVIT
		Lead	7439-92-1	NA	HLVIT
		Mercury	7439-97-6	NA	HLVIT
		Selenium	7782-49-2	NA	HLVIT
D003 ⁹	Reactive Sulfides Subcategory based on 261.23(a)(5).	NA	NA	DEACT	DEACT
	Explosives Subcategory based on 261.23(a)(6), (7), and (8).	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
	Unexploded ordnance and other explosive devices which have been the subject of an emergency response.	NA	NA	DEACT	DEACT
	Other Reactives Subcategory based on 261.23(a)(1).	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
	Water Reactive Subcategory based on 261.23(a)(2), (3), and (4). (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	DEACT and meet 268.48 standards ⁸
	Reactive Cyanides Subcategory based on 261.23(a)(5).	Cyanides (Total) ⁷	57-12-5	Reserved	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
D004 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Arsenic	7440-38-2	1.4 and meet 268.48 standards ⁸	5.0 mg/l TCLP and meet 268.48 standards ⁸
D005 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Barium	7440-39-3	1.2 and meet 268.48 standards ⁸	21 mg/l TCLP and meet 268.48 standards ⁸
D006 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Cadmium	7440-43-9	0.69 and meet 268.48 standards ⁸	0.11 mg/l TCLP and meet 268.48 standards ⁸
	Cadmium Containing Batteries Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	RTHRM
D007 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Chromium (Total)	7440-47-3	2.77 and meet 268.48 standards ⁸	0.60 mg/l TCLP and meet 268.48 standards ⁸
D008 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Lead	7439-92-1	0.69 and meet 268.48 standards ⁸	0.75 mg/l TCLP and meet 268.48 standards ⁸
	Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of 268 or exempted under other EPA regulations (see 266.80). This subcategory consists of nonwastewaters only.)	Lead	7439-92-1	NA	RLEAD

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Radioactive Lead Solids Subcategory (Note: these lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)	Lead	7439-92-1	NA	MACRO
D009 ⁹	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)	Mercury	7439-97-6	NA	IMERC; OR RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)	Mercury	7439-97-6	NA	RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet 268.48 standards ⁸

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet 268.48 standards ⁸
	All D009 wastewaters.	Mercury	7439-97-6	0.15 and meet 268.48 standards ⁸	NA
	Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	AMLGM
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	IMERC
D010 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Selenium	7782-49-2	0.82 and meet 268.48 standards ⁸	5.7 mg/l TCLP and meet 268.48 standards ⁸
D011 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Silver	7440-22-4	0.43 and meet 268.48 standards ⁸	0.14 mg/l TCLP and meet 268.48 standards ⁸
D012 ⁹	Wastes that are TC for Endrin based on the TCLP in SW846 Method 1311.	Endrin	72-20-8	BIODG; or CMBST	0.13 and meet 268.48 standards ⁸
		Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet 268.48 standards ⁸
D013 ⁹	Wastes that are TC for Lindane based on the TCLP in SW846 Method 1311.	alpha-BHC	319-84-6	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
		beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
		delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
D014 ⁹	Wastes that are TC for Methoxychlor based on the TCLP in SW846 Method 1311.	Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet 268.48 standards ⁸
D015 ⁹	Wastes that are TC for Toxaphene based on the TCLP in SW846 Method 1311.	Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet 268.48 standards ⁸
D016 ⁹	Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW846 Method 1311.	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	CHOXD, BIODG, or CMBST	10 and meet 268.48 standards ⁸
D017 ⁹	Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW846 Method 1311.	2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet 268.48 standards ⁸
D018 ⁹	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311.	Benzene	71-43-2	0.14 and meet 268.48 standards ⁸	10 and meet 268.48 standards ⁸
D019 ⁹	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311.	Carbon tetrachloride	56-23-5	0.057 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D020 ⁹	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet 268.48 standards ⁸	0.26 and meet 268.48 standards ⁸
D021 ⁹	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311.	Chlorobenzene	108-90-7	0.057 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D022 ⁹	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311.	Chloroform	67-66-3	0.046 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D023 ⁹	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311.	o-Cresol	95-48-7	0.11 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D024 ⁹	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311.	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D025 ⁹	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311.	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D026 ⁹	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311.	Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet 268.48 standards ⁸	11.2 and meet 268.48 standards ⁸
D027 ⁹	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311.	p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D028 ⁹	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311.	1,2-Dichloroethane	107-06-2	0.21 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
D029 ⁹	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311.	1,1-Dichloroethylene	75-35-4	0.025 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D030 ⁹	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311.	2,4-Dinitrotoluene	121-14-2	0.32 and meet 268.48 standards ⁸	140 and meet 268.48 standards ⁸
D031 ⁹	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311.	Heptachlor	76-44-8	0.0012 and meet 268.48 standards ⁸	0.066 and meet 268.48 standards ⁸
		Heptachlor epoxide	1024-57-3	0.016 and meet 268.48 standards ⁸	0.066 and meet 268.48 standards ⁸
D032 ⁹	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311.	Hexachlorobenzene	118-74-1	0.055 and meet 268.48 standards ⁸	10 and meet 268.48 standards ⁸
D033 ⁹	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311.	Hexachlorobutadiene	87-68-3	0.055 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D034 ⁹	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311.	Hexachloroethane	67-72-1	0.055 and meet 268.48 standards ⁸	30 and meet 268.48 standards ⁸
D035 ⁹	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311.	Methyl ethyl ketone	78-93-3	0.28 and meet 268.48 standards ⁸	36 and meet 268.48 standards ⁸
D036 ⁹	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311.	Nitrobenzene	98-95-3	0.068 and meet 268.48 standards ⁸	14 and meet 268.48 standards ⁸
D037 ⁹	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311.	Pentachlorophenol	87-86-5	0.089 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D038 ⁹	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311.	Pyridine	110-86-1	0.014 and meet 268.48 standards ⁸	16 and meet 268.48 standards ⁸
D039 ⁹	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311.	Tetrachloroethylene	127-18-4	0.056 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D040 ⁹	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311.	Trichloroethylene	79-01-6	0.054 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D041 ⁹	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,5-Trichlorophenol	95-95-4	0.18 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D042 ⁹	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,6-Trichlorophenol	88-06-2	0.035 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D043 ⁹	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311.	Vinyl chloride	75-01-4	0.27 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
		Acetone	67-64-1	0.28	160
		Benzene	71-43-2	0.14	10

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
F001, F002, F003, F004, & F005	F001, F002, F003, F004 and/or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, and/or xylenes [except as specifically noted in other subcategories]. See further details of these listings in 261.31	n-Butyl alcohol	71-36-3	5.6	2.6
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cresol-mixed isomers (Cresylic acid)(sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
		Cyclohexanone	108-94-1	0.36	NA
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Ethyl acetate	141-78-6	0.34	33
		Ethyl benzene	100-41-4	0.057	10
		Ethyl ether	60-29-7	0.12	160
		Isobutyl alcohol	78-83-1	5.6	170
		Methanol	67-56-1	5.6	NA
		Methylene chloride	75-9-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Nitrobenzene	98-95-3	0.068	14
		Pyridine	110-86-1	0.014	16
		Tetrachloroethylene	127-18-4	0.056	6.0
		Toluene	108-88-3	0.080	10
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
		Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
	F003 and/or F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001-5 solvents: carbon disulfide, cyclohexanone, and/or methanol. (formerly 268.41(c))	Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
		Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
		Methanol	67-56-1	5.6	0.75 mg/l TCLP
	F005 solvent waste containing 2-Nitropropane as the only listed F001-5 solvent.	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
	F005 solvent waste containing 2-Ethoxyethanol as the only listed F001-5 solvent.	2-Ethoxyethanol	110-80-5	BIODG: or CMBST	CMBST
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F007	Spent cyanide plating bath solutions from electroplating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	NA
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	Silver	7440-22-4	NA	0.14 mg/l TCLP
		Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
F020, F021, F022, F023, F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022); and from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 261.31 or 261.32.).	All F024 wastes	NA	CMBST ¹¹	CMBST ¹¹
		2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
		3-Chloropropylene	107-05-1	0.036	30
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Hexachloroethane	67-72-1	0.055	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Nickel	7440-02-0	3.98	11 mg/l TCLP
F025	Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 - Light Ends Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		Methylene chloride	75-9-2	0.089	30
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0
	Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025 - Spent Filters/Aids and Desiccants Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Methylene chloride	75-9-2	0.089	30
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Wastes Nos. F020, F021, F023, F026, and F027.	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		2-4-Dimethyl phenol	105-67-9	0.036	14
		Fluorene	86-73-7	0.059	3.4
		Hexachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	wastewater from wood preserving processes that use creosote and/or penta-chlorophenol.	Hexachlorodibenzofurans	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Pentachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Pentachlorodibenzofurans	NA	0.000035, or CMBST ¹¹	0.001, or CMBST ¹¹
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Tetrachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Tetrachlorodibenzofurans	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7			0.059	3.4
Benz(a)anthracene	56-55-3			0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2			0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9			0.11	6.8
Benzo(a)pyrene	50-32-8			0.061	3.4
Chrysene	218-01-9			0.059	3.4
Dibenz(a,h)anthracene	53-70-3			0.055	8.2
Fluorene	86-73-7			0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5			0.0055	3.4

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS		
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴		
		Naphthalene	91-20-3	0.059	5.6		
		Phenanthrene	85-01-8	0.059	5.6		
		Pyrene	129-00-0	0.067	8.2		
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP		
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
		F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
				Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	Acenaphthene	83-32-9	0.059	NA		
		Anthracene	120-12-7	0.059	3.4		
		Benzene	71-43-2	0.14	10		
		Benz(a)anthracene	56-55-3	0.059	3.4		
		Benzo(a)pyrene	50-32-8	0.061	3.4		
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28		
		Chrysene	218-01-9	0.059	3.4		
		Di-n-butyl phthalate	84-74-2	0.057	28		
		Ethylbenzene	100-41-4	0.057	10		
		Fluorene	86-73-7	0.059	NA		
		Naphthalene	91-20-3	0.059	5.6		
		Phenanthrene	85-01-8	0.059	5.6		
		Phenol	108-95-2	0.039	6.2		
		Pyrene	129-00-0	0.067	8.2		
		Toluene	108-88-3	0.080	10		
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30		
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA		
Nickel	7440-02-0	NA	11 mg/l TCLP		
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.).	Acenaphthylene	208-96-8	0.059	3.4
		Acenaphthene	83-32-9	0.059	3.4
		Acetone	67-64-1	0.28	160
		Acetonitrile	75-05-8	5.6	NA
		Acetophenone	96-86-2	0.010	9.7
		2-Acetylaminofluorene	53-96-3	0.059	140
		Acrolein	107-02-8	0.29	NA
		Acrylonitrile	107-13-1	0.24	84
		Aldrin	309-00-2	0.021	0.066
		4-Aminobiphenyl	92-67-1	0.13	NA
		Aniline	62-53-3	0.81	14

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Anthracene	120-12-7	0.059	3.4
		Aramite	140-57-8	0.36	NA
		alpha-BHC	319-84-6	0.00014	0.066
		beta-BHC	319-85-7	0.00014	0.066
		delta-BHC	319-86-8	0.023	0.066
		gamma-BHC	58-89-9	0.0017	0.066
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Bromodichloromethane	75-27-4	0.35	15
		Methyl bromide (Bromomethane)	74-83-9	0.11	15
		4-Bromophenyl phenyl ether	101-55-3	0.055	15
		n-Butyl alcohol	71-36-3	5.6	2.6
		Butyl benzyl phthalate	85-68-7	0.017	28
		2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		p-Chloroaniline	106-47-8	0.46	16
		Chlorobenzene	108-90-7	0.057	6.0
		Chlorobenzilate	510-15-6	0.10	NA
		2-Chloro-1,3-butadiene	126-99-8	0.057	NA
		Chlorodibromomethane	124-48-1	0.057	15

