

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-734-2145.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 734-2145

Published September 22, 2006

Volume 30 Issue No. 9

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

South Carolina State Register

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2006 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run

concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

X-----X-----X

South Carolina State Register
Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$95 per subscription. Checks payable to: Legislative Council)	
	Electronic
	Printed

Mail this form to:
South Carolina State Register
Lynn P. Bartlett, Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 734-2145

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates1

EXECUTIVE ORDERS

No. 2006-10 Placing Emergency Operations Plan in Effect Due to Tropical Storm Ernesto2

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certification of Need.....3
Notice of Intent to Settle - Blackberry Valley Landfill Superfund Site, Greenville County5

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Building Codes Council

Adoption of Building Codes6

DRAFTING NOTICES

AGRICULTURE, DEPARTMENT OF

Gasoline, Lubricating Oils and Other Petroleum Products 7

EDUCATION, DEPARTMENT OF

Placements of Homeless Children and Youths7

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Environmental Protection Fees 8

REVENUE, DEPARTMENT OF

ABL Permits 8
Comptroller General v. Department of Revenue Functions..... 9
Manufactured and Modular Homes 9
Restocking Fees 10

PROPOSED REGULATIONS

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Board of Medical Examiners

Document No. 3079 Office Based Surgery 11

Board of Nursing

Document No. 3080 Nursing Programs 13

TABLE OF CONTENTS

EMERGENCY REGULATIONS

NATURAL RESOURCES, DEPARTMENT OF

Document No. 3076	Seasons, limits, methods of take and special use restrictions on WMA's	18
Document No. 3077	Mourning Dove Seasons and Dove Management Area Regulations	19
Document No. 3078	Seasons, limits, methods of take and special use restrictions on WMA's	27

FINAL REGULATIONS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 3066	Air Pollution Control Regulations and Standards	33
-------------------	---	----

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
3002		Shellfish	1/12/07	Department of Health and Envir Control
3047		Milk Producers Tax Credit	1/15/07	Department of Agriculture
2927		The Practice of Selling and Fitting Hearing Aids	1/31/07	Department of Health and Envir Control
3057		Retail Licenses And Partnerships	2/01/07	Department of Revenue
3056		End-of-Course Tests	2/01/07	Department of Education
3059		Highway Advertising Control	3/06/07	Department of Transportation
3042		Practice and Procedures	3/20/07	Public Service Commission
3061		Termination of the SCAAIP Joint Underwriting Association	3/21/07	Department of Insurance
3052		Telecommunications Utilities	4/09/07	Public Service Commission
3055		Public Swimming Pools	5/09/07	Department of Health and Envir Control

Committee Requested Withdrawal:

3021		Penalties Noncompliance Regulated Child Care Settings		Department of Social Services
3022		Licensing of Residential Group Care Organ for Children		Department of Social Services

Permanently Withdrawn: None

Resolution Introduced to Disapprove

2 EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2006-10

WHEREAS, the National Hurricane Center has determined that the coastline of the State of South Carolina is presently vulnerable to the effects of a strengthening storm that continues to develop in the Atlantic Ocean; and

WHEREAS, I have been advised that Tropical Storm Ernesto is advancing in a northern direction and represents a potential threat to the safety, security, welfare and property of citizens and transients living in South Carolina.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I direct that the South Carolina Emergency Operations Plan be placed into effect and that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Tropical Storm Ernesto. I further direct that the South Carolina National Guard be placed on a standby status and, at the discretion of the Adjutant General, in consultation with and approval by the Governor's Office, and in coordination with the South Carolina Emergency Management Division, specified units of the National Guard be placed on active duty to assist civil authorities and to take all reasonable precautions as are necessary for the preservation of life and property.

Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during this state of emergency shall be issued verbally by me, and thereafter published for dissemination within the succeeding twenty-four hour period.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 29TH DAY OF AUGUST, 2006.**

**MARK SANFORD
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 22, 2006, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Anderson County

Construction of an ambulatory surgical facility (ASF) located on the campus of AnMed Health North Campus to include three (3) operating rooms (ORs).

Physician Surgery at AnMed Health
Anderson, South Carolina
Project Cost: \$5,196,186

Affecting Charleston County

Renovation for the addition of thirteen (13) comprehensive rehabilitation beds for a total of fifty-two (52) comprehensive rehabilitation beds resulting in a total licensed bed capacity of three hundred sixteen (316) general acute care beds and fifty-two (52) comprehensive rehabilitation beds.

Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: \$3,119,503

Affecting Horry County

Establishment of a 24-bed Inpatient Hospice Facility by conversion of part of the facility formerly known as Jordan Care Center.

Agape Hospice House of Horry County
Conway, South Carolina
Project Cost: \$897,517

Establishment of a nursing home by conversion of part of the facility formerly known as Jordan Care Center with 72 nursing home beds that will not participate in the Medicaid (Title XIX) Program.

Agape Rehabilitation of Conway, Inc.
Conway, South Carolina
Project Cost: \$2,692,550

Affecting Lancaster County

Renovation for the purchase and installation of a 64-slice Computed Tomography (CT) scanner.

Springs Memorial Hospital
Lancaster, South Carolina
Project Cost: \$1,544,707

4 NOTICES

Affecting McCormick County

Acquisition of McCormick Health Care Center, Inc., an existing 120 bed nursing home, by SLP-McCormick, LLC. SLP-McCormick will lease the facility to Savannah Heights Living Center, LLC who will be the operator and licensee.

Savannah Heights Living Center, LLC

McCormick, South Carolina

Project Cost: \$4,000,000

Affecting Orangeburg County

Establishment of an imaging center to be known as Advanced Diagnostic Imaging Center, LLC (ADIC) to include the acquisition of a 1.5T Magnetic Resonance Imaging (MRI) unit and a 64-slice Computed Tomography (CT) scanner. This facility will replace Advanced Diagnostic Imaging, LLC, which currently provides 1.0T MRI and 4-slice CT services and will dissolve prior to the establishment of ADIC.

Advanced Diagnostic Imaging Center, LLC

Orangeburg, South Carolina

Project Cost: \$3,509,457

Affecting Spartanburg County

Renovation and expansion of the laboratory and sterile processing departments, relocation of the surgical suites into existing shelled space above the Emergency Center to include purchase of a DaVinci surgical robot, and the relocation of the pre- and post-operative area to the existing surgical area.

Spartanburg Regional Medical Center

Spartanburg, South Carolina

Project Cost: \$40,518,466

Affecting York County

Expansion of the endoscopy suite to include the addition of two (2) endoscopy rooms for a total of six (6) endoscopy rooms.

Piedmont Medical Center

Rock Hill, South Carolina

Project Cost: \$2,486,461

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 September 22, 2006. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Florence County

Replacement of the existing mobile Positron Emission Tomography (PET) unit operating one (1) day per week with a mobile Positron Emission Tomography/Computed Tomography (PET/CT) unit to operate three days per week.

Carolinas Hospital System

Florence, South Carolina

Project Cost: \$1,281,000

Affecting McCormick County

Acquisition of McCormick Health Care Center, Inc., an existing 120 bed nursing home, by SLP-McCormick, LLC. SLP-McCormick will lease the facility to Savannah Heights Living Center, LLC who will be the operator and licensee.

Savannah Heights Living Center, LLC
McCormick, South Carolina
Project Cost: \$4,000,000

Affecting Orangeburg County

Establishment of an imaging center to be known as Advanced Diagnostic Imaging Center, LLC (ADIC) to include the acquisition of a 1.5T Magnetic Resonance Imaging (MRI) unit and a 64-slice Computed Tomography (CT) scanner. This facility will replace Advanced Diagnostic Imaging, LLC, which currently provides 1.0T MRI and 4-slice CT services and will dissolve prior to the establishment of ADIC.

