

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2012 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov 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 \$100.00. 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.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163			Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161			Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162			Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4168			Perpetual Care Cemetery Board	1/30/12	SC Perpetual Care Cemetery Board
4139			Environmental Protection Fees (Drinking Water Fees)	1/31/12	Department of Health and Envir Control
4174			Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175			Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176			Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180			Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4182			Licensure for the Savannah River	3/19/12	Commissioners of Pilotage
4179			Electronic Equipment Collection and Recovery	3/24/12	Department of Health and Envir Control
4181			Certification of Need for Health Facilities and Services	5/07/12	Department of Health and Envir Control
4186			Soil Classifiers	5/09/12	LLR - Soil Classifiers Advisory Council
4187			Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	5/09/12	LLR - OSHA
4191			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/12	Department of Natural Resources
4198			Accreditation Criteria	5/09/12	Board of Education
4199			Adult Education Program	5/09/12	Board of Education
4200			End-of-Course Tests	5/09/12	Board of Education
4201			Gifted and Talented	5/09/12	Board of Education
4188			Maximum Allowable Payments to Medical Practitioners	5/09/12	Workers' Compensation Commission
4189			Financing Applications	5/09/12	Public Service Commission
4206			Credential Classification	5/09/12	Board of Education
4207			Requirements for Additional Areas of Certification	5/09/12	Board of Education
4208			At-Risk Students	5/09/12	Board of Education
4205			Physical Fitness Services Center - Certificate of Authority	5/09/12	Department of Consumer Affairs
4216			Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	5/09/12	Board of Accountancy
4217			Mixed Martial Arts	5/09/12	Athletic Commission
4218			Board of Cosmetology	5/09/12	Board of Cosmetology
4197			Access to Restricted Information	5/10/12	Department of Health and Envir Control
Committee Request Assessment Report					
4132			Environmental Protection Fees (Radioactive Material Licenses Fees)	Tolled	Department of Health and Envir Control
Committee Request Withdrawal					
4164			Child Labor	Tolled	Division of Labor
4183			International Residential Code	Tolled	LLR-Building Codes Council
4184			Update of International and National Codes	Tolled	LLR-Building Codes Council
Resolution Introduced to Disapprove					
4126			South Carolina Pesticide Control (R.27-1079 only)	Tolled	Clemson University-State Crop Pest Comm.

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4186	Soil Classifiers	Agriculture and Natural Resources	Labor, Commerce and Industry
4187	Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	Judiciary	Labor, Commerce and Industry
4191	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4198	Accreditation Criteria	Education and Public Works	Education
4199	Adult Education Program	Education and Public Works	Education
4200	End-of-Course Tests	Education and Public Works	Education
4201	Gifted and Talented	Education and Public Works	Education
4188	Maximum Allowable Payments to Medical Practitioners	Labor, Commerce and Industry	Judiciary
4189	Financing Applications	Labor, Commerce and Industry	Judiciary
4206	Credential Classification	Education and Public Works	Education
4207	Requirements for Additional Areas of Certification	Education and Public Works	Education
4208	At-Risk Students	Education and Public Works	Education
4205	Physical Fitness Services Center - Certificate of Authority	Medical, Military, Pub & Mun Affairs	Medical Affairs
4216	Practice Privileges, Continuing Professional Education, Peer Review, and Professional Standards	Labor, Commerce and Industry	Labor, Commerce and Industry
4217	Mixed Martial Arts	Labor, Commerce and Industry	Labor, Commerce and Industry
4218	Board of Cosmetology	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4197	Access to Restricted Information	Judiciary	Judiciary
Committee Request Assessment Report			
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
Committee Request Withdrawal			
4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources

Executive Order No. 2011-21

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

WHEREAS, military installations and facilities, military personnel and their families, and military retirees located in South Carolina are vital participants in this State’s economy; and

WHEREAS, it is this State’s intent to develop programs to assist communities in supporting their local military installations and activities to enable South Carolina to maintain its strong military heritage and presence; and

WHEREAS, South Carolina is committed to creating a business climate favorable to military installations and activities, and to enhancing the quality of life for military personnel living in this State; and

WHEREAS, this State supports the continuing transformation of our armed forces in order to enhance our national defense and reduce base operating costs; and

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

WHEREAS, a coordinated national, state, local, and community effort is fundamental to the strategic planning of the communities associated with this State’s military installations and activities.

NOW, THEREFORE, I do hereby reconstitute the South Carolina Military Base Task Force (“Task Force”) for the purpose of enhancing the value of military installations and facilities and the quality of life for military personnel located in this State. The Task Force shall assist military communities with such value enhancement, address the various incentives to military personnel assigned in this State, coordinate the efforts of the military communities, and provide for other methods and incentives to accomplish these purposes. The Task Force shall coordinate efforts among the public and the private sectors to maintain a significant United States Department of Defense presence in South Carolina. The Task Force shall advise the Governor on any issues and strategies related to military base closures, realignments, and mission changes.

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

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

4 EXECUTIVE ORDERS

Mayor of Port Royal
Mayor of Sumter

(a) The Governor shall also appoint one or more members of the Senate and/or of the House of Representatives to the Task Force.

(b) The Governor shall appoint five at-large members:

(1) to be eligible for appointment by the Governor as an at-large member, a person must have demonstrated experience in one or more of the following areas: economic development, defense industry, military installation operation, environmental issues, finance, local government, or senior military leadership;

(2) four of the at-large members shall represent, respectively, the four military communities (Beaufort, Charleston, Columbia, and Sumter) and each shall reside in the military community which he/she is appointed to represent;

(3) the Governor shall appoint a fifth at-large member who shall also serve as the Task Force Chairman.

(c) The Governor may designate any one of the members of the Task Force as its Vice-Chairman.

(d) The Governor may provide staff support and other resources as necessary, through Task Force funding provided by the General Assembly and/or other sources and administered by the South Carolina Budget and Control Board, to assist the Task Force in carrying out the directives of this Executive Order.