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Chloroethane	75-00-3	0.27	6.0
		bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
		bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		Chloroform	67-66-3	0.046	6.0
		bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
		p-Chloro-m-cresol	59-50-7	0.018	14
		Chloromethane (Methyl chloride)	74-87-3	0.19	30
		2-Chloronaphthalene	91-58-7	0.055	5.6
		2-Chlorophenol	95-57-8	0.044	5.7
		3-Chloropropylene	107-05-1	0.036	30
		Chrysene	218-01-9	0.059	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cyclohexanone	108-94-1	0.36	NA
		1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
		Dibromomethane	74-95-3	0.11	15
		2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
		o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
		o,p'-DDE	3424-82-6	0.031	0.087
		p,p'-DDE	72-55-9	0.031	0.087
		o,p'-DDT	789-02-6	0.0039	0.087
		p,p'-DDT	50-29-3	0.0039	0.087
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Dibenz(a,e)pyrene	192-65-4	0.061	NA
		m-Dichlorobenzene	541-73-1	0.036	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Dichlorodifluoromethane	75-71-8	0.23	7.2
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		trans-1,2-Dichloroethylene	156-60-5	0.054	30
		2,4-Dichlorophenol	120-83-2	0.044	14
		2,6-Dichlorophenol	87-65-0	0.044	14
		1,2-Dichloropropane	78-87-5	0.85	18
		cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
		Dieldrin	60-57-1	0.017	0.13
		Diethyl phthalate	84-66-2	0.20	28
		2,4-Dimethyl phenol	105-67-9	0.036	14
		Dimethyl phthalate	131-11-3	0.047	28
		Di-n-butyl phthalate	84-74-2	0.057	28
		1,4-Dinitrobenzene	100-25-4	0.32	2.3
		4,6-Dinitro-o-cresol	534-52-1	0.28	160
		2,4-Dinitrophenol	51-28-5	0.12	160
		2,4-Dinitrotoluene	121-14-2	0.32	140
		2,6-Dinitrotoluene	606-20-2	0.55	28
		Di-n-octyl phthalate	117-84-0	0.017	28
		Di-n-propylnitrosamine	621-64-7	0.40	14
		1,4-Dioxane	123-91-1	12.0	170
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
		1,2-Diphenylhydrazine	122-66-7	0.087	NA
		Disulfoton	298-04-4	0.017	6.2
		Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Endosulfan sulfate	1031-07-8	0.029	0.13
		Endrin	72-20-8	0.0028	0.13
		Endrin aldehyde	7421-93-4	0.025	0.13
		Ethyl acetate	141-78-6	0.34	33
		Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
		Ethyl benzene	100-41-4	0.057	10
		Ethyl ether	60-29-7	0.12	160
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Ethyl methacrylate	97-63-2	0.14	160
		Ethylene oxide	75-21-8	0.12	NA
		Famphur	52-85-7	0.017	15
		Fluoranthene	206-44-0	0.068	3.4
		Fluorene	86-73-7	0.059	3.4
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		Hexachloroethane	67-72-1	0.055	30
		Hexachloropropylene	1888-71-7	0.035	30
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Iodomethane	74-88-4	0.19	65
		Isobutyl alcohol	78-83-1	5.6	170
		Isodrin	465-73-6	0.021	0.066
		Isosafrole	120-58-1	0.081	2.6
		Kepone	143-50-8	0.0011	0.13
		Methacrylonitrile	126-98-7	0.24	84
		Methanol	67-56-1	5.6	NA
		Methapyrilene	91-80-5	0.081	1.5

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Methoxychlor	72-43-5	0.25	0.18
		3-Methylcholanthrene	56-49-5	0.0055	15
		4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Methyl methacrylate	80-62-6	0.14	160
		Methyl methanesulfonate	66-27-3	0.018	NA
		Methyl parathion	298-00-0	0.014	4.6
		Naphthalene	91-20-3	0.059	5.6
		2-Naphthylamine	91-59-8	0.52	NA
		p-Nitroaniline	100-01-6	0.028	28
		Nitrobenzene	98-95-3	0.068	14
		5-Nitro-o-toluidine	99-55-8	0.32	28
		p-Nitrophenol	100-02-7	0.12	29
		N-Nitrosodiethylamine	55-18-5	0.40	28
		N-Nitrosodimethylamine	62-75-9	0.40	NA
		N-Nitroso-di-n-butylamine	924-16-3	0.40	17
		N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
		N-Nitrosomorpholine	59-89-2	0.40	2.3
		N-Nitrosopiperidine	100-75-4	0.013	35
		N-Nitrosopyrrolidine	930-55-2	0.013	35
		Parathion	56-38-2	0.014	4.6
		Total PCBs(sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
		Pentachlorobenzene	608-93-5	0.055	10
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachloronitrobenzene	82-68-8	0.055	4.8
		Pentachlorophenol	87-86-5	0.089	7.4

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Phenacetin	62-44-2	0.081	16
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Phorate	298-02-2	0.021	4.6
		Phthalic anhydride	85-44-9	0.055	NA
		Pronamide	23950-58-5	0.093	1.5
		Pyrene	129-00-0	0.067	8.2
		Pyridine	110-86-1	0.014	16
		Safrole	94-59-7	0.081	22
		Silvex (2,4,5-TP)	93-72-1	0.72	7.9
		2,4,5-T	93-76-5	0.72	7.9
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		Toluene	108-88-3	0.080	10
		Toxaphene	8001-35-2	0.0095	2.6
		Bromoform (Tribromomethane)	75-25-2	0.63	15
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Trichloromonofluoromethane	75-69-4	0.020	30
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		1,2,3-Trichloropropane	96-18-4	0.85	30
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
		Vinyl chloride	75-01-4	0.27	6.0
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Barium	7440-39-3	1.2	21 mg/l TCLP
		Beryllium	7440-41-7	0.82	NA
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	NA
		Fluoride	16964-48-8	35	NA
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA		
Vanadium	7440-62-2	4.3	NA		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005	Wastewater treatment sludge from the production of chrome green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
K007	Wastewater treatment sludge from the production of iron blue pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
K008	Oven residue from the production of chrome oxide green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K014		Acetonitrile	75-05-8	5.6	38

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K015	Still bottoms from the distillation of benzyl chloride.	Anthracene	120-12-7	0.059	3.4
		Benzal chloride	98-87-3	0.055	6.0
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethylene	127-18-4	0.056	6.0
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		1,2,3-Trichloropropane	96-18-4	0.85	30
K018	Heavy ends from the fractionation column in ethyl chloride production.	Chloroethane	75-00-3	0.27	6.0
		Chloromethane	74-87-3	0.19	NA
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		p-Dichlorobenzene	106-46-7	0.090	NA
		1,2-Dichloroethane	107-06-2	0.21	6.0
		Fluorene	86-73-7	0.059	NA
		Hexachloroethane	67-72-1	0.055	30
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6			0.057	6.0
Tetrachloroethylene	127-18-4			0.056	6.0
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	Toluene	108-88-3	0.080	10
		Acetophenone	96-86-2	0.010	9.7
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Phenol	108-95-2	0.039	6.2
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
				Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
K026	Stripping still tails from the production of methyl ethyl pyridines.	NA	NA	CMBST	CMBST
K027	Centrifuge and distillation residues from toluene diisocyanate production.	NA	NA	CARBN; or CMBST	CMBST
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	1,1-Dichloroethane	75-34-3	0.059	6.0
		trans-1,2-Dichloroethylene	156-60-5	0.054	30
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	NA	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Cadmium	7440-43-9	0.69	NA
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP		
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K030	Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.	o-Dichlorobenzene	95-50-1	0.088	NA
		p-Dichlorobenzene	106-46-7	0.090	NA
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Hexachloropropylene	1888-71-7	NA	30
		Pentachlorobenzene	608-93-5	NA	10
		Pentachloroethane	76-01-7	NA	6.0
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		Tetrachloroethylene	127-18-4	0.056	6.0
	1,2,4-Trichlorobenzene	120-82-1	0.055	19	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032	Wastewater treatment sludge from the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K035	Wastewater treatment sludges generated in the production of creosote.	Acenaphthene	83-32-9	NA	3.4
		Anthracene	120-12-7	NA	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
	Dibenz(a,h)anthracene	53-70-3	NA	8.2	

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Fluoranthene	206-44-0	0.068	3.4
		Fluorene	86-73-7	NA	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
K037	Wastewater treatment sludges from the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
		Toluene	108-88-3	0.080	10
K038	Wastewater from the washing and stripping of phorate production.	Phorate	298-02-2	0.021	4.6
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	NA	NA	CARBN; or CMBST	CMBST
K040	Wastewater treatment sludge from the production of phorate.	Phorate	298-02-2	0.021	4.6
K041	Wastewater treatment sludge from the production of toxaphene.	Toxaphene	8001-35-2	0.0095	2.6
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	2,4-Dichlorophenol	120-83-2	0.044	14
		2,6-Dichlorophenol	187-65-0	0.044	14
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		Pentachlorophenol	87-86-5	0.089	7.4
		Tetrachloroethylene	127-18-4	0.056	6.0

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	NA	NA	DEACT	DEACT
K045	Spent carbon from the treatment of wastewater containing explosives.	NA	NA	DEACT	DEACT
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	Lead	7439-92-1	0.69	0.75 mg/l TCLP
K047	Pink/red water from TNT operations	NA	NA	DEACT	DEACT
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-33	0.080	10

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS		
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴		
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30		
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
		Cyanides (Total) ⁷	57-12-5	1.2	590		
		Lead	7439-92-1	0.69	NA		
		Nickel	7440-02-0	NA	11 mg/l TCLP		
		K049	Slop oil emulsion solids from the petroleum refining industry.	Anthracene	120-12-7	0.059	3.4
				Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8			0.061	3.4		
bis(2-Ethylhexyl) phthalate	117-81-7			0.28	28		
Carbon disulfide	75-15-0			3.8	NA		
Chrysene	2218-01-9			0.059	3.4		
2,4-Dimethylphenol	105-67-9			0.036	NA		
Ethylbenzene	100-41-4			0.057	10		
Naphthalene	91-20-3			0.059	5.6		
Phenanthrene	85-01-8			0.059	5.6		
Phenol	108-95-2			0.039	6.2		
Pyrene	129-00-0			0.067	8.2		
Toluene	108-88-3			0.080	10		
Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7			0.32	30		
Cyanides (Total) ⁷	57-12-5			1.2	590		
Chromium (Total)	7440-47-3			2.77	0.60 mg/l TCLP		
Lead	7439-92-1			0.69	NA		
Nickel	7440-02-0	NA	11 mg/l TCLP				
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	Benzo(a)pyrene	50-32-8	0.061	3.4		
		Phenol	108-95-2	0.039	6.2		
		Cyanides (Total) ⁷	57-12-5	1.2	590		
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
		Lead	7439-92-1	0.69	NA		
		Nickel	7440-02-0	NA	11 mg/l TCLP		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K051	API separator sludge from the petroleum refining industry.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	2218-01-9	0.059	3.4
		Di-n-butyl phthalate	105-67-9	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA		
Nickel	7440-02-0	NA	11 mg/l TCLP		
K052	Tank bottoms (leaded) from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Phenol	108-95-2	0.039	6.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
		K060	Ammonia still lime sludge from coking operations.	Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8			0.061	3.4
Naphthalene	91-20-3			0.059	5.6
Phenol	108-95-2			0.039	6.2
Cyanides (Total) ⁷	57-12-5			1.2	590
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	Antimony	7440-36-0	NA	1.15 mg/l TCLP
		Arsenic	7440-38-2	NA	5.0 mg/l TCLP
		Barium	7440-39-3	NA	21 mg/l TCLP
		Beryllium	7440-41-7	NA	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	NA	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	NA	5.7 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
		Thallium	7440-28-0	NA	0.20 mg/l TCLP
		Zinc	7440-66-6	NA	4.3 mg/l TCLP
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	NA
K069	Emission control dust/sludge from secondary lead smelting. - Calcium Sulfate (Low Lead) Subcategory	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Emission control dust/sludge from secondary lead smelting. - Non-Calcium Sulfate (High Lead) Subcategory	NA	NA	NA	RLEAD
K071	K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.) nonwastewaters that are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All K071 wastewaters.	Mercury	7439-97-6	0.15	NA
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K083	Distillation bottoms from aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		Cyclohexanone	108-94-1	0.36	NA
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS		
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴		
		m-Dichlorobenzene	541-73-1	0.036	6.0		
		o-Dichlorobenzene	95-50-1	0.088	6.0		
		p-Dichlorobenzene	106-46-7	0.090	6.0		
		Hexachlorobenzene	118-74-1	0.055	10		
		Total PCBs(sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10		
		Pentachlorobenzene	608-93-5	0.055	10		
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		
		1,2,4-Trichlorobenzene	120-82-1	0.055	19		
		K086	Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	Acetone	67-64-1	0.28	160
				Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7			0.28	28		
n-Butyl alcohol	71-36-3			5.6	2.6		
Butylbenzyl phthalate	85-68-7			0.017	28		
Cyclohexanone	108-94-1			0.36	NA		
o-Dichlorobenzene	95-50-1			0.088	6.0		
Diethyl phthalate	84-66-2			0.20	28		
Dimethyl phthalate	131-11-3			0.047	28		
Di-n-butyl phthalate	84-74-2			0.057	28		
Di-n-octyl phthalate	117-84-0			0.017	28		
Ethyl acetate	141-78-6			0.34	33		
Ethylbenzene	100-41-4			0.057	10		
Methanol	67-56-1			5.6	NA		
Methyl ethyl ketone	78-93-3			0.28	36		
Methyl isobutyl ketone	108-10-1			0.14	33		
Methylene chloride	75-09-2			0.089	30		
Naphthalene	91-20-3			0.059	5.6		
Nitrobenzene	98-95-3			0.068	14		
Toluene	108-88-3			0.080	10		
1,1,1-Trichloroethane	71-55-6			0.054	6.0		
Trichloroethylene	79-01-6			0.054	6.0		