Advanced Diagnostic Imaging Center, LLC
Orangeburg, South Carolina
Project Cost: \$3,509,457

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Superfund Site, Greenville County

**NOTICE OF INTENT TO SETTLE and
OPPORTUNITY FOR PUBLIC COMMENT**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with CAPSCO, Inc., formerly known as Carolina Plating & Stamping Company, Textile Division and Precious Metals Plating Division, and Carolina Plating Works, Industrial Division (collectively referred to as "CAPSCO"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("HWMA") S.C. Code Ann. Section 44-56-200 (2003).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of costs of response from CAPSCO in the amount of \$12,000.00 for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of CAPSCO from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon CAPSCO pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties. Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

6 NOTICES

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

Any comments must be submitted in writing, postmarked no later than October 23, 2006, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

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

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
NOTICE OF GENERAL PUBLIC INTEREST**

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

- 2006 Edition of the International Building Code;
- 2006 Edition of the International Residential Code;
- 2006 Edition of the International Fire Code;
- 2006 Edition of the International Plumbing Code;
- 2006 Edition of the International Mechanical Code;
- 2006 Edition of the International Fuel Gas Code;
- 2006 Edition of the International Energy Conservation Code.
- 2006 Edition of the International Property Maintenance Code;
- 2006 Edition of the International Existing Building Code.

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

DEPARTMENT OF AGRICULTURE**CHAPTER 5**

Statutory Authority: 1976 Code Sections 39-41-80 & 39-41-150.

Notice of Drafting:

The South Carolina Department of Agriculture is considering modernizing, clarifying and updating the existing regulations which govern, to the extent authorized by the S.C. Code, Title 39, Chapter 41, the inspection, registration and regulation of all petroleum products manufactured and sold in South Carolina.

Interested parties should submit written comments to Anne E. Crocker, South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280. To be considered, comments should be received no later than October 24, 2006, the close of the drafting comment period.

Synopsis:

These regulations are being amended to update and encompass petroleum industry changes, especially with regard to the increase in use and availability of alternative fuels. The proposed amendments will likely adopt certain uniform model standards as put forth by the National Conference of Weights and Measures, but may also include state specific requirements, such as labeling and penalties for violations.

The proposed amendments to the regulations will require legislative action.

STATE BOARD OF EDUCATION**CHAPTER 43**

Statutory Authority: 42 U.S.C. §11432 (2000 & Supp. II, 2003)

Notice of Drafting:

The State Department of Education proposes to enact regulations establishing a department-level review process of appeals from school district-level decisions in disputes regarding the educational placement of homeless children and youths. Interested persons may submit their comments in writing to Ms. Brenda Myers, State Coordinator, McKinney-Vento Homeless Education Program, Office of Safe Schools and Youth Services, Division of District and Community Services, State Department of Education, 1429 Senate Street, Rutledge Building, Room 808-B, Columbia, South Carolina 29201 or by e-mail bmyers@ed.sc.gov. To be considered, all comments must be received by no later than 5:00 p.m. on October 23, 2006.

Synopsis:

Section 722(g)(3)(E) of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. §, as amended by the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Pub. L. No. 107-110, Title X, § 1032, 115 Stat. 1989 (codified at 42 U.S.C. § 11301 *et seq.*), requires each state to “submit to the Secretary [of Education] a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following . . . (C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.” This proposed regulation will establish a department-level review process for the review of appeals from school district-level decisions in disputes regarding the educational placement of homeless children and youths

Legislative review of this proposal will not be required.

8 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-45; 48-2-50

Notice of Drafting:

The Department of Health and Environmental Control is proposing to amend R.61-30, *Environmental Protection Fees*, at Sections G(5) and (6). Interested persons may submit their views in writing to Mr. Henry Porter, S.C. Dept. of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments should be received no later than October 23, 2006, the close of the drafting comment period.

Synopsis:

The Department is proposing to amend R.61-30 to increase fees for radioactive material licenses including reciprocity and general licenses specified in R.61-63. Fees will also be increased for Radioactive Waste Transportation Permits. The fee increases are needed due to the mandate under the Atomic Energy and Radiation Control Act to recover the cost of the program through the collection of fees.

Legislative review of this proposed regulation will be required.

DEPARTMENT OF REVENUE

CHAPTER 7

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

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposed changes would eliminate the sample protest form and state that this form (Form ABL-20) is available at the offices of the Department and at the Department's website. This will allow more flexibility in making changes to the form when needed. The Department is also proposing to change references to the Administrative Law Judge Division to the Administrative Law Court and to change the reference to the minibottle license to the liquor by the drink license.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 23, 2006.

Synopsis:

The South Carolina Department of Revenue is considering amending SC Regulation 7-201 concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposed changes would eliminate the sample protest form and state that this form (Form ABL-20) is available at the offices of the Department and at the Department's website. This will allow more flexibility in making changes to the form when needed. The Department is also proposing to change references to the Administrative Law Judge Division to the Administrative Law Court and to change the reference to the minibottle license to the liquor by the drink license.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Generally speaking, the Department of Revenue (DOR) has jurisdiction over the duties involved with the proper assessment of property for tax purposes and the proper calculation of property taxes, while the Comptroller General supervised the collection of taxes and penalties, and administered the Homestead Tax Exemption Program, including the exemption from school operations found in Section 12-37-251, except for those functions specifically reserved to the DOR. There were "gray" areas as to when the assessment of property for tax purposes and the proper calculation of property taxes ends (DOR) and the collection jurisdiction (Comptroller General) began. These areas which were not clearly assigned by the statutes were divided by agreement between the two agencies. This regulation formalized this agreement.

The responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006. Therefore, SC Regulation 117-1720.1 is no longer needed.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 23, 2006.

Synopsis:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Since the responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006, SC Regulation 117-1720.1 is no longer needed.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address the taxation of heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This amendment is consistent with present Department of Revenue policy.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 23, 2006.

Synopsis:

10 DRAFTING

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address the taxation of heat pumps, air conditioning systems, skirting, steps, decks, septic tanks, wells, and driveways built or installed after the home is delivered to the construction site. This amendment is consistent with present Department of Revenue policy.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering adding SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees.

Code Section 12-36-90 defines the term “gross proceeds of sales,” the measure or basis for the sales tax, in part as “... the value proceeding or accruing from the sale, lease, or rental of tangible personal property... without any deduction for... the cost of materials, labor, or service... [or] any other expenses ...” Further, the definition specifically states that the term “gross proceeds of sales” does not include “the sales price of property returned by customers when the full sales price is refunded in cash or by credit.” However, a 1967 Commission Decision states that the sales price of property returned by a customer is not subject to the tax even if a restocking fee is charged and the “full sales price” is not refunded in cash or by credit.” The Department has followed this Commission Decision, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the “full sales price” is refunded in cash or by credit.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 23, 2006.

Synopsis:

The South Carolina Department of Revenue is considering adding SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. The Department has followed a 1967 Commission Decision concerning returned merchandise and restocking fees, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the “full sales price” is refunded in cash or by credit.

Document No. 3079
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10(I)(3)

Preamble:

The Board of Medical Examiners is proposing to add Regulation 81-96 regarding office-based surgery.

Section by Section Discussion:

The following is a section by section discussion of the amendment proposed by the Board of Medical Examiners:

81-96. Office-based Surgery.

A. Statement of Intent and Goals

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

B. Definitions

Defines terms used in reference to office-based surgery.