(e) The Task Force Chairman shall appoint an Executive Committee consisting of the Chairman, Vice-Chairman (if any), Adjutant General (or his designated representative), Executive Coordinator (if any), and four (4) of the Task Force membership who represent, respectively, the four military communities (Beaufort, Charleston, Columbia, and Sumter).

2. The Task Force Executive Committee shall also act as an executive advisory committee to the Governor on various military matters that affect this State; and coordinate an annual meeting between the Governor, military commanders, and General Assembly members geographically representing military communities to discuss items of interest to all parties and exchange pertinent information on the current climate and challenges facing our state's military installations and their personnel.

3. Upon approval of the Governor, the Task Force may pursue specialists to provide information and assistance, develop strategic plans, and assist executing strategies to support military installations and their related military communities to maximize the potential for increased investment by the United States Department of Defense or other defense-related federal agencies and defense-related businesses in this State.

This Order, 2011-21, shall take effect immediately and replace Executive Order 2006-05.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 22nd DAY
OF DECEMBER, 2011.**

NIKKI R. HALEY
Governor

Executive Order No. 2012-01

WHEREAS, a vacancy exists in the office of Abbeville County Auditor as a result of the resignation of Brian K. Johnson, which became effective December 31, 2011; and

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

WHEREAS, Carolyn Sue Simpson, residing at 87 Cold Springs Center Road, Abbeville, South Carolina 29620, is a fit and proper person to serve as Abbeville County Auditor.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Carolyn Sue Simpson as Auditor of Abbeville County until the next general election and her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF JANUARY, 2012.**

NIKKI R. HALEY
Governor

6 NOTICES

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.

Mandatory codes include the:

2012 Edition of the International Building Code;
2012 Edition of the International Residential Code;
2012 Edition of the International Fire Code;
2012 Edition of the International Plumbing Code;
2012 Edition of the International Mechanical Code;
2012 Edition of the International Fuel Gas Code;
2012 Edition of the National Electrical Code.

Permissive codes include the:

2012 Edition of the International Property Maintenance Code;
2012 Edition of the International Existing Building Code;
2012 Edition of the International Performance Code for Buildings and Families.

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 to Gary F. Wiggins, Council Administrator, at P.O. Box 11329, Columbia, SC 29211-1329, on or before March 1, 2012.

STATE BOARD OF EDUCATION

ERRATA

43-234. Defined Program, Grades 9–12 (Document No. 4258)

Defined Program, Grades 9–12 appears in the December 23, 2011 State Register on page 44. The public hearing date has been changed from February 9, 2012 to February 8, 2012 at 1 pm.

STATE BOARD OF EDUCATION

ERRATA

43-259. Graduation Requirements (Document No. 4261)

Graduation Requirements appears in the December 23, 2011 State Register on page 46. The public hearing date has been changed from February 9, 2012 to February 8, 2012 at 1 pm.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication January 27, 2012, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Florence County

Consolidation and relocation of IV Therapy Services from the Outpatient Surgery Center and the South Medical Office Building (506 E. Cheves St.) to a new Medical Office Building, on the campus of McLeod Regional Medical Center.

McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$4,800,675

Affecting Greenville County

Addition of a second daVinci Robotic Surgical System to be located on the 2nd floor of Greenville Memorial Medical Center within the existing operating room suites.

Greenville Memorial Medical Center
Greenville, South Carolina
Project Cost: \$1,970,100

Affecting Horry County

Construction and renovation for the addition of thirty-seven (37) acute care beds for a total of three hundred six (306) total acute care beds.

Grand Strand Regional Medical Center
Myrtle Beach, South Carolina
Project Cost: \$16,533,598

Affecting Spartanburg County

Construction and renovation for the addition of thirty-two (32) nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total of one hundred twenty (120) nursing home beds.

THI of South Carolina at Magnolia Place at Spartanburg, LLC d/b/a Magnolia Place at
Spartanburg
Spartanburg, South Carolina
Project Cost: \$2,861,247

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from January 27, 2012. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

8 NOTICES

Affecting Charleston County

Conversion of sixteen (16) existing Level II bassinets in the Neonatal Intensive Care Unit (NICU) to Level III bassinets.

Medical University of South Carolina Children's Hospital
Charleston, South Carolina
Project Cost: \$100,000

Affecting Lancaster County

Construction and renovation for the addition of a thirty (30) bed inpatient psychiatric hospital to be located in the building formerly occupied by Crenshaw Creek Rehabilitation Facility in Lancaster, SC.

Rebound Behavioral Health, LLC
Lancaster, South Carolina
Project Cost: \$6,997,910

Affecting Lexington County

Construction and renovation for the addition of a 128-slice CT scanner, to be located adjacent to the Emergency Department.

Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$1,069,467

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than February 13, 2012 to:

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

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

Class II

Environmental Laboratories, Inc.
Attn: Tom W. Hunt
2121 Roe Ford Rd.
Greenville, SC 29617

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

January 27, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the regulation pertaining to 61-62.1, Sections (II)-(V). These corrections do not create new regulatory requirements; the corrections are nonsubstantive and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

R.61-62.1. Definitions and General Requirements

State Register Doc. 4130, May 27, 2011

At R.61-62.1(II), Introductory Paragraph, correct the introductory paragraph to make the words "State" and "Federal" lowercase for consistency, and replace the word "it's" with the phrase "the owner or operator's" for grammatical consistency to read:

The following regulation will not supersede any state or federal requirements nor special permit conditions, unless this regulation would impose a more restrictive emission limit. The owner or operator shall comply with all terms, conditions, and limitations of any Department-issued permit for sources or activities at the owner or operator's facility. A source's permit status may change upon promulgation of new regulatory requirements.