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K087	Decanter tank tar sludge from coking operations.	Acenaphthylene	208-96-8	0.059	3.4
		Benzene	71-43-2	0.14	10
		Chrysene	218-01-9	0.059	3.4
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K088	Spent potliners from primary aluminum reduction.	Acenaphthalene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	26.1

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Barium	7440-39-3	1.2	21 mg/l TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Cyanide (Total) ⁷	57-12-5	1.2	590
		Cyanide (Amenable) ⁷	57-12-5	0.86	30
		Fluoride	16984-48-8	35	NA
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	0.055	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	m-Dichlorobenzene	541-73-1	0.036	6.0
		Pentachloroethane	76-01-7	0.055	6.0

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
		Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		K098	Untreated process wastewater from the production of toxaphene.	Toxaphene	8001-35-2	0.0095	2.6
K099	Untreated wastewater from the production of 2,4-D.	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitroaniline	88-74-4	0.27	14
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitrophenol	88-75-5	0.028	13
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA
K103	Process residues from aniline extraction from the production of aniline.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) ⁷	57-12-5	1.2	590
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0
		2-Chlorophenol	95-57-8	0.044	5.7
		o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Phenol	108-95-2	0.039	6.2
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
K106	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All K106 wastewaters.	Mercury	7439-97-6	0.15	NA
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	2,4-Dinitrotoluene	121-1-2	0.32	140
		2,6-Dinitrotoluene	606-20-2	0.55	28
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; OR CMBST	CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; or CMBST	CMBST
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	Nickel	7440-02-0	3.98	11 mg/l TCLP
		NA	NA	CARBN; or CMBST	CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA	NA	CARBN; or CMBST	CMBST
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).	Benzene	71-43-2	0.14	10
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-2-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k))	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	Chrysene	218-01-9	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Naphthalene	91-20-3	0.059	5.6
K147	Tar storage tank residues from coal tar refining.	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS		
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴		
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8		
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8		
		Chrysene	218-01-9	0.059	3.4		
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2		
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4		
		K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)	Chlorobenzene	108-90-7	0.057	6.0
		Chloroform		67-66-3	0.046	6.0	
Chloromethane	74-87-3	0.19		30			
p-Dichlorobenzene	106-46-7	0.090		6.0			
Hexachlorobenzene	118-74-1	0.055		10			
Pentachlorobenzene	608-93-5	0.055		10			
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055		14			
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	Toluene	108-88-3	0.080	10		
		Carbon tetrachloride	56-23-5	0.057	6.0		
		Chloroform	67-66-3	0.046	6.0		
		Chloromethane	74-87-3	0.19	30		
		p-Dichlorobenzene	106-46-7	0.090	6.0		
		Hexachlorobenzene	118-74-1	0.055	10		
		Pentachlorobenzene	608-93-5	0.055	10		
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		
		1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0		
		Tetrachloroethylene	127-18-4	0.056	6.0		
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl	1,2,4-Trichlorobenzene	120-82-1	0.055	19		
		Benzene	71-43-2	0.14	10		
		Carbon tetrachloride	56-23-5	0.057	6.0		
		Chloroform	67-66-3	0.046	6.0		
		Hexachlorobenzene	118-74-1	0.055	10		
		Pentachlorobenzene	608-93-5	0.055	10		
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	chlorides, and compounds with mixtures of these functional groups.	Tetrachloroethylene	127-18-4	0.056	6.0
		Toluene	108-88-3	0.080	10
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. ¹⁰	Acetonitrile	75-05-8	5.6	18
		Acetophenone	96-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ¹⁰	Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081	1.5
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
K158		o-Phenylenediamine	95-54-5	0.056	5.6
		Pyridine	110-86-1	0.014	16
		Triethylamine	121-44-8	0.081	1.5
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ¹⁰	Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
		K159	Organics from the treatment of thiocarbamate wastes. ¹⁰	Benzene	71-43-2	0.14	10
	Butylate	2008-41-5		0.042	1.4
	EPTC (Eptam)	759-94-4		0.042	1.4
	Molinate	2212-67-1		0.042	1.4
	Pebulate	1114-71-2		0.042	1.4
	Vernolate	1929-77-7		0.042	1.4
K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts. ¹⁰	Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
		Dithiocarbamates (total)	NA	0.028	28
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
K169	Crude oil tank sediment from petroleum refining operations. (8/00)	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10.
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Ethyl benzene	100-41-4	0.057	10.
		Fluorene	86-73-7	0.059	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
K170	Clarified slurry oil sediment from petroleum refining operations. (8/00)	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10.
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Ethyl benzene	100-41-4	0.057	10.
		Fluorene	86-73-7	0.059	3.4
		Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
		K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.) (8/00)	Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2			0.14	10.
Chrysene	218-01-9			0.059	3.4
Ethyl benzene	100-41-4			0.057	10.
Naphthalene	91-20-3			0.059	5.6
Phenanthrene	81-05-8			0.059	5.6
Pyrene	129-00-0			0.067	8.2
Toluene (Methyl Benzene)	108-88-3			0.080	10.
Xylene(s) (Total)	1330-20-7			0.32	30.
Arsenic	7740-38-2			1.4	5. mg/L TCLP
Nickel	7440-02-0			3.98	11.0 mg/L TCLP
Vanadium	7440-62-2			4.3	1.6 mg/L TCLP
Reactive sulfides	NA			DEACT	DEACT
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.)	Benzene	71-43-2	0.14	10.
		Ethyl benzene	100-41-4	0.057	10.
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
		Antimony	7740-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7740-38-2	1.4	5. mg/L TCLP
		Nickel	7440-02-0	3.98	11.0 mg/L TCLP
		Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive Sulfides	NA	DEACT	DEACT		

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		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P001	Warfarin, & salts, when present at concentrations greater than 0.3%	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002	1-Acetyl-2-thiourea	1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003	Acrolein	Acrolein	107-02-8	0.29	CMBST
P004	Aldrin	Aldrin	309-00-2	0.021	0.066
P005	Allyl alcohol	Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006	Aluminum phosphide	Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P007	5-Aminomethyl 3-isoxazolol	5-Aminomethyl 3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008	4-Aminopyridine	4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009	Ammonium picrate	Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010	Arsenic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011	Arsenic pentoxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012	Arsenic trioxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013	Barium cyanide	Barium	7440-39-3	NA	21 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P014	Thiophenol (Benzene thiol)	Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015	Beryllium dust	Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P016	Dichloromethyl ether (Bis(chloromethyl)ether)	Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017	Bromoacetone	Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018	Brucine	Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021	Calcium cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P022	Carbon disulfide	Carbon disulfide	75-15-0	3.8	CMBST
		Carbon disulfide; alternate ⁶ standard for nonwastewaters only	75-15-0	NA	4.8 mg/l TCLP
P023	Chloroacetaldehyde	Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024	p-Chloroaniline	p-Chloroaniline	106-47-8	0.46	16
P026	1-(o-Chlorophenyl)thiourea	1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027	3-Chloropropionitrile	3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028	Benzyl chloride	Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029	Copper cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P030	Cyanides (soluble salts and complexes)	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P031	Cyanogen	Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033	Cyanogen chloride	Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol	2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036	Dichlorophenylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P037	Dieldrin	Dieldrin	60-57-1	0.017	0.13
P038	Diethylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P039	Disulfoton	Disulfoton	298-04-4	0.017	6.2
P040	0,0-Diethyl O-pyrazinyl phosphorothioate	0,0-Diethyl O-pyrazinyl phosphorothioate	297-97-2	CARBON; or CMBST	CMBST
P041	Diethyl-p-nitrophenyl phosphate	Diethyl-p-nitrophenyl phosphate	311-45-5	CARBON; or CMBST	CMBST
P042	Epinephrine	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043	Diisopropylfluorophosphate (DFP)	Diisopropylfluorophosphate (DFP)	55-91-4	CARBON; or CMBST	CMBST
P044	Dimethoate	Dimethoate	60-51-5	CARBON; or CMBST	CMBST
P045	Thiofanox	Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046	alpha, alpha-Dimethylphenethylamine	alpha, alpha-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047	4,6-Dinitro-o-cresol	4,6-Dinitro-o-cresol	543-52-1	0.28	160
	4,6-Dinitro-o-cresol salts	NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048	2,4-Dinitrophenol	2,4-Dinitrophenol	51-28-5	0.12	160
P049	Dithiobiuret	Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P050	Endosulfan	Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13
		Endosulfan sulfate	1031-07-8	0.029	0.13
P051	Endrin	Endrin	72-20-8	0.0028	0.13
		Endrin aldehyde	7421-93-4	0.025	0.13
P054	Aziridine	Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P056	Fluorine	Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057	Fluoroacetamide	Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058	Fluoroacetic acid, sodium salt	Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P059	Heptachlor	Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
P060	Isodrin	Isodrin	465-73-6	0.021	0.066
P062	Hexaethyl tetraphosphate	Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P063	Hydrogen cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P064	Isocyanic acid, ethyl ester	Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P065	Mercury fulminate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC
	Mercury fulminate nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
	Mercury fulminate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	Mercury fulminate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All mercury fulminate wastewaters.	Mercury	7439-97-6	0.15	NA
P066	Methomyl	Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067	2-Methyl-aziridine	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P068	Methyl hydrazine	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P069	2-Methylactonitrile	2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070	Aldicarb	Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071	Methyl parathion	Methyl parathion	298-00-0	0.014	4.6
P072	1-Naphthyl-2-thiourea	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073	Nickel carbonyl	Nickel	7440-02-0	3.98	11 mg/l TCLP
P074	Nickel cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Nickel	7440-02-0	3.98	11 mg/l TCLP
P075	Nicotine and salts	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076	Nitric oxide	Nitric oxide	10102-43-9	ADGAS	ADGAS
P077	p-Nitroaniline	p-Nitroaniline	100-01-6	0.028	28

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P078	Nitrogen dioxide	Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081	Nitroglycerin	Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P082	N-Nitrosodimethylamine	N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084	N-Nitrosomethylvinylamine	N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085	Octamethylpyrophosphoramidate	Octamethylpyrophosphoramidate	152-16-9	CARBN; or CMBST	CMBST
P087	Osmium tetroxide	Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088	Endothall	Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089	Parathion	Parathion	56-38-2	0.014	4.6
P092	Phenyl mercuric acetate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC; or RMERC
	Phenyl mercuric acetate nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Phenyl mercuric acetate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	Phenyl mercuric acetate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All phenyl mercuric acetate wastewaters.	Mercury	7439-97-6	0.15	NA
P093	Phenylthiourea	Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P094	Phorate	Phorate	298-02-2	0.021	4.6

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P095	Phosgene	Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096	Phosphine	Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097	Famphur	Famphur	52-85-7	0.017	15
P098	Potassium cyanide.	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P099	Potassium silver cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P101	Ethyl cyanide (Propanenitrile)	Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102	Propargyl alcohol	Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103	Selenourea	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P104	Silver cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P105	Sodium azide	Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106	Sodium cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P108	Strychnine and salts	Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109	Tetraethyldithiopyrophosphate	Tetraethyldithiopyrophosphate	3689-24-5	CARBAN; or CMBST	CMBST
P110	Tetraethyl lead	Lead	7439-92-1	0.69	0.75 mg/l TCLP
P111	Tetraethylpyrophosphate	Tetraethylpyrophosphate	107-49-3	CARBAN; or CMBST	CMBST
P112	Tetranitromethane	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P113	Thallic oxide	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114	Thallium selenite	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115	Thallium (I) sulfate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116	Thiosemicarbazide	Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118	Trichloromethanethiol	Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119	Ammonium vanadate	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120	Vanadium pentoxide	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121	Zinc cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P122	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10%	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123	Toxaphene	Toxaphene	8001-35-2	0.0095	2.6
P127	Carbofuran ¹⁰	Carbofuran	1563-66-2	0.006	0.14
P128	Mexacarbate ¹⁰	Mexacarbate	315-18-4	0.056	1.4
P185	Tirpate ¹⁰	Tirpate	26419-73-8	0.056	0.28
P188	Physostigmine salicylate ¹⁰	Physostigmine salicylate	57-64-7	0.056	1.4
P189	Carbosulfan ¹⁰	Carbosulfan	55285-14-8	0.028	1.4
P190	Metolcarb ¹⁰	Metolcarb	1129-41-5	0.056	1.4
P191	Dimetilan ¹⁰	Dimetilan	644-64-4	0.056	1.4
P192	Isolan ¹⁰	Isolan	119-38-0	0.056	1.4
P194	Oxamyl	Oxamyl	23135-22-0	0.056	0.28
P196	Manganese dimethyldithiocarbamate ¹⁰	Dithiocarbamates (total)	NA	0.028	28
P197	Formparanate ¹⁰	Formparanate	17702-57-7	0.056	1.4
P198	Formetanate hydrochloride ¹⁰	Formetanate hydrochloride	23422-53-9	0.056	1.4
P199	Methiocarb ¹⁰	Methiocarb	2032-65-7	0.056	1.4
P201	Promecarb ¹⁰	Promecarb	2631-37-0	0.056	1.4