C. Office Administration

Sets guidelines for development and implementation of policies and procedures on the following topics:

1. Emergency Care and Transfer Plan
2. Medical Record Maintenance and Security
3. Infection Control Policy
4. Performance Improvement
5. Reporting of Adverse Incidents
6. Federal and State Laws and Regulations
7. Patients' Bill of Rights

D. Credentialing

Sets standards for accreditation by qualified agencies for facility accreditation and practitioners.

E. Standards for Office Procedures

Sets standards for Level II through Level III office procedures for the following areas:

1. Level II Office Procedures
 - a. Training required.
 - b. Equipment and supplies.
 - c. Assistance of other personnel.
 - d. Transfer and emergency protocols.

12 PROPOSED REGULATIONS

e. Facility accreditation.

2. Level III Office Procedures

- a. Training required.
- b. Equipment and supplies.
- c. Assistance of other personnel.
- d. Transfer and emergency protocols.
- e. Facility accreditation.

F. Patient Admission and Discharge

Sets standards for patient admission and discharge according to the following criteria:

1. Patient Selection
2. Informed Consent
3. Preoperative Assessment
4. Discharge Evaluation
5. Patient Instructions

G. Inapplicability to dentistry

Clarifies that this regulation does not apply to procedures constituting the practice of dentistry.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 2:00 p.m. on Tuesday, November 28, 2006. Written comments may be directed to Bruce F. Duke, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., Tuesday, November 14, 2006.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Board of Medical Examiners has determined that patient safety will be promoted by providing standards for safe and effective office-based surgery.

DESCRIPTION OF REGULATION:

Purpose: To provide standards for office-based surgery in conformance with national guidelines.

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

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing practitioners through written and oral communications.

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

This regulation needs to be added in order to provide standards for safe and effective office-based surgery.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no detrimental effect on the environment. The public health of this State will be enhanced by providing standards for performing office-based surgery.

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

This regulation will have a detrimental effect on the public health of this State if the regulation is not implemented in this State. This regulation protects the public health through improved patient safety.

Statement of Rationale:

Standards for office-based surgery are added to promote patient safety in office-based settings requiring anesthesia and to provide uniform professional standards for office-based surgery.

Text:

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

Document No. 3080
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
CHAPTER 91
Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E) and 40-33-10(I)

Preamble:

The State Board of Nursing proposes to update Regulations 91-23 through 91-30, and renumber as new Regulations 91-3 through 91-13 regarding nursing programs to conform to 2004 Act 225.

Section by Section Discussion:

Regulation 91-3. Definition of Terms Applying to Nursing Programs.

Formerly R.91-23; deletes "Education" from title and other references throughout; replaces "annual" with "biennial" in (I) and deletes soon to be obsolete R.91-29 and R.91-30 references; deletes (J) in its entirety and renumbers following; adds (L) defining state of origin.

Regulation 91-4. Mandatory approval of nursing programs.

New section stating all S.C. nursing programs shall be Board approved.

Regulation 91-5. Procedure for Survey and Initial Approval of Nursing Programs.

Formerly R.91-24; deletes "Education" from title and other references throughout. (A) adds specification regarding program preparing students for initial licensure; (A)(1) deletes soon to be obsolete R.91-29 and R.91-30 references;

14 PROPOSED REGULATIONS

- (A)(2) deletes “letter of intent to establish a nursing education program” and adds “current feasibility study” with details of study as new (a) through (i);
- (A)(3) deletes “written proposal” and adds “self evaluation report documenting evidence of compliance with the Nursing Education Standards” and changes requirement from six to nine months advance approval;
- (A)(3)(a), (c), (d), (h), (j) through (l) deletes original text and renumbers beginning and following
- (A)(3)(c) adds “nurse administrator” and replaces “educators” with “faculty member(s),” also replaces “responsible for” with “assisting with;”
- (A)(3)(e) adds new Regulation section references;
- (A)(3)(f) formerly (A)(4) and reference changed for clarification;
- (B) adds new phrases to clarify survey team review and to reference (A)(3) above;
- (C) clarifies in accordance with (A) above
- (D) adds sentence regarding six months compliance of parent institution with the Board;
- (E) text remains the same;
- (F) changes “annual” to “biennial” and clarifies report submittal to the Board;
- (G) deletes “education” reference.

Regulation 91-6. Out-of-State Nursing Programs Conducting Clinical Experiences in South Carolina.

New section regarding parent institutions located in other states which prepare students for initial licensure in South Carolina.

Regulation 91-7. Approval of Nursing Programs

- Adds new (A) through (B) regarding accreditation of nursing programs by Board approved accrediting bodies;
- (B)(4) through (6) is Formerly R.91-25(F)-(J) and (M);
- (B)(6)(c) is Formerly R.91-27(B)—adds new text regarding institutional compliance;
- (B)(7) is Formerly R.91-27(B)—title only, adds new text regarding curriculum change;
- (C) is Formerly R.91-25(B) with change of “survey” to “interim visit,” (1) and (2) are new and cover interim visit;
- (D) is Formerly R.91-25(L);
- (E) is Formerly R.91-25(K), changes “annual” to “biennial;”
- (F) is Formerly R.91-25(P), changes Regulation references as updated;
- (G) is Formerly R.91-25(Q);
- (H) is Formerly R.91-25(R), changes “annual” to “biennial” and deletes “education.”

Regulation 91-8. Closing an Approved Nursing Program.

Formerly R.91-26; deletes “Education” from title and other references throughout; renumbers for clarity.

Regulation 91-9. Program Changes Requiring Board Approval.

- Formerly R.91-27; deletes “Education” from references throughout; changes Regulation references as updated; renumbers for clarity.
- (A)(1) adds new provision for a letter of intent;
- (B) Formerly R.91-27(C); adds provision for written proposal and need for Board approval for experimental projects; deletes list of requirements as unnecessary.

Regulation 91-10. Program Changes Requiring Board Notification.

Formerly R.91-28; deletes “Education” from references throughout; rewords for clarity.

Regulation 91-11. Criteria for Initial and Continuing Approval of Basic Programs Preparing Registered Nurses.

Adds in Regulation title “Initial and Continuing” before “Approval.”

Formerly R.91-29; deletes “Education” from references throughout; changes Regulation references as updated; renumbers for clarity; deletes unnumbered sentences as redundant.

- (A)(1)(e) adds new provision regarding sufficient financial resources in Board approval of basic RN preparatory programs;
- (A)(2)(b) changes “by-laws” to “organizational policies;”
- (A)(3) adds reference to the Nurse Licensure Compact;
- (A)(3)(a) and (b) adds “nurse” before “administrator;”
- (A)(3)(c) no substantive change;
- (A)(3)(d) adds new provision for nurse administrator requiring full time employment with time for administrative work;
- (B)(1) adds “and nursing program” after “institution;”
- Deletes former R.91-29(B)(2) as redundant;
- (C)(1) changes “sufficient” to “adequate;”
- (C)(2) adds “and serving continuously since that time” after appointment year timeline;
- (C)(2)(b)(1) changes “current” to “unencumbered active” before “license,” and adds reference to the Nurse Licensure Compact;
- (C)(2)(b)(3) adds “as a registered or advanced practice nurse” after “experience;”
- (C)(2)(c) changes “responsibility” to “discipline” and adds provision for those with Doctoral degrees;
- (C)(3) moves requirement from (C)(3)(a) for faculty personnel policies to be written;
- (C)(4) changes “teaching assistants” to “clinical instructors” for clarity;
- (C)(4)(a)(1) changes “current” to “unencumbered active” before “license,” and adds reference to the Nurse Licensure Compact;
- (C)(4)(b) and (c) changes “teaching assistant” to “clinical instructor” for clarity;
- (C)(6) rewords for clarity;
- (D)(5) adds sufficiency of support services for nursing program;
- (E)(1)(d) rewords for clarity and adds provision for size and equipment sufficiency for the skills laboratory;
- (E)(2)(a) changes “reviewed annually” to “current;”
- (E)(2)(b) adds provision for diversity of clinical experiences;
- (E)(2)(c) rewords for clarity, adds federal provision;
- (E)(3) rewords for clarity;
- (F)(1)(b) adds “conceptual framework” to curriculum standards;
- (F)(1)(d) rewords for clarity and adds prerequisite course prior to preceptored learning;
- (F)(2)(b) rewords for clarity;
- (F)(3) renumbers and rewords for clarity;
- (F)(3)(c) adds requirement to include S.C. registered nurse scope of practice;
- (G) adds “written” to periodic evaluation plan;
- (G)(1)(d) changes “library holdings” to “learning resources” for clarity.