At R.61-62.1(II)(A)(1)(a), replace the citation "paragraphs (c) and (d)" with the citation "Section II (A)(1)(b) and (c)" for citation clarity and to correct an oversight from the May 27, 2011, State Register Document 4160 whereby a new paragraph was added and in-text citations were not amended accordingly. Add a serial comma after the word "alter" for consistency to read:

a. Except as allowed under Section II (A)(1)(b) and (c) below, any person who plans to construct, alter, or add to a source of air contaminants, including installation of any device for the control of air contaminant discharges, shall first obtain a construction permit from the Department prior to commencement of construction.

At R.61-62.1(II)(A)(1)(c), make the word "Federally" lowercase for consistency to read:

c. The owners or operators of sources not requesting to use federally enforceable construction permit conditions to limit potential to emit, sources not subject to regulations with more stringent start of construction limitations, or sources not otherwise exempt from permit requirements, may undertake the following on-site activities prior to obtaining a construction permit:

10 NOTICES

At **R.61-62.1(II)(A)(1)(c)(ix)**, strike the comma after the word “and” for consistency to read:

- ix. Relocation of utilities; and

At **R.61-62.1(II)(A)(1)(d)**, replace the word “these” with the word “the” and add the citation “listed in Section II (A)(1)(c)(i-x) above” after the word “activities” for grammatical correctness and citation clarity to read:

- d. In the event that the source does not qualify for issuance of a construction permit, the owners or operators accept the financial risk of commencing the activities listed in Section II (A)(1)(c)(i-x) above.

At **R.61-62.1(II)(A)(2)**, make the words “State” and “Federal” lowercase for consistency to read:

2. No permit to construct or modify a source will be issued if emissions interfere with attainment or maintenance of any state or federal standard.

At **R.61-62.1(II)(A)(4)(a)**, strike the closing parenthesis after the citation “a” and replace it with a period for codification consistency. Strike the comma after the word “approval” and replace it with a semicolon and a hard return for consistency and to provide list fluidity to read:

- a. Is not commenced within 18 months after receipt of such approval;

At **R.61-62.1(II)(A)(4)(b)**, strike the closing parenthesis after the citation “b” and replace it with a period for codification consistency. Strike the comma after the word “more” and replace it with a semicolon for consistency and to provide list fluidity. Add a hard return after the word “or” for consistency to read:

- b. Is discontinued for a period of 18 months or more; or

At **R.61-62.1(II)(A)(4)(c)**, strike the closing parenthesis after the citation “c” and replace it with a period for codification consistency to read:

- c. Is not completed within a reasonable time as deemed by the Department.

At **R.61-62.1(II)(B)**, **Title**, make the title of this Section un-bold for consistency to read:

B. Exemptions From the Requirement to Obtain a Construction Permit

At **R.61-62.1(II)(B)(1)**, add a comma and the word “below” after the citation “Section II (B)(1)(a) through (c)” and add a comma after the date “February 11, 1971,” for clarity and grammatical consistency to read:

1. No construction permits shall be required for the sources listed in Section II (B)(1)(a) through (c) below, which burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in S.C. Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

At **R.61-62.1(II)(B)(2)**, add the word “below” after the citation “Section II (B)(2)(a) through (h)” and make the words “State” and “Federal” lowercase for clarity and consistency to read:

2. No construction permits shall be required for the sources listed in Section II (B)(2)(a) through (h) below, unless otherwise specified by S.C. Regulation 61-62.70 or any other state or federal requirement. A source's exemption status may change upon the promulgation of new regulatory requirements applicable to any of the sources listed in Section II (B)(2)(a) through (g), or to any other sources that have been determined to

have total uncontrolled emissions less than the thresholds in Section II (B)(2)(h), or to any similar sources that have been granted an exemption by the Department.

At R.61-62.1(II)(B)(2)(h), add a period at the end of the item for punctuational correctness to read:

h. Sources with a total uncontrolled emission rate of less than 1 lb/hr each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; and a total uncontrolled emission rate of less than 1000 lbs/month of VOC will not require construction permits. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to S.C. Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained onsite and provided to the Department upon request.

At R.61-62.1(II)(B)(3), add the word “above” after the citation “Section II (B)(2)(a) through (g),” make the words “State” and “Federal” lowercase, and reformat the phrase “South Carolina State Register” to remove italics per regulation drafting guidelines to read:

3. The Department will place the exempt sources listed in Section II (B)(2)(a) through (g) above, and other sources that have been determined will not interfere with the attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. The list of sources that are exempt without further review from the requirement to obtain a construction permit will be maintained by the Department and periodically published in the South Carolina State Register for use by the public and the regulated community.

At R.61-62.1(II)(B)(4), add a comma after the phrase “but will not be limited to” for consistency and clarity to read:

4. Sources with only fugitive emissions must submit source information, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

At R.61-62.1(II)(B)(5), add the word “above” after citations “Section II (B)(3)” and “Section II (B)(4)” for clarity and consistency to read:

5. Requests for exemption from the requirement to obtain a construction permit, for new sources similar to sources already on the Department maintained list established in Section II (B)(3) above, or for modifications to existing equipment, including the reconstruction, relocation, and replacement of existing equipment, which may qualify for exemption as per Section II (B)(2)(h) and Section II (B)(4) above, shall include the following information:

At R.61-62.1(II)(B)(5)(c), strike the comma after the word “and” for consistency to read:

c. Any ambient air quality demonstrations needed for S.C. Regulation 61-62.5, Standards No. 2, No. 7, and No. 8; and

At R.61-62.1(II)(B)(5)(d), strike the comma after the word “modification” for grammatical clarity and consistency to read:

d. A regulatory review to demonstrate the project is not a CAA Title I modification nor subject to S.C. Regulation 61-62.5, Standards No. 7 and 7.1.