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
P202	m-Cumenyl methylcarbamate ¹⁰	m-Cumenyl methylcarbamate	64-00-6	0.056	1.4
P203	Aldicarb sulfone ¹⁰	Aldicarb sulfone	1646-88-4	0.056	0.28
P204	Physostigmine ¹⁰	Physostigmine	57-47-6	0.056	1.4
P205	Ziram ¹⁰	Dithiocarbamates (total)	NA	0.028	28
U001	Acetaldehyde	Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002	Acetone	Acetone	67-64-1	0.28	160
U003	Acetonitrile	Acetonitrile	75-05-8	5.6	CMBST
		Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA	38
U004	Acetophenone	Acetophenone	98-86-2	0.010	9.7
U005	2-Acetylaminofluorene	2-Acetylaminofluorene	53-96-3	0.059	140
U006	Acetyl chloride	Acetyl Chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007	Acrylamide	Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008	Acrylic acid	Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009	Acrylonitrile	Acrylonitrile	107-13-1	0.24	84
U010	Mitomycin C	Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011	Amitrole	Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012	Aniline	Aniline	62-53-3	0.81	14
U014	Auramine	Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U015	Azaserine	Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016	Benz(c)acridine	Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017	Benzal chloride	Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018	Benz(a)anthracene	Benz(a)anthracene	56-55-3	0.059	3.4
U019	Benzene	Benzene	71-43-2	0.14	10
U020	Benzenesulfonyl chloride	Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021	Benzidine	Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022	Benzo(a)pyrene	Benzo(a)pyrene	50-32-8	0.061	3.4
U023	Benzotrichloride	Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U024	bis(2-Chloroethoxy)methane	bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
U025	bis(2-Chloroethyl)ether	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026	Chlornaphazine	Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027	bis(2-Chloroisopropyl)ether	bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
U028	bis(2-Ethylhexyl) phthalate	bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
U029	Methyl bromide (Bromomethane)	Methyl bromide (Bromomethane)	74-83-9	0.11	15
U030	4-Bromophenyl phenyl ether	4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031	n-Butyl alcohol	n-Butyl alcohol	71-36-3	5.6	2.6
U032	Calcium chromate	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U033	Carbon oxyfluoride	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034	Trichloroacetaldehyde (Chloral)	Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U035	Chlorambucil	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036	Chlordane	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037	Chlorobenzene	Chlorobenzene	108-90-7	0.057	6.0
U038	Chlorobenzilate	Chlorobenzilate	510-15-6	0.10	CMBST
U039	p-Chloro-m-cresol	p-Chloro-m-cresol	59-50-7	0.018	14
U041	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042	2-Chloroethyl vinyl ether	2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043	Vinyl chloride	Vinyl chloride	75-01-4	0.27	6.0
U044	Chloroform	Chloroform	67-66-3	0.046	6.0
U045	Chloromethane (Methyl chloride)	Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046	Chloromethyl methyl ether	Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047	2-Chloronaphthalene	2-Chloronaphthalene	91-58-7	0.055	5.6
U048	2-Chlorophenol	2-Chlorophenol	95-57-8	0.044	5.7
U049	4-Chloro-o-toluidine hydrochloride	4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050	Chrysene	Chrysene	218-01-9	0.059	3.4
U051	Creosote	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
U052	Cresols (Cresylic acid)	o-Cresol	95-48-7	0.11	5.6
		m-Cresol(difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cresol-mixed isomers (Cresylic acid)(sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
U053	Crotonaldehyde	Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055	Cumene	Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056	Cyclohexane	Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057	Cyclohexanone	Cyclohexanone	108-94-1	0.36	CMBST
		Cyclohexanone; alternate ⁶ standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP
U058	Cyclophosphamide	Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
U059	Daunomycin	Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U060	DDD	o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
U061	DDT	o-p'-DDT	789-02-6	0.0039	0.087
		p,p'-DDT	50-29-3	0.0039	0.087
		o,p'-DDD	53-19-0	0.023	0.087

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
		p,p'-DDD	72-54-8	0.023	0.087
		o,p'-DDE	3424-82-6	0.031	0.087
		p,p'-DDE	72-55-9	0.031	0.087
U062	Diallate	Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U063	Dibenz(a,h)anthracene	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064	Dibenz(a,i)pyrene	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066	1,2-Dibromo-3-chloropropane	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067	Ethylene dibromide (1,2-Dibromoethane)	Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068	Dibromomethane	Dibromomethane	74-95-3	0.11	15
U069	Di-n-butyl phthalate	Di-n-butyl phthalate	84-74-2	0.057	28
U070	o-Dichlorobenzene	o-Dichlorobenzene	95-50-1	0.088	6.0
U071	m-Dichlorobenzene	m-Dichlorobenzene	541-73-1	0.036	6.0
U072	p-Dichlorobenzene	p-Dichlorobenzene	106-46-7	0.090	6.0
U073	3,3'-Dichlorobenzidine	3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074	1,4-Dichloro-2-butene	cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U075	Dichlorodifluoromethane	Dichlorodifluoromethane	75-71-8	0.23	7.2
U076	1,1-Dichloroethane	1,1-Dichloroethane	75-34-3	0.059	6.0
U077	1,2-Dichloroethane	1,2-Dichloroethane	107-06-2	0.21	6.0
U078	1,1-Dichloroethylene	1,1-Dichloroethylene	75-35-4	0.025	6.0
U079	1,2-Dichloroethylene	trans-1,2-Dichloroethylene	156-60-5	0.054	30
U080	Methylene chloride	Methylene chloride	75-09-2	0.089	30
U081	2,4-Dichlorophenol	2,4-Dichlorophenol	120-83-2	0.044	14

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U082	2,6-Dichlorophenol	2,6-Dichlorophenol	87-65-0	0.044	14
U083	1,2-Dichloropropane	1,2-Dichloropropane	78-87-5	0.85	18
U084	1,3-Dichloropropylene	cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
U085	1,2:3,4-Diepoxybutane	1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086	N,N'-Diethylhydrazine	N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087	O,O-Diethyl S-methyldithiophosphate	O,O-Diethyl S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
U088	Diethyl phthalate	Diethyl phthalate	84-66-2	0.20	28
U089	Diethyl stilbestrol	Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090	Dihydrosafrole	Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091	3,3'-Dimethoxybenzidine	3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092	Dimethylamine	Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093	p-Dimethylaminoazobenzene	p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094	7,12-Dimethylbenz(a)anthracene	7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095	3,3'-Dimethylbenzidine	3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U096	alpha, alpha-Dimethyl benzyl hydroperoxide	alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097	Dimethylcarbamoyl chloride	Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098	1,1-Dimethylhydrazine	1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099	1,2-Dimethylhydrazine	1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101	2,4-Dimethylphenol	2,4-Dimethylphenol	105-67-9	0.036	14
U102	Dimethyl phthalate	Dimethyl phthalate	131-11-3	0.047	28
U103	Dimethyl sulfate	Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105	2,4-Dinitrotoluene	2,4-Dinitrotoluene	121-14-2	0.32	140
U106	2,6-Dinitrotoluene	2,6-Dinitrotoluene	606-20-2	0.55	28
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	0.017	28
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		1,4-Dioxane; alternate ⁶	123-91-1	12.0	170
U109	1,2-Diphenylhydrazine	1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
		1,2-Diphenylhydrazine; alternate ⁶ standard for wastewaters only	122-66-7	0.087	NA
U110	Dipropylamine	Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111	Di-n-propylnitrosamine	Di-n-propylnitrosamine	621-64-7	0.40	14
U112	Ethyl acetate	Ethyl acetate	141-78-6	0.34	33

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U113	Ethyl acrylate	Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114	Ethylenebisdithiocarbamic acid salts and esters	Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115	Ethylene oxide	Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
		Ethylene oxide; alternate ⁶ standard for wastewaters only	75-21-8	0.12	NA
U116	Ethylene thiourea	Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117	Ethyl ether	Ethyl ether	60-29-7	0.12	160
U118	Ethyl methacrylate	Ethyl methacrylate	97-63-2	0.14	160
U119	Ethyl methane sulfonate	Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120	Fluoranthene	Fluoranthene	206-44-0	0.068	3.4
U121	Trichloromonofluoromethane	Trichloromonofluoromethane	75-69-4	0.020	30
U122	Formaldehyde	Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123	Formic acid	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124	Furan	Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125	Furfural	Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U126	Glycidylaldehyde	Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127	Hexachlorobenzene	Hexachlorobenzene	118-74-1	0.055	10
U128	Hexachlorobutadiene	Hexachlorobutadiene	87-68-3	0.055	5.6
U129	Lindane	alpha-BHC	319-84-6	0.00014	0.066
		beta-BHC	319-85-7	0.00014	0.066
		delta-BHC	319-86-8	0.023	0.066
		gamma-BHC (Lindane)	58-89-9	0.0017	0.066
U130	Hexachlorocyclopentadiene	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
U131	Hexachloroethane	Hexachloroethane	67-72-1	0.055	30
U132	Hexachlorophene	Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133	Hydrazine	Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134	Hydrogen fluoride	Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U135	Hydrogen Sulfide	Hydrogen Sulfide	7783-06-4	CHOXD; CHRED, or CMBST	CHOXD; CHRED; or CMBST.
U136	Cacodylic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137	Indeno(1,2,3-c,d)pyrene	Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
U138	Iodomethane	Iodomethane	74-88-4	0.19	65
U140	Isobutyl alcohol	Isobutyl alcohol	78-83-1	5.6	170
U141	Isosafrole	Isosafrole	120-58-1	0.081	2.6
U142	Kepone	Kepone	143-50-8	0.0011	0.13
U143	Lasiocarpine	Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144	Lead acetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U145	Lead phosphate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U146	Lead subacetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U147	Maleic anhydride	Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148	Maleic hydrazide	Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149	Malononitrile	Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150	Melphalan	Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151	U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All U151 (mercury) wastewaters.	Mercury	7439-97-6	0.15	NA
	Elemental Mercury Contaminated with Radioactive Materials	Mercury	7439-97-6	NA	AMLGM
U152	Methacrylonitrile	Methacrylonitrile	126-98-7	0.24	84
U153	Methanethiol	Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154	Methanol	Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Methanol; alternate ⁶ set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
U155	Methapyrilene	Methapyrilene	91-80-5	0.081	1.5

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WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U156	Methyl chlorocarbonate	Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157	3-Methylcholanthrene	3-Methylcholanthrene	56-49-5	0.0055	15
U158	4,4'-Methylene bis(2-chloroaniline)	4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
U159	Methyl ethyl ketone	Methyl ethyl ketone	78-93-3	0.28	36
U160	Methyl ethyl ketone peroxide	Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161	Methyl isobutyl ketone	Methyl isobutyl ketone	108-10-1	0.14	33
U162	Methyl methacrylate	Methyl methacrylate	80-62-6	0.14	160
U163	N-Methyl N'-nitro N-nitrosoguanidine	N-Methyl N'-nitro N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164	Methylthiouracil	Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165	Naphthalene	Naphthalene	91-20-3	0.059	5.6
U166	1,4-Naphthoquinone	1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167	1-Naphthylamine	1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168	2-Naphthylamine	2-Naphthylamine	91-59-8	0.52	CMBST
U169	Nitrobenzene	Nitrobenzene	98-95-3	0.068	14
U170	p-Nitrophenol	p-Nitrophenol	100-02-7	0.12	29
U171	2-Nitropropane	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172	N-Nitrosodi-n-butylamine	N-Nitrosodi-n-butylamine	924-16-3	0.40	17