Regulation 91-12. Criteria for Approval of Basic Programs Preparing Licensed Practical Nurses.

Formerly R.91-30, except for (H)(1)(a)-(d) from Former R.91-29(G)(a)-(d); deletes “Education” from references throughout; renumbers for clarity; deletes unnumbered sentences as redundant.

- (A)(1) deletes JCAHO reference and list following reference as unnecessary;
- (A)(1)(a)-(g) rewords and renumbers for clarity;
- (A)(2)(a) specifies chart is for the nursing program;
- (A)(2)(b) rewords for clarity;
- (A)(3) adds reference to the Nurse Licensure Compact;
- (A)(3)(b) specifies Master of Nursing required, changes timeline from October 1977 to January 1, 2007, and includes continuous service;
- (A)(3)(e)(1)-(7) rewords and renumbers for clarity, deletes redundant phrasing;
- (B)(1)(a)-(c) and (2) rewords and renumbers for clarity, deletes redundant phrasing;
- (C)(1) changes “sufficient” to “adequate;”

16 PROPOSED REGULATIONS

- (C)(2)(a)(1) changes “current” to “unencumbered active” before “license,” and adds reference to the Nurse Licensure Compact;
- (C)(2)(a)(2) specifies Master of Nursing preferred, changes timeline from October 1977 to January 1, 2007, and includes continuous service;
- (C)(2)(a)(3) clarifies minimum to years related to primary area of responsibility, adds “as a registered or advanced practice nurse”;
- (C)(2)(b)-(c) renumbers for clarity, deletes redundant phrasing;
- (C)(3) specifies written provision for written faculty personnel policies;
- (C)(3)(a)-(g) renumbers and rewords for clarity, deletes redundant phrasing;
- (C)(5)(a)-(c) new section, adds full time equivalent of qualified clinical instructors;
- (D)(1)-(5) renumbers and rewords for clarity, deletes redundant phrasing;
- (E)(2) changes “contracts” to “agreements,” renumbers and rewords for clarity, deletes redundant phrasing;
- (E)(2)(c) new section, adds faculty responsibility regarding student learning experiences;
- (F)(1)(a) requires curriculum requirements be published;
- (F)(1)(b) adds “conceptual framework” to curriculum standards;
- (F)(1)(a)-(h) deletes redundant phrasing;
- (F)(2) rewords for clarity;
- (F)(3) rewords for clarity, deletes redundant phrasing;
- (F)(3)(c) adds requirement to include S.C. practical nurse scope of practice;
- (G) deletes unnumbered sentence as redundant;
- (H) adds “written” to periodic evaluation plan;
- Deletes unnumbered sentence as redundant

Regulation 91-13.

New section giving Board exception and waivers to these proposed regulations.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Court at 10 a.m. on Tuesday, November 28, 2006. Written comments may be directed to Joan K. Bainer, Administrator, Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Tuesday, November 14, 2006.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Board of Nursing has determined that certain regulations need to be amended in conformance with the Nurse Practice Act (2004 Act 225).

DESCRIPTION OF REGULATION:

Purpose: To amend the regulations in conformance with the Nurse Practice Act (2004 Act 225).

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

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

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

These regulations need to be amended in conformance with the Nurse Practice Act.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment.

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

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

Statement of Rationale:

Regulations 91-23 through 91-30 need to be amended to conform to the Nurse Practice Act, 2004 Act 225. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

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

18 EMERGENCY REGULATIONS

Filed: August 31, 2006, 1:34 pm

Document No. 3076
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Section 50-1-220, 50-11-2200 and 50-11-2210

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Croft State Natural Area. Because the hunts begin on September 27 it is necessary to file these regulations as emergency so they take effect immediately.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2 (X) Croft State Natural Area WMA

Archery Only Deer Hunts	September 27-28 September 21-22	3 Deer Per Day, either-sex Max. 1 antlered buck per day
Archery-Crossbow Deer Hunts	October 11-12 October 25-26 November 8-9	3 Deer Per Day, either-sex Max.1 antlered buck per day

Hunt Procedure/ Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the Shop near the main gate each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check-in and present their hunting license for a daily permit. The check point will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00 pm to 8:00 pm.
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. A parking area will be provided near the old ammo dump just off Dairy Ridge Road but parking is not allowed along Dairy Ridge Road. Do not park where a gate is being blocked. See map for designated parking areas.
5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.
6. Only archery equipment will be permitted during September hunt. Crossbows will not be allowed during the September hunt unless a person has an upper limb disability and has complied with all legal requirements (Section 50-11-565) to utilize a crossbow or persons 62 years old or older. Archery equipment or crossbows will be permitted during the October and November hunts. Hunters are allowed to carry only one type of equipment at a time.
7. Hunters must wear either a hat, coat or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.

8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.
9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 am to 3:00 pm and after dark. You must notify PRT or DNR before a dog is utilized.
10. Hunters will not be allowed to use ATV's.
11. Camping is available at Croft State Natural Area. Reservations for individuals (2 nights minimum) can be made in advance.
12. The daily bag limit is 3 deer per day including no more than one antlered buck.
13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the Shop.
14. All harvested deer must be promptly brought to the deer check station at the Shop near the main gate.
15. Firearms or alcoholic beverages are not allowed within the park.
16. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
17. All appropriate hunting licenses including a valid WMA Permit and Big Game Permit are required.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 27, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

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

Filed: August 31, 2006, 1:34 pm

Document No. 3077

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 50-1-200; 50-1-220; 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 2 it is necessary to file these regulations as emergency.

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2006-07

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit and a migratory bird permit are required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along

20 EMERGENCY REGULATIONS

roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Hunters are limited to 50 shells per hunt on all state-owned and federally-owned DNR public dove fields. Please remove all litter, including spent shell hulls, from fields when leaving!

Season Dates: September 2 - October 7 (Sept 2-4 Afternoons only)
November 18- November 25 -- December 21 - January 15

Bag Limit: Mourning doves: 12 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 2 – October 7).

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 15 acres. Special Youth Hunt on Sept. 2 (see Youth Hunt List for details).

1st season – **Saturdays Only beginning Sept. 16**, Afternoons only 2nd and 3rd season – Open Mon – Sat (864) 223-2731

AIKEN

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres.

1st season – Sept. 6 & 20; Oct. 4. Afternoons Only 2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day ONLY. Call (803) 725-3663 for details

ANDERSON

Evans Property

US 178 at Lebanon, 25 acres

Saturdays Only, Afternoons Only, Dove Hunting Only.