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At R.61-62.1(II)(B)(6), add a comma after the phrase “construction permit” and after the phrase “but will not be limited to” for grammatical consistency and clarity to read:

6. The construction permitting exemptions in Section II (B) do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The Department reserves the right to require a construction permit, and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

At R.61-62.1(II)(C), Title, make the title of this Section un-bold for consistency to read:

C. Construction Permit Applications

At R.61-62.1(II)(C)(1), make the words “State” and “Federal” lowercase throughout and correct the period placement at the end of the sentence for consistency and punctuational correctness to read:

1. Construction permit applications shall be reviewed and signed by a professional engineer registered to practice in the State of South Carolina (except professional engineers employed by the federal government preparing applications for the federal government or other professional engineers exempted from the state registration requirements).

At R.61-62.1(II)(C)(2)(a), capitalize the word “types” for term consistency to read:

a. Package-type incinerators of 750 pounds/hr rated capacity or smaller which burn Types 0 and 1 wastes as defined by the Incinerator Institute of America;

At R.61-62.1(II)(C)(2)(b), strike the comma after the word “and” for consistency to read:

b. Package-type incinerators of 500 pounds/hr rated capacity or smaller which burn animal remains excluding those remains that are considered infectious waste; and

At R.61-62.1(II)(C)(3)(g), replace the commas after the four phrases “process steps or product lines within the production process,” “all product streams,” “all exhaust streams (emission points) including fugitive within the production process,” and “all waste streams” with semicolons for punctuational clarity to read:

g. A process flow diagram/production process layout of all new or altered sources showing the flow of materials and intermediate and final products. The process flow diagram/production process layout must identify all equipment, machines, and process steps or product lines within the production process; all product streams; all exhaust streams (emission points) including fugitive within the production process; all waste streams; and all control devices including inherent process control devices used within the production process;

At R.61-62.1(II)(C)(3)(i), replace the abbreviation “i.e.” which stands for the phrase “for example” with the text “for example” and a succeeding comma in order to avoid confusion and provide clarity to read:

i. A description, including physical and chemical properties and the Chemical Abstract Service (CAS) number (if applicable), of all emissions from each proposed source or existing source that is being altered. Mass emission data and emission calculations, including the potential uncontrolled and controlled mass emission rate of each criteria pollutant and other air contaminants such as volatile organic compounds (VOC), toxic air pollutants (TAP), and hazardous air pollutants (HAP), that will be emitted from each source covered by the application. Emission calculations must be based on proper documentation that supports the basis of the emission rates such as stack test data, AP-42 emission factors, material balance, and/or engineering estimates. All assumptions used in the emission calculations must be provided. Fugitive emissions (for example, emissions from filling operations, pumps, valves, flanges, etc.) must be included in the emission calculations;

At R.61-62.1(II)(C)(3)(j), strike the comma after the phrase “projected capture,” add the word “the” before the word “control,” and strike the comma after the word “control” for punctuational and grammatical correctness to read:

j. A description of all air pollution control devices or systems on the new or altered sources, whether inherent or add-on. The description shall include, but not be limited to, the manufacturer specifications and ratings, the engineering design and operating characteristics, the projected capture and destruction, the control or removal efficiencies at expected contaminant loading levels, and the monitoring data collection and recordkeeping necessary to ensure proper operation of the air pollution control devices;

At R.61-62.1(II)(C)(3)(k), replace the period at the end of the item with a semicolon in order to provide punctuational correctness to read:

k. Source information and calculations to demonstrate compliance with "Good Engineering Practice Stack Height" rules;

At R.61-62.1(II)(C)(3)(m), add a serial comma after the phrase “all stacks” for consistency to read:

m. Scale drawings showing a plan view of the property lines, the location of the source, all stacks, and other emission points related to the source;

At R.61-62.1(II)(C)(3)(o), strike the comma after the word “and” for consistency to read:

o. A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination; and

At R.61-62.1(II)(D), Title, make the title of this Section un-bold for consistency to read:

D. General Construction Permits

At R.61-62.1(II)(D)(4), add a comma and the word “above” after the citation “Section II (C)” for consistency and clarity to read:

4. The permit application for general construction permits may deviate from the requirements of Section II (C) above, provided that such application includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

At R.61-62.1(II)(E), Title, make the title of this Section un-bold for consistency to read:

E. Synthetic Minor Construction Permits

At R.61-62.1(II)(E)(1)(a), make the word “Federally” lowercase for consistency to read:

a. Any stationary source may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor source.

At R.61-62.1(II)(E)(1)(b), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (E)(5)” for citation consistency and clarity to read:

b. Stationary sources requesting a synthetic minor construction permit shall submit a complete permit application package to the Department as prescribed by Section II (E)(5) below.

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At R.61-62.1(II)(E)(1)(c), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (N)” for citation consistency and clarity to read:

c. Stationary sources requesting a synthetic minor construction permit shall undergo the public participation procedures of Section II (N) below.

At R.61-62.1(II)(E)(1)(e), add a comma after the phrase “permit application” for grammatical clarity. Strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “above” with a succeeding comma after the citation “Section II (C)” for citation consistency and clarity to read:

e. In the event of a denial of a synthetic minor construction permit application, the Department shall notify the applicant in writing of the reasons for the denial. The Department shall not accept a subsequent synthetic minor construction permit application until the applicant has addressed the concerns specified by the Department which caused the denial. The source shall correct all deficiencies noted by the Department within 60 calendar days of receiving notice of the denial, or submit a complete major source construction permit application, as prescribed by Section II (C) above, if the source desires to proceed with the project.

At R.61-62.1(II)(E)(2)(a), add the word “A” to the beginning of the definition, make the word “Stationary” lowercase, and correct a typographical error by striking the “s” from the word “sources” for proper subject verb agreement and grammatical clarity. Make the word “Federally” lowercase, strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma, and add the word “below” after the citation “Section II (E)(5)” for consistency and clarity to read:

a. A stationary source desiring to restrict its potential to emit shall submit a written request to the Department for a federally enforceable construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package as prescribed by Section II (E)(5) below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct.