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U173	N-Nitrosodiethanolamine	N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174	N-Nitrosodiethylamine	N-Nitrosodiethylamine	55-18-5	0.40	28
U176	N-Nitroso-N-ethylurea	N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177	N-Nitroso-N-methylurea	N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178	N-Nitroso-N-methylurethane	N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179	N-Nitrosopiperidine	N-Nitrosopiperidine	100-75-4	0.013	35
U180	N-Nitrosopyrrolidine	N-Nitrosopyrrolidine	930-55-2	0.013	35
U181	5-Nitro-o-toluidine	5-Nitro-o-toluidine	99-55-8	0.32	28
U182	Paraldehyde	Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183	Pentachlorobenzene	Pentachlorobenzene	608-93-5	0.055	10
U184	Pentachloroethane	Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Pentachloroethane; alternate ⁶ standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185	Pentachloronitrobenzene	Pentachloronitrobenzene	82-68-8	0.055	4.8
U186	1,3-Pentadiene	1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187	Phenacetin	Phenacetin	62-44-2	0.081	16
U188	Phenol	Phenol	108-95-2	0.039	6.2
U189	Phosphorus sulfide	Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U190	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191	2-Picoline	2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192	Pronamide	Pronamide	23950-58-5	0.093	1.5
U193	1,3-Propane sultone	1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194	n-Propylamine	n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196	Pyridine	Pyridine	110-86-1	0.014	16
U197	p-Benzoquinone	p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200	Reserpine	Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201	Resorcinol	Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202	Saccharin and salts	Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203	Safrole	Safrole	94-59-7	0.081	22
U204	Selenium dioxide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U205	Selenium sulfide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U206	Streptozotocin	Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U207	1,2,4,5-Tetrachlorobenzene	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208	1,1,1,2-Tetrachloroethane	1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209	1,1,2,2-Tetrachloroethane	1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210	Tetrachloroethylene	Tetrachloroethylene	127-18-4	0.056	6.0
U211	Carbon tetrachloride	Carbon tetrachloride	56-23-5	0.057	6.0
U213	Tetrahydrofuran	Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214	Thallium (I) acetate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U215	Thallium (I) carbonate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U216	Thallium (I) chloride	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U217	Thallium (I) nitrate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U218	Thioacetamide	Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U219	Thiourea	Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220	Toluene	Toluene	108-88-3	0.080	10
U221	Toluenediamine	Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride	o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate	Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane)	Bromoform (Tribromomethane)	75-25-2	0.63	15
U226	1,1,1-Trichloroethane	1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227	1,1,2-Trichloroethane	1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228	Trichloroethylene	Trichloroethylene	79-01-6	0.054	6.0

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)

WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U234	1,3,5-Trinitrobenzene	1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-Dibromopropyl)-phosphate	tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10
U236	Trypan Blue	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237	Uracil mustard	Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238	Urethane (Ethyl carbamate)	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239	Xylenes	Xylenes-mixed isomers(sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
U240	2,4-D (2,4-Dichlorophenoxyacetic acid)	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
	2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters		NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243	Hexachloropropylene	Hexachloropropylene	1888-71-7	0.035	30
U244	Thiram	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246	Cyanogen bromide	Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247	Methoxychlor	Methoxychlor	72-43-5	0.25	0.18
U248	Warfarin, & salts, when present at concentrations of 0.3% or less	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249	Zinc phosphide, Zn ₃ P ₂ , when present at concentrations of 10% or less	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271	Benomyl ¹⁰	Benomyl	17804-35-2	0.056	1.4

268.40 TABLE - TREATMENT STANDARDS FOR HAZARDOUS WASTES NOTE: NA means not applicable (11/99, 8/00)					
WASTE CODE	WASTE DESCRIPTION AND TREATMENT/REGULATORY SUBCATEGORY ¹	REGULATED HAZARDOUS CONSTITUENT		WASTEWATERS	NONWASTEWATERS
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or Technology Code ⁴
U278	Bendiocarb ¹⁰	Bendiocarb	22781-23-3	0.056	1.4
U279	Carbaryl ¹⁰	Carbaryl	63-25-2	0.006	0.14
U280	Barban ¹⁰	Barban	101-27-9	0.056	1.4
U328	o-Toluidine	o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN.	CMBST
U353	p-Toluidine	p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359	2-Ethoxyethanol	2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364	Bendiocarb phenol ¹⁰	Bendiocarb phenol	22961-82-6	0.056	1.4
U367	Carbofuran phenol ¹⁰	Carbofuran phenol	1563-38-8	0.056	1.4
U372	Carbendazim ¹⁰	Carbendazim	10605-21-7	0.056	1.4
U373	Propham ¹⁰	Propham	122-42-9	0.056	1.4
U387	Prosulfocarb ¹⁰	Prosulfocarb	52888-80-9	0.042	1.4
U389	Triallate ¹⁰	Triallate	2303-17-5	0.042	1.4
U394	A2213 ¹⁰	A2213	30558-43-1	0.042	1.4
U395	Diethylene glycol, dicarbamate ¹⁰	Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4
U404	Triethylamine ¹⁰	Triethylamine	101-44-8	0.081	1.5
U409	Thiophanate-methyl ¹⁰	Thiophanate-methyl	23564-05-8	0.056	1.4
U410	Thiodicarb ¹⁰	Thiodicarb	59669-26-0	0.019	1.4
U411	Propoxur ¹⁰	Propoxur	114-26-1	0.056	1.4

FOOTNOTES TO TREATMENT STANDARD TABLE 268.40

- 1 The waste descriptions provided in this table do not replace waste descriptions in 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 268.42 Table 1 - Technology Codes and Descriptions of Technology-Based Standards.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Part 264 Subpart O or Part 265 Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA, or CWA-equivalent systems, are not subject to treatment standards. (See 268.1(c)(3) and (4)), (See R.61-87.11.D.2).

9 [Reserved 8/00]

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at 268.42 Table 1 of this Part, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at 268.42 Table 1 of this Part, for wastewaters. (8/00)

11 For these wastes, the definition of CMBST is limited to: (1) combustion units operating under 266, (2) combustion units permitted under Part 264, Subpart O, or (3) combustion units operating under 265, Subpart O, which have obtained a determination of equivalent treatment under 268.42 (b). [Note: NA means not applicable]

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Add note to 268.40 Table

268.40 Table: Treatment Standards for Hazardous Wastes [insert note after 268.40 Table]

Note: The treatment standards that heretofore appeared in tables in 268.41, 268.42, and 268.43 of this part have been consolidated into the table "Treatment Standards for Hazardous Wastes."

Add 268.40(j)

(j) Effective September 4, 1998, the treatment standards for the wastes specified in 40 CFR 261.33 as EPA Hazardous Waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in the table "Treatment Standards for Hazardous Wastes" in this section, or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at 268.42 Table 1 of this Part, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at 268.42 Table 1 of this Part, for wastewaters.

Delete 4, 6 Tribromophenol from 268.48(a) Universal Treatment Standards

268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
		Concentration in mg/l ²	Concentration in mg/kg ³ unless noted as "mg/l TCLP"
Organic Constituents			
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Barban	101-27-9	0.056	1.4
Bendiocarb	22781-23-3	0.056	1.4
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0

268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Bromomethane/Methyl bromide	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol/Dinoseb	88-85-7	0.066	2.5
Carbaryl	63-25-2	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbofuran phenol	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan	55285-14-8	0.028	1.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloromethane/Methyl chloride	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15

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268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Dimetilan	644-64-4	0.056	1.4
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)	NA	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide/Propanenitrile	107-12-0	0.24	360
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066

268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb	2032-65-7	0.056	1.4
Methomyl	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb	1129-41-5	0.056	1.4
Mexacarbate	315-18-4	0.056	1.4
Molinate	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0

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268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine	57-47-6	0.056	1.4
Physostigmine salicylate	57-64-7	0.056	1.4
Promecarb	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham	122-42-9	0.056	1.4
Propoxur	114-26-1	0.056	1.4
Prosulfocarb	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex/2,4,5-TP	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb	59669-26-0	0.019	1.4
Thiophanate-methyl	23564-05-8	0.056	1.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate	2303-17-5	0.042	1.4
Tribromomethane/Bromoform	75-25-2	0.63	15
2,4,6-Tribromophenol	118-79-6	0.035	7.4
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernolate	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Inorganic Constituents			
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP

268.48 - UNIVERSAL TREATMENT STANDARDS (8/00) NOTE: NA means not applicable			
REGULATED CONSTITUENT Common Name	CAS ¹ Number	Wastewater Standard	Nonwastewater Standard
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) ⁴	57-12-5	1.2	590
Cyanides (Amenable) ⁴	57-12-5	0.86	30
Fluoride ⁵	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury - Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury - All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11. mg/l TCLP
Selenium ⁷	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide ⁵	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium ⁵	7440-62-2	4.3	1.6 mg/l TCLP
Zinc ⁵	7440-66-6	2.61	4.3 mg/l TCLP

FOOTNOTES TO TABLE UTS

- 1 CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
 - 2 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
 - 3 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of part 264, subpart O or part 265, subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
 - 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
 - 5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at 268.2(i).
 - 6 [Reserved 8/00]
 - 7 This constituent is not an underlying hazardous constituent as defined at 268.2(i) of this Part because its UTS level is greater than its TC level, thus a treated selenium waste would always be characteristically hazardous, unless it is treated to below its characteristic level.
- * Note: N/A means "not applicable"

Replace 268.49(c)(1)(A)&(B)

268.49 Alternative LDR treatment standards for contaminated soil.

(c)(1)(A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by paragraph (c)(1)(C) of this section.

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(B) For metals and carbon disulfide, cyclohexanone, and methanol treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by paragraph (c)(1)(C) of this section.

Replace 270.27(a)(5)&(7)

270.27 Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers(9/98)

(a) Except as otherwise provided in 264.1, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 264 subpart CC shall provide the following additional information:

(5) Documentation for each closed-vent system and control device installed in accordance with the requirements of 264.1087 that includes design and performance information as specified in 270.24(c) and (d) of this part.

(6) An emission monitoring plan for both Method 21 in 40 CFR part 60, appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

(7) When an owner or operator of a facility subject to part 265, subpart CC cannot comply with part 264, subpart CC by the date of permit issuance, the schedule of implementation required under 265.1082.

270.42 Appendix I: Insert A.8. and replace L.9

A. 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

L. 9. Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE-Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of 270.42(j) are followed.

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: 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. Recent federal amendments which the Department is amending include the following: technical amendments to Land Disposal Restrictions Phase IV (corrections which became effective October 20, 1999); a new rule which allows certain generators of F006 sludges to accumulate up to 180 days without a permit if the sludge is recycled; the vacating of previous listings for organobromine production wastes; and other minor amendments. This amendment does not include Final National Emissions Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, sometimes called NESHAPS or MACT (for Maximum Achievable Control Technologies), which was part of the Notice of Proposed Regulation. On July 24th a federal appeals court

vacated the rule and ordered EPA to rewrite it. In addition, minor typographical errors will be corrected to achieve conformity with federal regulations. These rules and other amendments have been published in the Federal Register between September 30, 1999, and June 30, 2000.

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 REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Adoption of the 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; each amendment reflects a federal provision. 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..."

These amendments either offer alternative strategies for complying with existing rules, or clarify or correct existing rules, and therefore impose no additional costs upon either governments or the private sector. This amendment does not include Final National Emissions Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, sometimes called NESHAPS or MACT (for Maximum Achievable Control Technologies), which was part of the Notice of Proposed Regulation. On July 24th a federal appeals court vacated the rule and ordered EPA to rewrite it.

UNCERTAINTIES OF ESTIMATES: No known uncertainties.

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

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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 are not adopted in South Carolina.

Document No. 2647

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40, as amended

R.61-63. Radioactive Materials (Title A)

Synopsis:

The Nuclear Regulatory Commission continually updates regulations, and state regulations are amended regularly to incorporate federal updates. Section 274 of the Atomic Energy Act of 1954, as amended, requires that the states adopt federal regulations for compatibility. This amendment adopts into regulation the Nuclear Regulatory Commission updates as an item of compatibility. Amendment of R.61-63 makes minor correcting and clarifying changes to the requirements in Part III which address standards for protection against radiation. Additional changes conform Parts I, IV, VIII, and XI to the revised Part III. Subjects include Part III, Conditions Requiring Individual Monitoring of External and Internal Occupational Dose; Exceptions to Posting Requirements; Notification of Incidents; Part IV, Modification of Teletherapy Unit or Room; Part VIII, Radiation Survey Instruments (Well Logging); Surveillance of Operations; Part XI, Access Control (Irradiators). Additional amendments in Part V, Industrial Radiography, are solely administrative in that they correct and clarify the text of an existing regulation and do not result in any essential change. Subjects in Part V clarify implementation dates for certain training requirements. This amendment will comply with 10 CFR Parts 20, 34, 35, and 36, Final Rules, published in the Federal Register on July 9, 1998, July 23, 1998 and August 26, 1998. Legislative review will not be required.