Opening day participants selected by drawing. Apply by Aug 18 at Clemson DNR office. Call (864) 654-1671 ext. 16

ANDERSON

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres

Open 1st, 2nd & 3rd seasons

Saturdays Only, Afternoons Only. (***Note: Field will be closed Oct. 7**) Dove Hunting Only (864) 654-1671 ext. 16

*BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres

Sept 2, 16, 30; Nov. 18; Afternoons Only. Dove & Pigeon Hunting Only. (843) 825-3387

*BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres

Sept 2, 16, 30; Nov. 18; Afternoons Only. Dove & Pigeon Hunting Only. (843) 825-3387

CHEROKEE

Gaffney Board of Public Works

Take I-85 to Gaffney Exit 95, 1.2 mi. N on SR82, near Lake Whelchel, field on west side of road only, 20 acres
Saturdays Only, Afternoons Only. Dove Hunting Only (864) 427-5140

CHESTER

U.S. Forest Service - Worthy Bottoms

10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy's Ferry Rd. 30 acres

1st season - Saturdays Only, Afternoons Only

2nd & 3rd seasons - Open Mon – Sat Afternoons Only – (864) 427-9858, (864) 427-5140

CHESTERFIELD

Taylor Property

1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres

Saturdays Only, Afternoons Only Dove Hunting Only. (864) 427-5140

CHESTERFIELD

DNR - McBee Tract

4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.

1st season – Saturdays Only, Afternoons Only

2nd & 3rd seasons - Open Mon – Sat Afternoon Only (864) 427-5140.

CHESTERFIELD

SC Forestry Commission - Sand Hills State Forest

Wilkes Chapel Field

From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres

1st season – Saturdays Only, Afternoons Only 2nd & 3rd seasons - Open Mon – Sat Afternoons Only - (843) 498-6478, (803) 661-4768

CHESTERFIELD

SC Forestry Commission – Sandhills State Forest

Davis Field

From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres.

1st season – Wednesdays only, Afternoons Only 2nd & 3rd seasons – Open Mon. – Sat., Afternoons Only (843) 498-6478, (803) 661-4768

***CLARENDON**

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at

Base of dam for approx. 5 mi., 137 acres.

Sept. 2, 16, 30; Nov. 25, Jan. 6. Afternoons Only Dove Hunting Only – (803) 655-5809

***CLARENDON**

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. 135 ac.

Sept. 2, 16, 30; Nov. 25, Jan. 6. Afternoons Only Dove Hunting Only - (803) 655-5809.

***COLLETON**

22 EMERGENCY REGULATIONS

DNR - Bear Island WMA

About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres – Sept 6 & 20; Nov 25. Afternoons only (843) 844-8957

***COLLETON**

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres

Sept 6 & 20; Nov 25; Dec 21; Jan. 3 & 10

Afternoons only. (843) 844-8957 **On site lottery for 120 hunters on Sept. 6. For information call 843-844-8957.**

DARLINGTON

DeWitt Property From I-20 (Exit 137) go South on SC 340 (towards Timmonsville) 2.1 miles to Meander Rd. Right on Meander. Go 1.7 miles to Lake Swamp Rd. Right on Lake Swamp Rd. Go 0.5 miles to Oak Stump Rd. Bear left on Oak Stump. Field 1 mile on left. 50 acres. Wed. Afternoons Only, Dove Hunting Only (843) 661-4768

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA

1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres - 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

FAIRFIELD

Crescent Resources LLC

From Ridgeway take US21 N for 9.0 mi., turn right on S-20-101 (River Rd), go 10.8 mi. to 2nd Rockbridge Rd S-20-291 turn left for 0.8 mi. to Island Rd, turn right 0.5 mi. to field – 25 acres

Saturdays Only – Afternoons Only - Dove Hunting Only (864) 427-5140

GEORGETOWN

DNR Samworth WMA

15 miles north of Georgetown off US 701, Follow Signs, 30 acres

Saturdays, Afternoons Only, Dove Hunting Only (843) 546-9489

***HAMPTON**

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 35 acres - Sept 6,20, & 30; Nov. 22, Dec. 21, Jan 13 Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres

Saturdays only, Afternoons only (843) 546-9489

LAURENS

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres - 1st season – Saturdays Only, Afternoons Only - 2nd & 3rd seasons - Open Mon – Sat Afternoons Only – (864) 427-5140

LEE

Atkinson Property

From I-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper's Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Wednesday Afternoons only. Dove Hunting Only. (843) 661-4768

LEXINGTON

Hallman Field

From I-20 take 178 south for 2.5 miles to Truex Rd. take left 0.5 miles to Tom Adams Rd. take right, to 0.9 miles to stop sign, turn left on Rish Rd., go 0.3 miles to parking area. 45 acres Saturdays Only, Afternoons Only – Dove Hunting Only (803) 734-3898

MARLBORO

DNR - Lake Wallace WMA

northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres
Saturdays, Afternoons Only. Dove Hunting Only (843) 661-4768, (843) 479-3312

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA

Waterfowl Area, 2.5 mi. south of Bordeaux on Sec. Rd. 110, 40 acres.
Sept. 2 & 20; Nov. 22, Jan 10 only, Afternoons Only (864) 223-2731

MCCORMICK

US Army Corps of Engineers – Key Bridge WMA

0.25 mile north of Parksville on SC-28, 22 acres.
1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons – Open Mon.- Sat (864) 223-2731

MCCORMICK

U.S. Forest Service – Key Bridge WMA – Cunningham Fields – 5 mi. E of Plum Branch on SC 283, 1 mi. south on Forest Service Rd 688, 40 acres

1st season – Saturdays Only, Afternoons Only
2nd & 3rd seasons – Open Mon-Sat (864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA

2 miles west of Plum Branch on Sec Rd 57, 30 acres
1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

NEWBERRY

SCDOT McCullough Field

From I-26 North on Hwy 121 towards Whitmire 9.2 mi. Right on McCullough Rd., 0.7 mi. Field on right.
Saturdays Only **Beginning Sept 9**, Afternoons Only, Dove Hunting Only (803) 734-3898

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres
Saturdays Only, Afternoons Only Dove hunting only. **3rd season – Closed.**
(864) 654-1671 ext. 16

OCONEE

U.S. Forest Service - Ross Mtn. Field

24 EMERGENCY REGULATIONS

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres

1st Season, Saturdays - Afternoons Only, **Beginning Sept 9**

Open 2nd & 3rd seasons – Saturday Afternoons Only (864) 654-1671 ext. 16

****ORANGEBURG**

Santee Cooper - Santee Cooper WMA

.5 miles northeast of Eutaw Springs, 50 acres

Entire WMA under Dove Area Regulations. Sept 16 & 30; Nov. 18. Afternoons Only. Dove Hunting Only. (803) 655-5809

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres

Open 1st, 2nd & 3rd seasons Saturdays Only, Afternoons Only. Dove Hunting Only (864) 654-1671 ext. 16

PICKENS

Clemson University - Gravelly WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres

Open 1st, 2nd & 3rd seasons Saturdays Only, Afternoons Only. Dove Hunting Only (864) 654-1671 ext. 16

PICKENS

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right

Saturdays - Afternoons Only, **Beginning Sept. 9**

3rd Season – Closed Dove Hunting Only (864) 654-1671 ext. 16

RICHLAND

Richland County - Landfill

From Columbia Take SC 215 north from I-20 for about 6 miles, Turn Left, Then back Right at Landfill Signs & Follow Arrows to Field, 30 acres

Sept 2 & 16 only. 1 pm – 6pm. Dove Hunting Only. (803) 734-3898

SALUDA

S.C. Electric and Gas, Murray WMA

12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres.

Saturdays Only. Afternoons Only (803) 734-3898

SPARTANBURG

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres.

1st season - Saturdays only, Afternoons Only 2nd & 3rd seasons – Open Mon. – Sat., Afternoons Only (864) 427-5140

SPARTANBURG

Spartanburg Co Parks & Recreation Dept. – Inman Tract

3.5 mi. northwest of Inman on New Cut Rd. (Sec. Hwy 52). Field is on left (west) side of the road.