At R.61-62.1(II)(E)(2)(b), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (F)” for citation consistency and clarity to read:

b. The owner or operator shall submit written notification to the Department of the date construction is commenced, postmarked no later than 30 days after such date, and written notification of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date. A written request to obtain an operating permit shall be submitted to the Department no later than fifteen (15) days after the actual date of initial startup of each new or altered source in accordance with Section II (F) below. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

At R.61-62.1(II)(E)(3)(a), add the word “below” after the citation “Section II (J)(1)” for citation consistency and clarity to read:

a. Synthetic minor construction permits shall contain the standard permit conditions listed in Section II (J)(1) below and any special permit conditions required to verify a source's compliance with the emissions limitations and operational requirements.

At R.61-62.1(II)(E)(3)(c), make the word “Federally” lowercase throughout for consistency to read:

c. All synthetic minor construction permit conditions that constrain the operation of a source in an effort to limit potential to emit below major source threshold levels shall be federally enforceable. Unless otherwise agreed by the Department and EPA, the Department shall provide to EPA on a timely basis a copy of each proposed (or draft) and final permit intended to be federally enforceable.

At R.61-62.1(II)(E)(4)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (N)” for citation consistency and clarity to read:

a. The Department may, after notice and opportunity for public participation provided under Section II (N) below, issue a general synthetic minor construction permit applicable to similar sources. Any general synthetic minor construction permit shall incorporate all requirements applicable to the construction of similar synthetic minor sources and shall identify criteria by which sources may qualify for the general permit. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general synthetic minor construction permit for similar sources. The Department shall grant the general synthetic minor construction permit to sources certifying qualification for and agreeing to the conditions and terms of the general synthetic minor construction permit for similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the general synthetic minor construction permit.

At R.61-62.1(II)(E)(5)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “above” after the citation “Section II (C)(3)” for citation consistency and clarity to read:

a. In addition to the minimum information required by Section II (C)(3) above, any facility applying for a synthetic minor construction permit must also provide the following:

At R.61-62.1(II)(E)(5)(a)(i), make the word “Federally” lowercase for consistency to read:

i. Potential emission calculations and proposed federally enforceable emission limitations for each emission unit at the facility verifying that the total emissions at the facility will be below the major source (or facility) thresholds;

At R.61-62.1(II)(E)(5)(a)(ii), make the word “Federally” lowercase and strike the comma after the word “and” for consistency to read:

ii. All proposed production and/or operational limitations that will constrain the operation of each emission unit that are to be identified as federally enforceable; and

At R.61-62.1(II)(E)(5)(a)(iii), make the word “Federally” lowercase and strike the serial comma after the word “recordkeeping” for consistency and grammatical clarity to read:

iii. All proposed monitoring parameters, recordkeeping, and reporting requirements the applicant will use to determine and verify compliance with the requested federally enforceable limitations on a continuous basis. The applicant shall also provide the compliance status of these proposed parameters and requirements at the time of the application submittal.

At R.61-62.1(II)(F), Title, make the title of this Section un-bold for consistency to read:

F. Operating Permits

At R.61-62.1(II)(F)(1), capitalize the word “Section” for consistency to read:

1. The owner or operator shall submit written notification to the Department of the actual date of initial startup of each new or altered source, postmarked within 15 days after such date. Any source that is required to obtain an air quality construction permit issued by the Department must obtain an operating permit when the new or altered source is placed into operation and shall comply with the requirements of this Section.

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At R.61-62.1(II)(F)(3)(c), correct a typographical misspelling error by changing the word “as” to “at” to read:

c. The written request for a new or revised operating permit must include, at a minimum, the following information:

At R.61-62.1(II)(F)(3)(c)(i), replace the period at the end of the item with a semicolon and add the word “and” after the new semicolon to connect the serial list for clarity and fluidity to read:

- i. A list of sources that were placed into operation; and

At R.61-62.1(II)(G), Title, make the title of this Section un-bold for consistency to read:

G. Conditional Major Operating Permits

At R.61-62.1(II)(G)(1), make the word “Federally” lowercase for consistency to read:

1. The requirements of Section II (G) shall apply to those sources that request a federally enforceable permit to limit their potential to emit to less than major source thresholds.

At R.61-62.1(II)(G)(2)(a), make the word “Federally” lowercase for consistency and strike the unnecessary comma between the phrases “potential to emit” and “and shall be considered” for clarity to read:

a. Any stationary source that satisfies the definition of a major source may request a federally enforceable conditional major operating permit to limit the source's potential to emit and become a conditional major source. Any stationary source that has received a synthetic minor construction permit to limit the source's potential to emit below major source threshold levels, that is not required to obtain a Title V operating permit, shall be issued a conditional major operating permit to consolidate the source's limitations on potential to emit and shall be considered a conditional major source.

At R.61-62.1(II)(G)(2)(b), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (G)(6)” for citation consistency and clarity to read:

b. Stationary sources requesting a conditional major operating permit shall submit a complete request for a new or revised operating permit to the Department as required by Section II (G)(6) below.

At R.61-62.1(II)(G)(2)(c), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma throughout and add the word “below” after the citations “Section II (N)” and “Section II (H)” for citation consistency and clarity. Add a comma before the phrase “shall allow the permittee,” and strike the comma after the phrase “recent conditional major operating permit” for clarity and consistency to read:

c. Stationary sources requesting an original or renewed conditional major operating permit shall undergo the public participation procedures of Section II (N) below. Submission of a request for renewal meeting the requirements in Section II (H) below, shall allow the permittee to continue operating pursuant to the most recent conditional major operating permit until such time as the Department has taken final action on the request for renewal.