A Notice of Drafting for this amendment was published in the State Register on March 23, 2001. The revision was promulgated to comply with federal law; neither a fiscal impact statement nor assessment report is required. See discussion of revisions below and a statement of need and reasonableness provided herein.

Discussion of Revisions:

- (1) Revises definitions to conform to Part III.

<u>SECTION</u>	<u>REVISION</u>
61-63.1.2.11	Revises definition for “High Radiation Area.”

- (2) Definition revisions, deletions and renumbering for Part III.

<u>SECTION</u>	<u>REVISION</u>
61-63.3.2.20	Revises definition for “Declared pregnant woman.”
61-63.3.2.37	Deletes definition for “Eye dose equivalent.”
61-63.3.2.38 through 3.2.40	Renumbered due to deletion of 3.2.37.
61-63.3.2.40	New definition for “High Radiation Area” added.
61-63.3.2.42	Adds new definition for “Individual monitoring devices.”
61-63.3.2.42 through 3.2.43	Renumbered.

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61-63.3.2.44 Renumbered to 3.2.45 and changed to add new definition for “Lens dose equivalent (LDE).”

61-63.3.2.44
through 3.2.71 Renumbered.

61-63.3.2.72 Renumbered and revised to reflect addition to “Very high radiation area” definition.

61-63.3.2.73
through 3.2.81 Definitions renumbered.

(3) Clarifying changes for radiation protection programs.

SECTION

REVISION

61-63.3.4.2 Section revised to clarify intent.

61-63.3.5.1.2.1 Revised to reference lens dose.

61-63.3.5.3 Section revised to reference lens dose.

61-63.3.7.1 Revises section to reference lens dose.

61-63.3.10.1 Section revised to clarify authorization of planned special exposure.

61-63.3.12.1 Revised section to incorporate term “dose equivalent.”

61-63.3.12.3 Revised section to incorporate term “dose equivalent.”

61-63.3.12.3.2
and 3.12.4 Revised section to incorporate term “dose equivalent.”

61-63.3.16.1.2.1 Revised to expand focus of radiation surveys.

61-63.3.16.1.2.3 Revision to delete redundant phrase.

61-63.3.17.1 Revised section to clarify sources of radiation exposure requiring monitoring.

61-63.3.17.1.2 Revision of limits for monitoring of external radiation exposure to minors.

61-63.3.17.1.3 Renumbers section to revise limits for monitoring of external radiation exposure to declared pregnant women.

61-63.3.17.1.4 Renumbered section.

61-63.3.17.2.1 Clarification for revision to next section.

61-63.3.17.2.2 Revision of limits for monitoring of internal exposure to minors.

61-63.3.17.2.3 Adds section to revise limits for monitoring of internal exposure to declared pregnant women.

61-63.3.23.4
through 3.23.4.2 Adds new section for posting exemptions for Teletherapy rooms in hospitals.

- 61-63.3.26.4 Clarifies method of licensee notification of the Department.
- 61-63.3.34.2 Existing section changed to add new section clarifying units used in record keeping.
- 61-63.3.34.2 through 3.34.6 Renumbered sections due to addition of new material.
- 61-63.3.35.2 Revision of record retention frequency.
- 61-63.3.36.1 Revision of record retention frequency.
- 61-63.3.37.6 Revision of record retention frequency.
- 61-63.3.39.1.1 Revision to reference lens dose.
- 61-63.3.39.1.2 Revision deleting term “body burden.”
- 61-63.3.39.1.4 Revision to clarify committed effective dose equivalent assessment requirements.
- 61-63.3.45.1 Revision to add telephone number.
- 61-63.3.45.1.1.2 Revision to reference lens dose.
- 61-63.3.45.2.1.2 Revision to reference lens dose.
- 61-63.4.5.2 Section revised for typographical error.
- 61-63.4.7.6.3 Revision of record retention frequency.
- 61-63.4.7.7.3 Revision of record retention frequency.
- 61-63.4.8.2.5 Revision of record retention frequency.
- 61-63.4.8.3.5 Revision of record retention frequency.
- 61-63.4.8.4.3 Revision of record retention frequency.
- 61-63.4.8.6.9 Revision of record retention frequency.
- 61-63.4.8.11.8 Revision of record retention frequency.
- 61-63.4.8.13.6 Revision of record retention frequency.
- 61-63.4.8.15.2 Revision of record retention frequency.
- 61-63.4.10.2.5 Revision of record retention frequency.
- 61-63.4.11.2.3 Revision of record retention frequency.
- 61-63.4.11.3.1.4 Revision of record retention frequency.
- 61-63.4.13.2.3 Revision of record retention frequency.

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61-63.4.13.3.1.4	Revision of record retention frequency.
61-63.4.13.4.6	Revision of record retention frequency.
61-63.4.13.5.2	Revision of record retention frequency.
61-63.4.14.4.3	Revision of record retention frequency.
61-63.4.14.9.5	Revision of record retention frequency.
61-63.4.14.13.4	Revision of record retention frequency.
61-63.4.14.13.8	Revision of record retention frequency.
61-63.4.14.14.1.2.1	Section revised for radiation surveys measuring dose rates in Teletherapy facilities.
61-63.4.14.14.1.2.2	Section revised for radiation surveys measuring dose rates in Teletherapy facilities.
61-63.4.14.15.3	Revision of record retention frequency.
61-63.4.14.16.1 through 4.14.16.1.2	Sections revised referencing requirements for modification of a Teletherapy room before beginning a treatment program.
61-63.4.16.2.3	Revision of record retention frequency.
61-63.4.16.3.3	Revision of record retention frequency.
61-63.4.16.4.2	Revision of record retention frequency.

(4) Clarification of implementation deadlines for industrial radiography.

SECTION

REVISION

61-63.5.9.5 requirements.	Sentence added to clarify implementation date for depleted uranium leak testing requirements.
61-63.5.12.1.2	Revision to section clarifying implementation date for training requirements.
61-63.5.12.8 and 5.12.9	Revision to sections clarifying implementation dates for training and certification requirements.
61-63.5.21.4 man crew rule.	Revision to section to clarify implementation date for meeting requirement of the two-man crew rule.
61-63.5.22.4 requirements.	Revision to section to clarify implementation date for meeting RSO training requirements.

(5) Miscellaneous administrative, typographical and clarifying changes.

SECTION

REVISION

61-63.7.11.3	Revision correcting typographical error.
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- 61-63.8.9.1 Revision clarifying survey meter requirements for well logging programs.
- 61-63.8.24.2 Clarification of reference.
- 61-63.11.8.7 Revision to posting requirements for panoramic or underwater irradiators.

Instructions: Amend R.61-63 pursuant to each individual instruction provided with the text below:

Text:

Revise R.61-63.1.2.11 to read:

1.2.11 "High Radiation Area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

Revise R.61-63.3.2.20 to read:

3.2.20 "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

Delete R.61-63.3.2.37 in its entirety.

ReNUMBER R.61-63.3.2.38 to 3.2.37:

3.2.37 "Generally applicable environmental radiation standards" means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

ReNUMBER R.61-63.3.2.39 to 3.2.38:

3.2.38 "Generator" means a licensee operating under a Commission or Agreement State license who (1) is a radioactive waste generator as defined in this part, or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g. waste generated as a result of decontamination or recycle activities).

ReNUMBER R.61-63.3.2.40 to 3.2.39:

3.2.39 "High Integrity Container (HIC)" means a container commonly designed to meet the structural stability requirements of Appendix E, RHA 3.56.2.2, and to meet Department of Transportation requirements for a Type A package.

Add new definition for R.61-63.3.2.40:

3.2.40 "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

R.61-63-3.2.41 remains unchanged.

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Add new definition for "Individual monitoring devices" and number R.61-63.3.2.42:

3.2.42 "Individual monitoring devices (individual monitoring equipment)" means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

Renumber existing R.61-63.3.2.42 to 3.2.43:

3.2.43 "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

Renumber existing R.61-63.3.2.43 to 3.2.44:

3.2.44 "Land disposal facility" means the land buildings and structures, and equipment which are intended to be used for the disposal of radioactive wastes.

Add new definition for "Lens dose equivalent" and number R.61-63.3.2.45:

3.2.45 "Lens dose equivalent (LDE)" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

Renumber existing R.61-63.3.2.44 to 3.2.46:

3.2.46 "Licensed material" means source material, special nuclear material, or byproduct material received, possessed, used, transferred or disposed of under a general or specific license issued by the Department.

Renumber existing R.61-63.3.2.45 to 3.2.47:

3.2.47 "Limits (dose limits)" means the permissible upper bounds of radiation doses.

Renumber existing R.61-63.3.2.46 to 3.2.48:

3.2.48 "Lost or missing licensed material" means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

Renumber existing R.61-63.3.2.47 to 3.2.49:

3.2.49 "Member of the public" means any individual except when that individual is receiving an occupational dose.

Renumber existing R.61-63.3.2.48 to 3.2.50:

3.2.50 "Minor" means an individual less than 18 years of age.

Renumber existing R.61-63.3.2.49 to 3.2.51:

3.2.51 "Monitoring" (radiation monitoring, radiation protection monitoring) means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

Renumber existing R.61-63.3.2.50 to 3.2.52:

3.2.52 "Nonstochastic effect" means health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

Renumber existing R.61-63.3.2.51 to 3.2.53:

3.2.53 "NRC Forms 540, 540A, 541, 541A, 542, and 542A" are official NRC forms referenced in this regulation. Licensees need not use originals of these NRC Forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, NRC Forms 541 (and 541A) and NRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest.

Renumber existing R.61-63.3.2.52 to 3.2.54:

3.2.54 "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and/or radioactive material from licensed and unlicensed sources of radiation whether in the possession of the licensee or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with RHA 4.8.12, or from voluntary participation in medical research programs, or as a member of the public.

Renumber existing R.61-63.3.2.53 to 3.2.55:

3.2.55 "Package" means the assembly of components necessary to ensure compliance with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for transport.

Renumber existing R.61-63.3.2.54 to 3.2.56:

3.2.56 "Physical description" means the items called for on NRC Form 541 to describe a low-level radioactive waste.

Renumber existing R.61-63.3.2.55 to 3.2.57:

3.2.57 "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual dose limits.

Renumber existing R.61-63.3.2.56 to 3.2.58:

3.2.58 "Public dose" means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a licensee, or to any other source of radiation under the control of the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual had received, from exposure to individuals administered radioactive material and released in accordance with RHA 4.8.12, or from voluntary participation in medical research programs.

Renumber existing R.61-63.3.2.57 to 3.2.59:

3.2.59 "Quality Factor" (Q) means the modifying factor (listed in tables 1 and 2 of RHA 3.3) that is used to derive dose equivalent from absorbed dose.

Renumber existing R.61-63.3.2.58 to 3.2.60:

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3.2.60 "Reference man" means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

Renumber existing R.61-63.3.2.59 to 3.2.61:

3.2.61 "Residual radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site even if those burials were made in accordance with this Regulation.

Renumber existing R.61-63.3.2.60 to 3.2.62:

3.2.62 "Residual waste" means low-level radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.

Renumber existing R.61-63.3.2.61 to 3.2.63:

3.2.63 "Respiratory protective device" means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.

Renumber existing R.61-63.3.2.62 to 3.2.64:

3.2.64 "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

Renumber existing R.61-63.3.2.63 to 3.2.65:

3.2.65 "Shallow-dose equivalent" (Hs), which applies to the external exposure of the skin or an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of 1 square centimeter.

Renumber existing R.61-63.3.2.64 to 3.2.66:

3.2.66 "Shipper" means the licensed entity (i.e. the waste generator, waste collector, or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator.

Renumber existing R.61-63.3.2.65 to 3.2.67:

3.2.67 "Shipping paper" means NRC Form 540 and if required, NRC Form 540A which includes the information required by DOT in 49 CFR Part 172.

Renumber existing R.61-63.3.2.66 to 3.2.68:

3.2.68 "Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form, or (2) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (a) uranium, (b) thorium, or (c) any combination thereof. Source material does not include special nuclear material (SNM).