20 acres. Saturdays Only, Afternoons Only, Dove Hunting Only. (864) 427-5140

SUMTER

S.C. Forestry Commission - Manchester State Forest

Directions from Wedgefield

Bland Field 1 – Take Hwy 261 North 0.7 mi. to Bland entrance sign, turn right and follow dirt road to field. 50 ac. **Sept. 2 is Youth Hunt Only**

Bland Field 2 – Take SC 763 (Wedgfield Rd) 1.8 mi. then left on Knott Rd & follow dirt road 0.4 mi. to field. 50 acres

Bird Haven Field – Takes SC 763 (Wedgfield Rd) 4 mi. to stop sign. Left on St. Paul Ch. Rd., go 1 mi. to field on right. 25 acres

Tuomey Field – Take SC 763 (Wedgfield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3.2 mi. to field on left. 25 acres

Brunson Field – Take SC 763 (Wedgfield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3.7 mi. then right on Rt. 120; go 1.3 mi.; right on Starkes Ferry Rd.; go 1.6 mi. then left on dirt road; go 0.3 mi. to field on left. 15 acres

Mary Williams Field – Take Hwy 261 South 3.3 mi.; left on Bells Mill Rd., go 0.5 mi. to field on left. 20 acres

Turner Field – From Pinewood, take Hwy 261 North 1 mi.; left on Mill Creek Rd., go 1.9 mi. to stop sign; left on SC51 (Rimini Rd) then 1.1 mi. to field entrance on right. 15 acres

1st season - Sat Afternoons Only (Designated Fields)

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest). (803) 494-8196, (803) 734-3898

UNION

DNR Thurmond Tract

4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres.

1st season – Saturdays Only, Afternoons Only 2nd & 3rd seasons open Mon – Sat.

UNION

U.S. Forest Service

3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres

1st season – Saturdays – Afternoons Only, **Beginning Sept. 9**

2nd & 3rd seasons - Open Mon - Sat. Afternoons Only. (864) 427-5140, (864) 427-9858

YORK

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields.

1st season – Saturdays Only, Afternoons Only

2nd & 3rd seasons Open Mon - Sat. Afternoons Only.

Opening day participants selected by drawing. Apply in writing by Aug 18 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited space available. Call (864) 427-5140

YORK

York County – Worth Mountain WMA

From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 40 acres planted.

1st season – Saturdays only, Afternoons only. 2nd & 3rd seasons Open Mon-Sat, Afternoons Only (864) 427-5140.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 5 to 15 years of age. The following regulations also apply on Special Youth Dove Hunts: (1) Adults may actively participate in hunting, but adults may not shoot while accompanying youths are shooting. Adult's gun must be unloaded when accompanying youth is shooting; youths' guns must be unloaded when adult is shooting. (2) Bag limit is 12 birds per youth participant. Birds harvested by adult hunters will count towards this bag limit. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds.

26 EMERGENCY REGULATIONS

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA

Sept. 2. **Participants selected by drawing. Call (864) 223-2731 August 1 - 18 to pre-register**

NEWBERRY YOUTH HUNT

SCDOT – McCullough Field

September 2 **Limited Space Available Call (803) 734-3898 August 1 - 18 to pre-register**

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field

September 2 Participants selected by drawing. Apply by Aug. 18 to DNR, 153 Hopewell Rd., Pendleton, SC 29670

Limited Space Available. For application, call (864) 654-1671 ext. 16

*ORANGEBURG YOUTH HUNT

Santee Cooper – Santee Cooper WMA

0.5 mi. northeast of Eutaw Springs, 70 acres

Sept. 2 **No pre-registration required For information, call (803) 734-3898**

PICKENS YOUTH HUNT

Porter Field -- Sept 2

Participants selected by drawing. Apply by Aug. 18 to DNR, 153 Hopewell Rd., Pendleton, SC 29670

Limited Space Available For application, call (864) 654-1671 ext. 16

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield

Bland Tract – Field 1.

September 2 **Limited space available Call (803) 734-3898 August 1 – 18 for field location and to pre-register.**

UNION YOUTH HUNT

U.S. Forest Service near Sedalia

September 2

Participants selected by drawing. Apply in writing or call by Aug 18 to DNR, 124 Wildlife Dr., Union, SC 29379. Limited space available. (864) 427-5140

YORK YOUTH HUNT

DNR Draper WMA

September 2

Participants selected by drawing. Apply in writing or call by Aug 18 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited Space Available. (864) 427-5140

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 2, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

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

Filed: August 31, 2006 1:34 pm

Document No. 3078
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin September 1 it is necessary to file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

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

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

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant's Grove and Carlisle WMA's.

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side or a minimum 12-inch antler spread. A point must be at least one inch long. During the Fant's Grove draw hunts for deer, all hunters must sign in at the Fant's Grove DNR checkpoint. Fant's Grove DNR check point will open 2 hours before official sunrise for deer hunts. During draw hunts all hunters are required to wear a hat, coat or vest of international orange while hunting deer.

(T) Woodbury WMA

Quality Deer Management Area – Antlered deer must have at least 4 points on 1 side or a minimum 12-inch antler spread. A point must be at least 1 inch long measured from the nearest edge of main beam to the top of the point. No more than 3 bucks total may be taken during all seasons combined regardless of method. No buckshot. Hogs may be taken only during deer hunts or scheduled hog hunts. No horseback riding allowed. No ATVs allowed.

Deer Hunts

28 EMERGENCY REGULATIONS

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic.

Archery Only (No dogs)	Sept. 15 – 1 st Sat. in Oct.	1 deer per day, either-sex Hogs no limit.
Archery and Muzzleloader (No dogs)	Mon. following 1 st Sat. in Oct. – 3 rd Sat. in Oct.	1 deer per day, either-sex Hogs no limit.
Still Gun Hunts (No dogs)	Mon. following 3 rd Sat. in Oct.- Jan. 1.	1 deer per day, bucks only except on scheduled county-wide either-sex days. Hogs no limit.
Special Hog Still Hunt (No dogs)	Mar. 1 – 3 rd Sat. in Mar.	Hogs no limit.
Special Hog Hunt	1 st Mon. in Feb. – 2 nd Sat. In Feb.	Hogs only, no limit. Limit of 4 bay or catch dogs per party, all hogs taken must be killed where taken. Handguns only.
Raccoons	Wed. - Sat. nights beginning Sat. after Thanksgiving – last Wed. or Sat. in Feb.	3 per party per night
Gray Squirrels and Quail (No open season for fox squirrels)	Mon. following 2 nd Sat. in Dec. - Mar. 1	Game Zone bag limits.
Rabbits	Jan. 1 through March 1	Game Zone bag limits
Fox	Mon. and Tues. nights beginning Jan. 1 through March 1	Game Zone bag limits

(W) Marsh WMA

Deer

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting. Wild hogs may only be taken during deer hunts and designated hog hunts. Buckshot and rimfire firearms not permitted. No horseback riding. No ATVs allowed.

Raccoon	Wed. - Sat. nights beginning Sat. after Thanksgiving – last Wed. or Sat. in Feb.	3 per party per night.
---------	--	------------------------

(X) Hamilton Ridge WMA

Quality Deer Management Area – Antlered deer must have at least 4 points on 1 side or a minimum 12-inch antler spread. A point must be at least 1 inch long measured from the nearest edge of main beam to the top of the point. No more than 3 bucks total may be taken during all seasons combined regardless of method. All hunters must sign-in and sign-out. Firearms must be unloaded and cased when not hunting. No hunting or shooting from, on, or across any roads open to vehicular traffic. Scouting and stand placement allowed 1 day prior to hunts. No

buckshot. Hogs may be taken only during deer hunts or scheduled hog hunts. All hogs taken must be killed where taken. Horseback riding by permit only. No ATVs allowed.