At R.61-62.1(II)(G)(3)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (G)(6)” for citation consistency and clarity. Make the word “Federally” lowercase for consistency to read:

a. Any owner or operator desiring to be permitted as a conditional major source shall submit an operating permit request containing the information identified in Section II (G)(6) below. A federally

enforceable conditional major operating permit shall constrain the operations of the source such that potential emissions fall below applicable regulatory levels and therefore exclude the source from the requirements to have a Title V operating permit.

At R.61-62.1(II)(G)(4)(a), make the word “Federally” lowercase for consistency. Strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (G)(6)” for citation consistency and clarity to read:

a. Any owner or operator who plans to construct, alter, or add to a source of air contaminants, including the installation of any device for the control of air contaminant discharges, and desires a conditional major operating permit shall provide a written request to the Department for a federally enforceable synthetic minor construction permit conditioned to constrain the operation of the source, along with a complete construction permit application package containing the information identified in Section II (G)(6) below. The construction of the new or modified source shall not commence until the source has received an effective permit to construct from the Department.

At R.61-62.1(II)(G)(4)(b), add a comma after the word “Department,” strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma, and add the word “below” after the citation “Section II (G)(6)” for punctuational clarity and citation consistency to read:

b. A written request to obtain a conditional major operating permit shall be submitted to the Department, postmarked no later than fifteen (15) days after the actual date of initial startup of each new or altered source. This request shall include any additional information required in Section II (G)(6) below. These facilities will be issued conditional major operating permits without further public notice if no substantive changes to limitations are required. A satisfactory compliance inspection by a Department representative may precede the issuance of an operating permit for any newly constructed or modified source.

At R.61-62.1(II)(G)(5)(a), add a comma and the word “below” after the citation “Section II (J)(1)” for citation consistency to read:

a. Conditional major operating permits shall contain the standard permit conditions listed in Section II (J)(1) below, and any special permit conditions required to verify a source's compliance with the emissions limitations and operational requirements.

At R.61-62.1(II)(G)(5)(c), make the word “Federally” lowercase throughout for consistency to read:

c. All conditional major operating permit conditions that constrain the operation of a source in an effort to limit potential to emit below major source threshold levels as defined in S.C. Regulation 61-62.70 shall be federally enforceable. Unless otherwise agreed by the Department and EPA, the Department shall provide to EPA on a timely basis a copy of each proposed (or draft) and final permit intended to be federally enforceable.

At R.61-62.1(II)(G)(6)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “above” after the citation “Section II (C)(3)” for citation consistency and clarity to read:

a. In addition to the minimum information required by Section II (C)(3) above, any facility requesting a conditional major operating permit must also provide the following:

At R.61-62.1(II)(G)(6)(a)(i), make the word “Federally” lowercase and replace the period at the end of the item with a semicolon for consistency and list fluidity to read:

i. Potential emission calculations and proposed federally enforceable emission limitations for each emission unit at the facility verifying that the total emissions at the facility will be below the major source (or facility) thresholds;

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At R.61-62.1(II)(G)(6)(a)(ii), make the word “Federally” lowercase and replace the period at the end of the item with a semicolon and the word “and” for consistency and list fluidity to read:

ii. All proposed production and/or operational limitations that will constrain the operation of each emission unit that are to be identified as federally enforceable; and

At R. 61-62.1(II)(G)(6)(a)(iii), add a serial comma after the word “recordkeeping” and make the word “Federally” lowercase for consistency to read:

iii. All proposed monitoring parameters, recordkeeping, and reporting requirements the source will use to determine and verify compliance with the requested federally enforceable limitations on a continuous basis. The source shall also provide the compliance status of these proposed parameters and requirements at the time of the request submittal.

At R.61-62.1(II)(G)(7)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (N)” for citation consistency and clarity to read:

a. The Department may, after notice and opportunity for public participation provided under Section II (N) below, issue a general conditional major operating permit applicable to similar sources. Any general conditional major operating permit shall incorporate all requirements applicable to the operation of similar conditional major sources and shall identify criteria by which sources may qualify for the general permit. Sources may submit a permit application to the Department with a request for coverage under the conditions and terms of a general conditional major operating permit for similar sources. The Department shall grant the general conditional major operating permit to sources certifying qualification for and agreeing to the conditions and terms of the general conditional major operating permit for similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the general conditional major operating permit.

At R.61-62.1(II)(H), Title, make the title of this Section un-bold for consistency to read:

H. Operating Permit Renewal Requests

At R.61-62.1(II)(H)(2), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and the comma succeeding the citation “Section II (H)” for citation consistency and clarity to read:

2. The provisions of Section II (H) shall apply only to those sources not subject to S.C. Regulation 61-62.70. For sources covered by an effective Title V operating permit, the operating permit renewal request required by S.C. Regulation 61-62.70 shall serve as the request to operate for the purposes of this regulation.

At R.61-62.1(II)(H)(4), add a serial comma in two instances after the word “alteration” for grammatical consistency to read:

4. Operating permit renewal requests shall include a description of any changes at the facility that have occurred since issuance of the last operating permit that may effect the operating permit or operating permit review. In general, the description shall include any addition, alteration, or removal of sources, including sources exempt from construction permit requirements; addition, alteration, or removal of emission limitations; any changes to monitoring, recordkeeping, or reporting requirements; and any changes or additions to special permit conditions. The following items should be addressed as part of the operating permit renewal request:

At R.61-62.1(II)(H)(4)(e), in order to avoid codification issues, the two items in (e) need to be combined by removing the word “and” after the phrase “either whole or in part,” replacing the period after the word “decommissioned” with a comma followed by the word “and,” and by making the succeeding word “any” lowercase. The word “the” should also be added before the phrase “current operating permit” for grammatical clarity to read:

e. Any construction permits to be incorporated into the operating permit, either whole or in part, any listed information descriptions that have been removed or decommissioned, and any changes to exempted sources listed in the current operating permit;