Renumber existing R.61-63.3.2.67 to 3.2.69:

3.2.69 "Special nuclear material" means (1) plutonium, uranium-233, uranium-enriched in the isotope-233 or the isotope-235, or (2) any material artificially enriched by any of the foregoing. This definition does not include source material.

Renumber existing R.61-63.3.2.68 to 3.2.70:

3.2.70 "Stochastic effects" means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

Renumber existing R.61-63.3.2.69 to 3.2.71:

3.2.71 "Total Effective Dose Equivalent" (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Renumber existing R.61-63.3.2.70 to 3.2.72:

3.2.72 "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A_1 for special form radioactive material or A_2 for normal form radioactive material, where A_1 and A_2 are given in Appendix A 10CFR Part 71 or may be determined by procedures described in Appendix A 10CFR Part 71.

Renumber existing R.61-63.3.2.71 to 3.2.73:

3.2.73 "Uniform Low-Level Radioactive Waste Manifest or uniform manifest" means the combination of NRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed, or equivalent.

Revise existing R.61-63.3.2.72 to read and renumber as 3.2.74:

3.2.74 "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

Include note with newly renumbered R.61-63.3.2.74:

[Note: At very high doses received at high dose rates, units of absorbed dose (e.g., rads and grays) are appropriate, rather than units of dose equivalent (e.g., rems and sieverts).]

Renumber existing R.61-63.3.2.73 to 3.2.75:

3.2.75 "Waste collector" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

Renumber existing R.61-63.3.2.74 to 3.2.76:

3.2.76 "Waste description" means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541.

Renumber existing R.61-63.3.2.75 to 3.2.77:

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3.2.77 "Waste generator" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, who possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a "waste generator" if the transfer of low-level radioactive waste from its facility is defined as "residual waste."

Renumber existing R.61-63.3.2.76 to 3.2.78:

3.2.78 "Waste processor" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

Renumber existing R.61-63.3.2.77 to 3.2.79:

3.2.79 "Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste solidified in a specifically defined media).

Renumber existing R.61-63.3.2.78 to 3.2.80:

3.2.80 "Weighting factor, W_T ," for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of W_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	W_T
Gonads	0.25
Breast	0.15
Red bone marrow.....	0.12
Lung	0.12
Thyroid.....	0.03
Bone surfaces.....	0.03
Remainder.....	¹ 0.30
Whole Body.....	² 1.00

¹ 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive the highest doses.

² For the purpose of weighting the external whole body dose (for adding it to the internal dose), a single weighting factor, $W_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

Renumber existing R.61-63.3.2.79 to 3.2.81:

3.2.81 "Working level" (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy.

Renumber existing R.61-63.3.2.80 to 3.2.82:

3.2.82 "Working level month" (WLM) means an exposure to 1 working level for 170 hours (2,000 working hours per year/12 months per year = approximately 170 hours per month).

Renumber existing R.61-63.3.2.81 to 3.2.83:

3.2.83 "Year" means the period of time beginning in January used to determine compliance with the provisions of this part. The licensee may change the starting date of the year used to determine compliance by the licensee provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

Revise R.61-63.3.4.2 to read:

3.4.2 The licensee shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

Revise R.61-63.3.5.1.2.1 to read:

3.5.1.2.1 A lens dose equivalent of 15 rems (0.15 Sv), and

Revise R.61-63.3.5.3 to read:

3.5.3 The assigned deep-dose equivalent and shallow-dose equivalent must be for the part of the body receiving the highest exposure. The deep-dose equivalent, lens dose equivalent and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

Revise R.61-63.3.7.1 to read:

3.7.1 Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep-dose equivalent, lens dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud (see Appendix B, RHA 3.53 footnotes 1 and 2).

Revise R.61-63.3.10.1 to read:

3.10.1 The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

Revise R.61-63.3.12.1 to read:

3.12.1 The licensee shall ensure that the dose equivalent to the embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). (For recordkeeping requirements, see RHA 3.39)

Revise R.61-63.3.12.3 through 3.12.4 to read:

3.12.3 The dose equivalent to the embryo/fetus is the sum of--

3.12.3.1 The deep-dose equivalent to the declared pregnant woman; and

3.12.3.2 The dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

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3.12.4 If the dose equivalent to the embryo/fetus is found to have exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, by the time the woman declares the pregnancy to the licensee, the licensee shall be deemed to be in compliance with paragraph 3.12.1 of this section if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

Revise R.61-63.3.16.1.2.1 to read:

3.16.1.2.1 The magnitude and extent of radiation levels; and

Revise R.61-63.3.16.1.2.3 to read:

3.16.1.2.3 The potential radiological hazards.

Revise R.61-63.3.17.1 to read:

3.17.1 Each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by-

Revise R.61-63.3.17.1.2 to read:

3.17.1.2 Minors likely to receive, in 1 year from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

Replace existing R.61-63.3.17.1.3 to read:

3.17.1.3 Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv). (Note: All of the occupational doses in RHA 3.5 continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded.)

Renumber existing R.61-63.3.17.1.3 to 3.17.1.4:

3.17.1.4 Individuals entering a high or very high radiation area.

Revise existing R.61-63.3.17.2.1 to read:

3.17.2.1 Adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable ALI(s) in Table 1, Columns 1 and 2, of Appendix B, RHA 3.53;

Revise existing R.61-63.3.17.2.2 to read:

3.17.2.2 Minors likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

Add new section R.61-63.3.17.2.3:

3.17.2.3 Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

Add new sections R.61-63.3.23.4 through 3.23.4.2:

3.23.4 Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under RHA 3.22 if--

3.23.4.1 Access to the room is controlled pursuant to RHA 4.14.6; and

3.23.4.2 Personnel in attendance take necessary precautions to prevent the inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this part.

Revise existing R.61-63.3.26.4:

3.26.4 The licensee shall immediately notify the final delivery carrier and the S.C. Department of Health & Environmental Control, Bureau of Radiological Health, (803-545-4400 or 803-690-8286), by telephone, when:

Revise existing R.61-63.3.34.2 to read:

3.34.2 In the records required by this part, the licensee may record quantities in SI units in parentheses following each of the units specified in RHA 3.34.1. However, all quantities must be recorded as stated in RHA 3.34.1.

Renumber existing R.61-63.3.34.2 to 3.34.3:

3.34.3 Notwithstanding the requirements of 3.34.1 of this section, when recording information on shipment manifests, as required in 3.32.2 information must be recorded in the International System of Units(SI) or in SI and units as specified in 3.34.1 of this section.

Revise existing R.61-63.3.34.3 to read as follows and renumber to 3.34.4:

3.34.4 The licensee shall make a clear distinction among the quantities entered on the records required by this part (e.g., total effective dose equivalent, shallow-dose equivalent, lens dose equivalent, deep-dose equivalent, committed effective dose equivalent).

Renumber existing R.61-63.3.34.4 to 3.34.5:

3.34.5 Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days or source material, in an unsealed form, shall forward the following records to the Department:

Renumber existing R.61-63.3.34.4.1 to 3.34.5.1:

3.34.5.1 Records of disposal of licensed material made under RHA 3.28 thru 3.31; and

Renumber existing R.61-63.3.34.4.2 to 3.34.5.2:

3.34.5.2 Records required by RHA 3.36.2.4.

Renumber existing R.61-63.3.34.5 to 3.34.6:

3.34.6 If licensed activities are transferred or assigned in accordance with RHA 2.10.2, each licensee authorized to possess radioactive material with a half-life greater than 120 days or source material, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

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Renumber existing R.61-63.3.34.5.1 to 3.34.6.1:

3.34.6.1 Records of disposal of licensed material made under RHA 3.28 thru 3.31; and

Renumber existing R.61-63.3.34.5.2 to 3.34.6.2:

3.34.6.2 Records required by RHA 3.36.2.4.

Renumber existing R.61-63.3.34.6 to 3.34.7:

3.34.7 Prior to license termination, each licensee shall forward the records required by RHA 1.15.11 to the Department.

Revise existing R.61-63.3.35.2 to read:

3.35.2 The licensee shall retain the records required by paragraph 3.35.1.1 of this section until the Department terminates each pertinent license requiring the record. The licensee shall retain the records required by paragraph 3.35.1.2 of this section for 3 years after the record is made.

Revise existing R.61-63.3.36.1 to read:

3.36.1 Each licensee shall maintain records showing the results of surveys and calibrations required by RHA 3.16 and 3.26.2. The licensee shall retain these records for 3 years after the record is made.

Revise existing R.61-63.3.37.6 to read:

3.37.6 The licensee shall retain the records on S.C. Form 4 or equivalent until the Department terminates each pertinent license requiring this record. The licensee shall retain records used in preparing S.C. Form 4 for 3 years after the record is made.

Revise existing R.61-63.3.39.1.1 to read:

3.39.1.1 The deep-dose equivalent to the whole body, lens dose equivalent, shallow-dose equivalent to the skin, and shallow-dose equivalent to the extremities; and

Revise existing R.61-63.3.39.1.2 to read:

3.39.1.2 The estimated intake of radionuclides (see RHA 3.6); and

Revise existing R.61-63.3.39.1.3 to read:

3.39.1.3 The committed effective dose equivalent assigned to the intake of radionuclides; and

Revise existing R.61-63.3.39.1.4 to read:

3.39.1.4 The specific information used to assess the committed effective dose equivalent pursuant to RHA 3.8.1 and RHA 3.8.3, and when required by RHA 3.17, and

Revise existing R.61.63.3.45.1 to read:

3.45.1 Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately notify the S.C. Department of Health & Environmental Control, Bureau of Radiological Health, 2600 Bull Street, Columbia, SC 29201, by telephone (803-545-4400) and confirming letter of any event involving

radioactive material possessed by the licensee that may have caused or threatens to cause any of the following conditions--

Revise existing R.61.63.3.45.1.1.2 to read:

3.45.1.1.2 A lens dose equivalent of 75 rems (0.75 Sv) or more;

Revise existing R.61.63.3.45.2.1.2 to read:

3.45.2.1.2 A lens dose equivalent exceeding 15 rems (0.15 Sv);

Revise existing R.61.63.4.5.2 to read:

4.5.2 Before it permits anyone to work as an authorized user or authorized nuclear pharmacist under the license, except an individual who is:

Revise existing R.61.63.4.7.6.3 to read:

4.7.6.3 The licensee shall retain records documenting each visiting authorized user's stay at the licensed facility as specified in RHA 4.7.6.1 for three years from the date of the last visit, but may discard these records if the visiting authorized user has been listed as an authorized user on the licensee's license.

Revise existing R.61-63.4.7.7.3 to read:

4.7.7.3 Mobile nuclear medicine service licensees shall obtain a letter signed by the management of each client for which services are rendered that authorizes use of radioactive material at the client's address of use. The mobile nuclear medicine service licensee shall retain the letter for three years after the last provision of service. The client of mobile nuclear medicine services is responsible for assuring that services are conducted in accordance with these regulations while the mobile nuclear medicine service is under the client's direction.

Revise existing R.61-63.4.8.2.5 to read:

4.8.2.5 The licensee shall retain a record of each check and test required by this section for three years. The records required by RHA 4.8.2.2.1 through 4.8.2.2.4 shall include:

Revise existing R.61-63.4.8.3.5 to read:

4.8.3.5 The licensee shall retain a record of each calibration required in RHA 4.8.3.1 for three years. The record shall include:

Revise existing R.61-63.4.8.4.3 to read:

4.8.4.3 Retain a record of the assays required by RHA 4.8.4.1 and 4.8.4.2, for three years. To satisfy this requirement, the record shall contain the:

Revise existing R.61-63.4.8.6.9 to read:

4.8.6.9 The licensee shall retain a record of each survey required in RHA 4.8.6.8 for three years. The record must include the date of the survey, a sketch of each area that was surveyed, the measured dose rate at several points in each area expressed in millirem per hour, the model number and serial number of the survey instrument used to make the survey, and the signature of the Radiation Safety Officer.

Revise existing R.61-63.4.8.11.8 to read:

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4.8.11.8 The licensee shall retain a record of each survey required by RHA 4.8.11.1, 4.8.11.2 and 4.8.11.5 for three years. The record must include the date of the survey, a sketch of each area surveyed, action levels established for each area, the measured dose rate at several points in each area expressed in millirem per hour or the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters, the instrument used to make the survey or analyze the samples, and the initials of the individual who performed the survey.

Revise existing R.61-63.4.8.13.6 to read:

4.8.13.6 Retain a record of each survey required by RHA 4.8.13.5 for three years. The record must include the date of the survey, a sketch of each area that was surveyed, the measured dose rate at several points in each area of use expressed in millirem per hour, the instrument used to make the survey, the initials of the individual who performed the survey.