Deer

Still Gun Hunts (No dogs)	No open season except hunters selected by computer drawing.	3 deer, either-sex but only 1 buck.
Archery Only (No dogs)	4 th Mon. – Sat. in Oct. 2 nd Mon. – Sat. in Nov. 2 nd Thur. – Sat. in Dec.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Muzzleloader (No dogs)	1 st full week in Nov.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Small Game No open season on fox squirrels or quail. hog hunting during small game hunts.	No hunting before Dec. 26 or after Mar. 1; otherwise Game Zone seasons apply. No	Game Zone bag limits.
Hog Still and Stalk Hunts Archery and Firearms (No dogs, no buckshot)	1 st 4 Fridays in May	No limit.
Hog Hunts with dogs (handguns only) Four dog limit per party.	1 st Thur. – Sat. in Mar. 4 th Thur. – Sat. in Mar.	No limit.

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving Hamilton Ridge WMA.

(VV) Bonneau Ferry WMA

Horse riding is prohibited. No camping is allowed. No person hunting or fishing on Bonneau Ferry WMA may possess, consume, or be under the influence of intoxicants including beer, wine, liquor or drugs. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Adult/youth fishing only. For fishing youth must be accompanied by no more than two adults 18 years old or older. For hunting, Adult/youth Side A is open only to youth 8-17 years old who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game hunting Sides A and B will alternate each year. All hunters must sign in and sign out upon entering or leaving Bonneau Ferry WMA. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season.

30 EMERGENCY REGULATIONS

Deer

Side A (Adult/Youth Only)

Still Gun Hunts	Sept. 15 – Jan. 1, Wed., Fri., Sat., except week of Thanksgiving and 5 days before Christmas until Jan. 1.	Total 8 deer, 2 deer per day, either-sex except only 2 antlered bucks per season. Hogs no limit.
-----------------	---	--

Side B

Total 8 deer, 2 deer per day,
Except only 2 antlered bucks per
Season. Hogs no limit.

Archery

1 st Mon. – Sat. in Sept.	Buck only.
1 st Mon. – Sat. after Sept. 15	Either-sex.
2 nd Mon. in Nov. until Nov. 30.	Either-sex.

Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in September and continue until early December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day). Area is closed to the general public access during scheduled deer hunts.

Bonneau Ferry Fishing Regulations

Open to fishing on Wed., Sat. and Sun. from March 2 to October 31 during daylight hours only. Adult/youth fishing only. Each youth (17 years and under) must be accompanied by no more than two adults 18 years of age or older. The youth must be actively fishing. Fishing is not allowed during scheduled deer and turkey hunts. Only electric motors may be used. Possession of beer, wine, liquor or drugs is prohibited. Creel limits per person per day are: largemouth bass – 2, panfish (bluegill, redear, crappie, pumpkinseed, redbreast) – 10, species not listed – no limit. Grass carp must be released alive immediately.

2.8 On State-owned, US Forest Service and other Federally-owned WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained. This also applies to non-state or non-federally owned leased WMA land in Game Zones 1,2 and 4 for deer hunting.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special seasons on any day during the regular hunting season.

3.6 On State-owned, US Forest Service and other Federally-owned WMA lands during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

4.1 On State-owned, US Forest Service and other Federally-owned WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection. Antler spread is the greatest outside measurement (main beam or points) on a plane perpendicular to the skull. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on

days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

7.1 On State-owned, US Forest Service and other Federally-owned WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species.

10.3 On areas where blinds are not provided, only temporary blinds of native vegetation may be constructed and once vacated become available for others or portable blinds which are removed at the conclusion of the hunt may be used.

10.8 During the period 01 Nov.-01 Mar. except for special hunts designated by the Department, Sandy Beach Waterfowl Area is closed to hunting access and impoundments on Bonneau Ferry WMA are closed to public access.

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access one week prior to opening of waterfowl season through January 31, except for scheduled waterfowl hunts. No fishing one week prior to opening of waterfowl season through January 31. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee and Woodbury Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Hickory Top Greentree Reservoir	Sat. AM only during regular season. No open season on roads and dikes.	Federal Limits
Woodbury	Wed. and Sat. AM only during Federal waterfowl season.	Federal Limits

10.19 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

32 EMERGENCY REGULATIONS

10.20 On all State-owned, US Forest Service and other Federally-owned Category I and II Waterfowl Management Areas, each hunter is limited to 25 non-toxic shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron or other Federally approved shot) per hunt for hunting waterfowl or snipe and no buckshot allowed.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

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

Document No. 3066
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, Air Pollution Control Regulations and Standards

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The Department proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate recent Federal amendments promulgated during the period from January 1, 2005, through December 31, 2005. These amendments also include a minor correction and clarification.

These amendments are necessary to maintain consistency with Federal rules and do not require legislative review. Since these amendments are consistent with Federal law, a fiscal impact statement or an assessment report is not required.

Discussion of Proposed Revisions:

SECTION CITATION:

EXPLANATION OF CHANGE:

R. 61-62.60	Tables in Subparts A, B, Da, AA, AAa, CCCC, and DDDD are amended.
R. 61-62.60	Subparts EEEE, FFFF, and GGGG are added.
R. 61-62.60 (Subpart DDDD)	Add “and as subsequently amended upon publication in the <i>Federal Register</i> ” to introductory paragraph.
R.61-62.63	Tables in subparts A, C, E, G, L, M, N, O, T, LL, XX, YY, EEE, GGG, QQQ, RRR, UUU, FFFF, TTTT, UUUU, WWW, CCCCC, DDDDD, EEEEE, HHHHH, and LLLLL are amended.
R. 61-62.63 (Table 1 to Subpart B)	Application Due Date for Industrial Boilers, Institutional/Commercial Boilers, Process Heaters, and Hydrochloric Acid Production MACT Standards is changed.
R. 61-62.63 (Subpart E)	Add “and as subsequently amended upon publication in the <i>Federal Register</i> as listed below” to introductory paragraph.
R. 61-62.63	Add “ <i>Register</i> and as subsequently amended upon publication in the <i>Federal Register</i> ” to introductory paragraph of subparts WW and XX.
R. 61-62.63	Add “and as subsequently amended upon publication in the <i>Federal Register</i> ” to introductory paragraph of subparts QQQ, FFFF, OOOO, TTTT, UUUU, WWW, CCCCC, DDDDD, and EEEEE.

34 FINAL REGULATIONS

R. 61-62.63 (Subpart DDDD)

Typographical error in table corrected.