At R.61-62.1(II)(H)(4)(f), strike the unnecessary comma after the phrase “(in pounds per hour)” for grammatical clarity to read:

f. Any change to the facility's planned operating schedules or description of the facility's current and/or proposed processes, including the physical and chemical properties and feed rate of the materials used and produced (in pounds per hour) from which the facility determined actual and potential emissions;

At R.61-62.1(II)(H)(4)(g), replace the commas after the four phrases “process steps or product lines within the production process,” “all product streams,” “all exhaust streams (emission points) including fugitive within the production process,” and “all waste streams” with semicolons for punctuational clarity to read:

g. Any changes to current process flow diagram or production process layout shall be addressed, showing the flow of materials and intermediate and final products. Updated process flow diagram or production process layout must identify major equipment, machines, and process steps or product lines within the production process; all product streams; all exhaust streams (emission points) including fugitive within the production process; all waste streams; and all control devices including inherent process control devices used within the production process;

At R.61-62.1(II)(H)(4)(h), strike the unnecessary comma after the abbreviation “(HAP)” for punctuational clarity, and replace the abbreviation “i.e.” which stands for the phrase “for example” with the text “for example” and a succeeding comma in order to avoid confusion and to provide clarity to read:

h. A description, including the Chemical Abstract Service (CAS) number (if applicable), of all emissions from each source. Mass emission data and emission calculations, including the potential uncontrolled and controlled mass emission rate of each criteria pollutant and other air contaminants such as volatile organic compounds (VOC), toxic air pollutants (TAP), and hazardous air pollutants (HAP) emitted from each source. Emission calculations must be based on proper documentation that supports the basis of the emission rates such as stack test data, AP-42 emission factors, material balance, and/or engineering estimates. All assumptions used in the emission calculations must be provided. Fugitive emissions (for example, emissions from filling operations, pumps, valves, flanges, etc.) must be included in the emission calculations. A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination. If existing data supplied to the Bureau remains correct, identify documents referenced to comply with this requirement;

At R.61-62.1(II)(H)(4)(i), add parenthesis around the “s” in the word “devices,” add “(s)” to the word “document,” and strike the comma at the end of the item after the word “and” for consistency within the item and throughout the regulation to read:

i. If no longer accurate, a revised air dispersion modeling analysis or other information demonstrating that emissions from the facility will not interfere with the attainment or maintenance of any ambient air quality standard. As needed, include a description of each stack or vent related to the proposed and/or existing

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source(s), minimum anticipated height(s) above ground, maximum anticipated internal dimensions, discharge orientation(s), exhaust volume flow rate(s), exhaust gas temperature(s), and rain protection device(s), if any. If existing data supplied to the Bureau remains correct, identify document(s) referenced to comply with this requirement; and

At R.61-62.1(II)(I), Title, make the title of this Section un-bold for consistency to read:

I. Registration Permits

At R.61-62.1(II)(I)(1)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (N)” for citation consistency and clarity to read:

a. The Department may, after notice and opportunity for public participation provided under Section II (N) below, develop registration permits applicable to similar sources. Any registration permit developed shall specify compliance with all requirements applicable to the construction or operation of that specific category of stationary sources and shall identify criteria by which sources may qualify for the registration permit.

At R.61-62.1(II)(I)(2)(a), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma; add the word “above” after the citation “Section II (A) and (F)” for citation consistency and clarity. Add a comma after the phrase “but will not be limited to” for grammatical consistency and clarity to read:

a. A source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Section II (A) and (F) above. The Department shall grant the registration permit to sources certifying qualification for and agreeing to the conditions and terms of the registration permit applicable to similar sources. The source shall be subject to enforcement action for operation without a valid permit if the source is later determined not to qualify for the conditions and terms of the registration permit. The Department reserves the right to require a construction or operating permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc.

At R.61-62.1(II)(I)(3)(a), make the word “Permits” lowercase and add the word “below” after the citation “Section II (J)” for consistency to read:

a. Registration permits shall contain any applicable permit conditions listed in Section II (J) below as the Department finds appropriate.

At R.61-62.1(II)(I)(3)(b), make the word “Permits” lowercase for consistency to read:

b. Registration permits shall contain any applicable special permit conditions required to verify a source's compliance with any emissions limitations and operational requirements.

At R.61-62.1(II)(J), Title, make the title of this Section un-bold for consistency to read:

J. Permit Conditions.

At R.61-62.1(II)(J)(1)(a), add a serial comma after the word “regulation” for consistency to read:

a. No applicable law, regulation, or standard will be contravened.

At R.61-62.1(II)(J)(1)(b), add a serial comma after the phrase “permit applications” for consistency to read:

b. All official correspondence, plans, permit applications, and written statements are an integral part of the permit. Any false information or misrepresentation in the application for a construction or operating permit may be grounds for permit revocation.

At R.61-62.1(II)(J)(1)(c), add commas after the three phrases “process upset,” “permit application,” and “shall include” for consistency and punctuational correctness. Correct a typographical misspelling error by changing the word “as” to “at” to read:

c. For sources not required to have continuous emission monitors, any malfunction of air pollution control equipment or system, process upset, or other equipment failure which results in discharges of air contaminants lasting for one hour or more and which are greater than those discharges described for normal operation in the permit application, shall be reported to the Department within twenty-four hours after the beginning of the occurrence and a written report shall be submitted to the Department within thirty (30) days. The written report shall include, at a minimum, the following:

At R.61-62.1(II)(J)(1)(c)(vii), strike the comma after the word “and” for consistency to read:

vii. The steps taken to limit the excess emissions; and

At R.61-62.1(II)(J)(1)(g), strike the comma after the phrase “in accordance with prescribed methods” for punctuational clarity to read:

g. A copy of the Department issued construction and/or operating permit must be kept readily available at the facility at all times. The permittee shall maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require. All records required to demonstrate compliance with the limits established under this permit shall be maintained on site for a period of at least five (5) years.