Revise existing R.61-63.4.8.15.2 to read:

4.8.15.2 For radioactive material disposed in accordance with RHA 4.8.15.1, the licensee shall retain a record of each disposal for three years. The record must include the date of the disposal, the date on which the radioactive material was placed in storage, the model and serial number of the survey instrument used, the background dose rate, the radiation dose rate measured at the surface of each waste container, and the name of the individual who performed the disposal.

Revise existing R.61-63.4.10.2.5 to read:

4.10.2.5 The licensee who must measure Molybdenum concentration shall retain a record of each measurement for three years. The record shall include, for each elution or extraction of Technetium-99m, the measured activity of the Technetium expressed in millicuries, the measured activity of the Molybdenum expressed in microcuries, the ratio of the measures expressed as microcuries of Molybdenum per millicurie of Technetium, the date and time of the test, and the initials of the individual who performed the test.

Revise existing R.61-63.4.11.2.3 to read:

4.11.2.3 The licensee shall keep for three years, a list of individuals receiving instruction required by RHA 4.11.2.1, a description of the instruction, the date of instruction, and the name of the individual who gave the instruction.

Revise existing R.61-63.4.11.3.1.4 to read:

4.11.3.1.4 Promptly after administration of the dosage, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of Part III of these regulations and retain for three years a record of each survey that includes the time and date of the survey, a sketch of the area or list of points surveyed, the measured dose rate at several points expressed in millirem per hour, the instrument used to make the survey, and the initials of the individual who made the survey;

Revise existing R.61-63.4.13.2.3 to read:

4.13.2.3 The licensee shall retain for three years a record of individuals receiving instruction required by RHA 4.13.2.1, a description of the instructions, the date of instruction, and the name of the individual who gave the instructions.

Revise existing R.61-63.4.13.3.1.4 to read:

4.13.3.1.4 Promptly after implanting the sources, survey the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of Part III of these regulations and retain for three years a record of each survey that includes the time and date of the survey, a sketch of the area or list of points surveyed, the measured dose rate at several points expressed in mrem per hour, the instrument used to make the survey, and the initials of the individual who made the survey; and

Revise existing R.61-63.4.13.4.6 to read:

4.13.4.6 The licensee shall retain the records required in RHA 4.13.4.2 and 4.13.4.3 for three years.

Revise existing R.61-63.4.13.5.2 to read:

4.13.5.2 The licensee shall retain a record of patient or human research subject surveys which demonstrate compliance with RHA 4.13.5.1 for three years. Each record must include the date of the survey, the name of the patient or the human research subject, the dose rate from the patient or the human research subject expressed as millirem per hour and measured at 1 meter from the patient or the human research subject, the survey instrument used, and the initials of the individual who made the survey.

Revise existing R.61-63.4.14.4.3 to read:

4.14.4.3 The licensee shall retain for three years a record of individuals receiving instruction required by RHA 4.14.4.2, a description of the instruction, the date of instruction, and the name of the individual who gave the instruction.

Revise existing R.61-63.4.14.9.5 to read:

4.14.9.5 The licensee shall maintain a record of the check required by RHA 4.14.9.4 for three years. The record shall include the date of the check, notation that the monitor indicates when its detector is and is not exposed, and the initials of the individual who performed the check.

Revise existing R.61-63.4.14.13.4 to read:

4.14.13.4 The licensee shall have the teletherapy physicist review the results of each output spot-check within fifteen days. The teletherapy physicist shall promptly notify the licensee in writing of the results of each output spot-check. The licensee shall keep a copy of each written notification for three years.

Revise existing R.61-63.4.14.13.8 to read:

4.14.13.8 The licensee shall retain a record of each spot-check required by RHA 4.14.13.1 and 4.14.13.5 for three years. The record shall include the date of the spot-check, the manufacturer's name, model number, and serial number for both the teletherapy unit and source, the manufacturer's name, model number and serial number of the instrument used to measure the output of the teletherapy unit, an assessment of timer linearity and constancy, the calculated on-off error, a determination of the coincidence of the radiation field and the field indicated by the light beam localizing device, the measured timer accuracy for a typical treatment time, the determined accuracy of each distance measuring or localization device, the difference between the anticipated output and the measured output, notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system and doors, and the signature of the individual who performed the periodic spot-check.

Revise existing R.61-63.4.14.14.1.2.1 to read:

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4.14.14.1.2.1 Radiation dose rates in restricted areas are not likely to cause any occupationally exposed individual to receive a dose in excess of the limits specified in RHA 3.5 of these regulations; and

Revise existing R.61-63.4.14.14.1.2.2 to read:

4.14.14.1.2.2 Radiation dose rates in controlled or unrestricted areas are not likely to cause any individual member of the public to receive a dose in excess of the limits specified in RHA 3.13.

Revise existing R.61-63.4.14.15.3 to read:

4.14.15.3 The licensee shall retain for three years a record of the facility checks following installation of a source. The record shall include notations indicating the operability of each entrance door interlock, each electrical or mechanical stop, each beam condition indicator light, the viewing system, and doors, and the signature of the Radiation Safety Officer.

Revise existing R.61-63.4.14.16.1 to read:

4.14.16.1 If the survey required by RHA 4.14.14 indicates that any individual member of the public is likely to receive a dose in excess of the limits specified in RHA 3.13, the licensee shall, before beginning the treatment program:

Revise existing R.61-63.4.14.16.1.1 to read:

4.14.16.1.1 Either equip the unit with stops or add additional radiation shielding to ensure compliance with RHA 3.13;

Revise existing R.61-63.4.14.16.1.2 to read:

4.14.16.1.2 Perform the survey required by RHA 4.14.14 again; and

Revise existing R.61-63.4.16.2.3 to read:

4.16.2.3 Retain records of each review, including the evaluations and findings of the review, in an auditable form for three years.

Revise existing R.61-63.4.16.3.3 to read:

4.16.3.3 Retaining a record, in an auditable form for three years, of the relevant facts and what corrective action, if any, was taken.

Revise existing R.61-63.4.16.4.2 to read:

4.16.4.2 A record of each administered radiation dose or radiopharmaceutical dosage where a written directive is required in RHA 4.16.1.1 above, in an auditable form, for three years after the date of administration.

Revise existing R.61-63.5.9.5 to read:

5.9.5 Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed 12 months. The analysis must be capable of detecting the presence of .005 microcuries (185 Bq) of radioactive material on the test sample and must be performed by a person specifically authorized by the Department or an Agreement State to perform the analysis.

Should such testing reveal the presence of .005 microcuries (185 Bq) or more of removable DU contamination, the exposure device must be removed from use until an evaluation of the wear on the S-tube has been made. Should the evaluation reveal that the S-tube is worn through, the device may not be used again. DU shielded devices do not have to be tested for DU contamination while in storage and not in use. Before using or transferring such a device however, the device must be tested for DU contamination if the interval of storage exceeded 12 months. A record of the DU leak-test must be made in accordance with RHA 5.9.3. Licensees will have until May 26, 2001, to comply with the DU leak-testing requirements of this paragraph.

Revise existing R.61-63.5.12.1.2 to read:

5.12.1.2 The licensee may, until May 26, 2002, allow an individual who has not met the requirements of RHA 5.12.1.1 to act as a radiographer after the individual has received training in the subjects outlined in RHA 5.12.7 and demonstrated an understanding of these subjects by successful completion of a written examination that was previously submitted to and approved by the Department.

Revise existing R.61-63.5.12.8 to read:

5.12.8 Licensees will have until May 26, 2001, to comply with the additional training requirements specified in RHA 5.12.2.1 and RHA 5.12.3.1.

Revise existing R.61-63.5.12.9 to read:

5.12.9 Licensees will have until May 26, 2002, to comply with the certification requirements specified in RHA 5.12.1.1. Records of radiographer certification maintained in accordance with RHA 5.12.10.1 provide appropriate affirmation of certification requirements specified in RHA 5.12.1.1.

Revise existing R.61-63.5.21.4 to read:

5.21.4 Licensees will have until May 26, 2001, to meet the requirements for having two qualified individuals present at locations other than a permanent radiographic installation as specified in RHA 5.21.1.

Revise existing R.61-63.5.22.4 to read:

5.22.4 Licensees will have until May 26, 2002, to meet the requirements of RHA 5.22.1 or 5.22.2.

Revise existing R.61-63.7.11.3 to read:

7.11.3 The license will be transferred only on the full implementation of the final closure plan as approved by the Department including postclosure observation and maintenance.

Revise existing R.61-63.8.9.1 to read:

8.9.1 The licensee shall keep a calibrated and operable radiation survey instrument capable of detecting beta and gamma radiation at each field station and temporary jobsite to make the radiation surveys required by this Part and by Part III of these regulations. To satisfy this requirement, the radiation survey instrument must be capable of measuring 0.001 mSv (0.1 mrem) per hour through at least 0.5 mSv (50 mrem) per hour

Revise existing R.61-63.8.24.2 to read:

8.24.2 During well logging, except when radiation sources are below ground or in shipping or storage containers, the logging supervisor or other individual designated by the logging supervisor shall maintain direct surveillance of the operation to prevent unauthorized entry into a restricted area, as defined in RHA 1.2 of these regulations.

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Revise existing R.61-63.11.8.7 to read:

11.8.7 Each entrance to the radiation room of a panoramic irradiator and each entrance to the area within the personnel access barrier of an underwater irradiator must be posted as required by RHA 3.22. Radiation postings for panoramic irradiators must comply with the posting requirements of RHA 3.22, except that signs may be removed, covered, or otherwise made inoperative when the sources are fully shielded.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Section 1-23-115(c)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A)

Purpose: To amend Regulation 61-63 in accordance with changes to Federal Regulation 10 CFR Part 20, 34, 35, and 36.

Legal Authority: This change to state law is authorized by S.C. Code Section 13-7-40 and required by Section 274 of the Atomic Energy Act, 40 U.S.C. Section 2021b.

Plan for Implementation: Existing staff of the Bureau of Radiological Health will implement these changes. The additional requirements are expected to require 30 man days of effort. Impact on other program areas will be slight.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AND EXPECTED BENEFIT: This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because each change is necessary to maintain compatibility with Federal regulations. In amending the Federal regulations, the U.S. Nuclear Regulatory Commission found the following:

The regulation provides clarifying and minor correcting changes to definitions regarding standards for protection against radiation.

The regulation revises the criteria for Teletherapy room modification and surveys.

The regulation changes the deep dose equivalent monitoring requirements for minors and pregnant women from one-tenth of the applicable limit or 0.05 rem to 0.1 rem.

The regulation clarifies compliance deadlines for certain training and safety requirements outlined for industrial radiography.

The regulation clarifies radiation survey instrument requirements for well logging programs.

The regulation revises criteria for access control for industrial irradiator programs.

DETERMINATION OF COSTS AND BENEFITS: No additional cost will be incurred by the State or its political subdivisions by the implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. It is anticipated that the amendment will not create any significant additional cost to the regulated community based on the fact that the requirements or changes to the regulation will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: It is necessary to update existing regulations as changes occur at the federal level in order to maintain compatibility with the federal government and other Agreement States. This will ensure an effective regulatory program for radioactive material users under state jurisdiction, and protection of the public and workers from unnecessary exposure to ionizing radiation.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None. Federal requirements will apply to all affected users. The proposed amendments eliminate possible duplicative or redundant requirements.

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CLEMSON UNIVERSITY
LIVESTOCK-POULTRY HEALTH DIVISION
CHAPTER 27

Statutory Authority: 1976 Code Section 47-13-20, 47-13-540, 47-13-810
47-13-1020, 47-15-40, 47-15-70

Emergency Situation:

Because of the terrorist attacks on September 11, 2001, and the possibility of bioterrorism, the State Veterinarian has determined to specify certain additional animal diseases for mandatory reporting. These diseases are currently carried on the Reportable Disease List A & B of the Office International Des Epizooties

27-1011 Diseases and Health Documentation.

24. Additions of specific animal diseases (Including, but not limited to)
 - a. Dourine (*Trypanosoma equiperadum*)
 - b. Glanders (*Pseudomonas mallei*)
 - c. Screwworm (*Cochilomya hominivoax*, *Chrysomya bezziane*)
 - d. Highly Pathogenic Avian Influenza (Fowl Plaque)
 - e. Newcastle Disease (Exotic)
 - f. Avian Infectious Laryngotracheitis
 - g. Heatwater (*Cowdria ruminantium*)
 - h. Q Fever (*Coxiella burnetii*)
 - i. Babesiosis (*Babesia bovis*, *B. bigemina*)