Instructions:

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

Text of Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*:

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

Subpart A - "General Provisions"

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

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

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]

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

Subpart B - “Adoption and Submittal of State Plans for Designated Facilities”

The provisions of Title 40 CFR Part 60, subpart B 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 B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 44	November 9, 1979	[44 FR 65071]
Revision	Vol. 54	December 20, 1989	[54 FR 52189]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 65	December 6, 2000	[65 FR 76378]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]

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

36 FINAL REGULATIONS

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]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	August 30, 2005	[70 FR 51266]

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

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]
Revision	Vol. 70	February 22, 2005	[70 FR 8523]

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

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]
Revision	Vol. 70	February 22, 2005	[70 FR 8523]

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

Subpart CCCC - “Standards of Performance for New Stationary Sources: Commercial and Industrial Solid Waste Incineration Units”

The provisions of Title 40 CFR Part 60, subpart CCCC 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 CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]

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

Subpart DDDD - “Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”

The provisions of Title 40 CFR Part 60, subpart DDDD 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 DDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]

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

Subpart EEEE – “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006”

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

40 CFR Part 60 subpart EEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]

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

38 FINAL REGULATIONS

Subpart FFFF – “Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004”

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

40 CFR Part 60 subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]

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

Subpart GGGG - (Reserved)

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

Subpart A - “General Provisions”

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

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

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]

Regulation 61-62.63, Table 1 to Subpart B shall be revised as follows:

Subpart B - “Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)”

TABLE 1 TO SUBPART B OF PART 63— SECTION 112(J) PART 2 APPLICATION DUE DATES	
Due date	MACT standard
10/30/03	Combustion Turbines. Lime Manufacturing. Site Remediation. Iron and Steel Foundries. Taconite Iron Ore Processing. Miscellaneous Organic Chemical Manufacturing (MON). ¹ Organic Liquids Distribution. Primary Magnesium Refining. Metal Can (Surface Coating). Plastic Parts and Products (Surface Coating). Chlorine Production. Miscellaneous Metal Parts and Products (Surface Coating) (and Asphalt/Coal Tar Application-Metal Pipes). ²
4/28/04	Industrial Boilers, Institutional/Commercial Boilers and Process Heaters. ³

40 FINAL REGULATIONS

**TABLE 1 TO SUBPART B OF PART 63—
SECTION 112(J) PART 2 APPLICATION DUE DATES**

Due date	MACT standard
	Plywood and Composite Wood Products. Reciprocating Internal Combustion Engines. ⁴ Auto and Light-Duty Truck (Surface Coating).
11/14/05	Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters. ⁵ Hydrochloric Acid Production. ⁶

¹ Covers 23 source categories, see Table 2 to this subpart.

² Two source categories.

³ Includes all sources in the three categories, Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn no hazardous waste.

⁴ Includes engines greater than 500 brake horsepower.

⁵ Includes all sources in the three categories, Industrial Boilers, Institutional/Commercial Boilers, and Process Heaters that burn hazardous waste.

⁶ Includes furnaces that produce acid from hazardous waste at sources in the category Hydrochloric Acid Production.

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

Subpart C - “List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List”

The provisions of Title 40 CFR Part 63, subpart C 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 C			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 69	November 29, 2004	[69 FR 69320]
Revision	Vol. 70	December 19, 2005	[70 FR 75047]

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

Subpart E - “Approval of State Programs and Delegation of Federal Authorities”

The provisions of Title 40 CFR Part 63, 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 63 subpart E			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 17, 2004	[69 FR 7372]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]

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

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

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

40 CFR Part 63 subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19468]
Revision	Vol. 59	June 6, 1994	[59 FR 29201]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	December 5, 1996	[61 FR 64575]
Revision	Vol. 62	January 17, 1997	[62 FR 2742]
Revision	Vol. 63	December 9, 1998	[63 FR 67792]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	December 23, 2004	[69 FR 76859]

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

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]
Revision	Vol. 59	January 13, 1994	[59 FR 1992]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]

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

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

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

40 CFR Part 63 subpart M

42 FINAL REGULATIONS

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	September 22, 1993	[58 FR 49376]
Revision	Vol. 58	December 20, 1993	[58 FR 66289]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	June 11, 1996	[61 FR 29485]
Revision	Vol. 61	September 19, 1996	[61 FR 49265]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]

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

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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 19, 2004	[69 FR 42885]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]

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

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]
Revision	Vol. 66	November 2, 2001	[66 FR 55577]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]

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

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	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]

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

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* 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 LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	November 2, 2005	[70 FR 66280]

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

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 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 WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]
Revision	Vol.67	July 12, 2002	[67 FR 46258]

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

44 FINAL REGULATIONS

Subpart XX - “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations”

The provisions of Title 40 CFR Part 63, subpart XX 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 XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 12, 2002	[67 FR 46258]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]

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

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]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]
Revision	Vol. 68	February 10, 2003	[68 FR 6635]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]

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

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

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

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	June 14, 2005	[70 FR 34538]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 70	December 19, 2005	[70 FR 75042]

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

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

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

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

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

Subpart QQQ - “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting”

The provisions of Title 40 CFR Part 63, subpart QQQ 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 QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]
Revision	Vol. 70	July 14, 2005	[70 FR 40672]

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

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			
----------------------------	--	--	--

46 FINAL REGULATIONS

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]

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

Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units”

The provisions of Title 40 CFR Part 63, subpart UUU 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 UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]

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

Subpart DDDD - “National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products”

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

40 CFR Part 63 subpart DDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	July 30, 2004	[69 FR 45944]

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

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

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

40 CFR Part 63 subpart FFFF			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	November 10, 2003	[68 FR 63852]
Revision	Vol. 70	July 1, 2005	[70 FR 38554]
Revision	Vol. 70	August 30, 2005	[70 FR 51269]

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

Subpart OOOO - “National Emission Standards For Hazardous Air Pollutants: Printing, Coating, And Dyeing Of Fabrics And Other Textiles”

The provisions of Title 40 CFR Part 63, subpart OOOO 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 OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 69	August 4, 2004	[69 FR 47001]

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

Subpart TTTT - “National Emission Standards For Hazardous Air Pollutants for Leather Finishing Operations”

The provisions of Title 40 CFR Part 63, subpart TTTT 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 TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 70	February 7, 2005	[70 FR 6355]

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

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

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

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]
Revision	Vol. 70	June 24, 2005	[70 FR 36523]
Revision	Vol. 70	August 10, 2005	[70 FR 46684]

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

Subpart WWWW - “National Emissions Standards For Hazardous Air Pollutants: Reinforced Plastic Composites Production”

48 FINAL REGULATIONS

The provisions of Title 40 CFR Part 63, subpart WWWW 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 WWWW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 70	August 25, 2005	[70 FR 50118]

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

Subpart CCCCC - “National Emission Standards For Hazardous Air Pollutants For Coke Ovens: Pushing, Quenching, And Battery Stacks”

The provisions of Title 40 CFR Part 63, subpart CCCCC 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 CCCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 14, 2003	[68 FR 18008]
Revision	Vol. 69	October 13, 2004	[69 FR 60813]
Revision	Vol. 70	January 10, 2005	[70 FR 1670]
Revision	Vol. 70	August 2, 2005	[70 FR 44285]

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

Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”

The provisions of Title 40 CFR Part 63, subpart DDDDD 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 DDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]

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

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

The provisions of Title 40 CFR Part 63, subpart EEEEE 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 EEEEE			
------------------------------	--	--	--

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 22, 2004	[69 FR 21906]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]

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

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

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

40 CFR Part 63 subpart HHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	December 11, 2003	[68 FR 69164]
Revision	Vol. 68	December 29, 2003	[68 FR 75033]
Revision	Vol. 70	May 13, 2005	[70 FR 25676]
Revision	Vol. 70	July 6, 2005	[70 FR 38780]
Revision	Vol. 70	December 21, 2005	[70 FR 75924]

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

Subpart LLLLL - “National Emission Standards For Hazardous Air Pollutants: Asphalt Processing And Asphalt Roofing Manufacturing”

The provisions of Title 40 CFR Part 63, subpart LLLLL 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 LLLLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 29, 2003	[68 FR 22976]
Revision	Vol. 68	May 7, 2003	[68 FR 24562]
Revision	Vol. 70	May 17, 2005	[70 FR 28360]

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 of Regulation: These amendments will 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: These amendments take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

50 FINAL REGULATIONS

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

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The Department has amended Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate recent Federal amendments promulgated during the period from January 1, 2005, through December 31, 2005. Adoption of these amendments is necessary to maintain consistency with Federal rules.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed 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:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

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

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.