At R.61-62.1(II)(J)(2)(c), add commas around the phrase “in general” for punctuational clarity to read:

c. The time period over which a permit limitation on production or operation extends will be as short as possible. For the purpose of determining compliance, permit limitations will, in general, not exceed one month and shall not exceed an annual limit with a rolling monthly average or sum.

At R.61-62.1(II)(J)(2)(d), correct subject verb agreement issue by making the verb “desire” singular and replacing the word “are” with the word “is” for grammatical correctness to read:

d. An owner or operator of stationary sources that desires or is required to conduct performance tests to verify emissions limitations shall ensure that source tests are conducted in accordance with the provisions of S.C. Regulation 61-62.1, Section IV, Source Tests.

At R.61-62.1(II)(J)(2)(e), strike the unnecessary comma after the phrase “continuous emission monitor (CEM) system” for punctuational clarity to read:

e. An hourly emission limit shall be sufficient only if the permit condition(s) require the installation, calibration, maintenance, and operation of a continuous emission monitor (CEM) system or any other monitoring approved by the Department. All monitoring data shall be defined and recorded for showing compliance with the emission limit(s).

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At **R.61-62.1(II)(K)**, **Title**, make the title of this Section un-bold for consistency to read:

K. Exceptions

At **R.61-62.1(II)(K)(1)**, make the word “State” lowercase for consistency to read:

1. Upon request, the Department may alter operating permits, compliance schedules, or other restrictions on operation of a source provided that resulting ambient air concentration levels will not exceed any national or state ambient air quality standard. Factors to be considered by the Department may include, but are not limited to, technology, economics, national energy policy, and existing air quality. The request by the source must also show the following:

At **R.61-62.1(II)(K)(1)(a)**, make the word “State” lowercase for consistency to read:

- a. Good faith efforts have been made to comply with the state requirements;

At **R.61-62.1(II)(K)(1)(b)**, make the word “State” lowercase and strike the comma after the word “available” for consistency and punctuational clarity to read:

- b. The source is unable to comply with the state requirements because the necessary technology or other alternative methods of control are not reasonably available or have not been available for a sufficient period of time;

At **R.61-62.1(II)(K)(1)(c)**, strike the comma after the words “procedures,” “measures,” “concentrations,” and “and” for consistency and punctuational clarity to read:

- c. Any available operating procedures or control measures reducing the impact of the source on ambient air concentrations have been implemented; and

At **R.61-62.1(II)(K)(2)(c)**, strike the comma at the end of the item for consistency to read:

- c. Federal or State Prevention of Significant Deterioration Regulations; or

At **R.61-62.1(II)(K)(2)(d)**, strike the hyphen in the term “non-attainment” for consistency with federal regulation to read:

- d. Nonattainment requirements.

At **R.61-62.1(II)(K)(4)**, strike the comma succeeding the word “practicable” for punctuational clarity to read:

4. Any alternative compliance schedule shall provide for compliance with the applicable regulations as expeditiously as practicable based on a plan submitted with the request for the alternative compliance schedule.

At **R.61-62.1(II)(K)(5)**, capitalize the word “section” and replace the phrase “Environmental Protection Agency” with the acronym “EPA” for consistency to read:

5. Any request under this Section will be subjected to public notice and opportunity for a public hearing. Upon approval by the Board, the recommendations of this Department shall be sent to the Administrator of the EPA, or his designated representative, for approval or disapproval.

At R.61-62.1(II)(K)(6), capitalize the word “section” for consistency to read:

6. Where alternative compliance schedule provisions are contained elsewhere in the air pollution control regulations, those provisions shall supersede the requirements in this Section.

At R.61-62.1(II)(L), Title, make the title of this Section un-bold for consistency to read:

L. Emergency Provisions

At R.61-62.1(II)(L)(1), strike the unnecessary comma after the word “permit” for clarity to read:

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, in which a situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

At R.61-62.1(II)(L)(2), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “below” after the citation “Section II (L)(3)” for citation consistency and clarity to read:

2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions in Section II (L)(3) below are met.

At R.61-62.1(II)(L)(3), strike the unnecessary comma following the phrase “contemporaneous operating logs” for punctuational clarity to read:

3. The affirmative defense of an emergency shall be demonstrated through properly signed, contemporaneous operating logs and other relevant evidence that verify:

At R.61-62.1(II)(L)(3)(a), strike the unnecessary comma following the phrase “an emergency occurred” for punctuational clarity to read:

a. An emergency occurred and the permittee can identify the cause(s) of the emergency;

At R.61-62.1(II)(L)(3)(b), set off the phrase “at the time the emergency occurred” with commas for clarity to read:

b. The permitted source was, at the time the emergency occurred, being properly operated;

At R.61-62.1(II)(L)(3)(c), strike the unnecessary comma following the phrase “exceeded the emission standards” for punctuational clarity to read:

c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and

At R.61-62.1(II)(L)(3)(d), add a comma after the phrase “The written report shall include” and replace the word “as” with the word “at” for consistency and grammatical clarity. Strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma and add the word “above” after the citation “Section II (J)(1)(c)(i) through (viii)” for citation consistency and clarity to read:

d. The permittee gave a verbal notification of the emergency to the Department within 24 hours of the time when emission limitations were exceeded, followed by a written report within thirty (30) days. The

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written report shall include, at a minimum, the information required by Section II (J)(1)(c)(i) through (viii) above. The written report shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

At R.61-62.1(II)(L)(5), strike the comma following the phrase “in addition to any emergency” for punctuational clarity to read:

5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

At R.61-62.1(II)(M), Title, make the title of this Section un-bold for consistency to read:

M. Transfer of Ownership/Operation

At R.61-62.1(II)(N), Title, make the title of this Section un-bold for consistency to read:

N. Public Participation Procedures

At R.61-62.1(II)(N)(1), add a comma after the phrase “(or specified by regulation)” for clarity. Strike the unnecessary comma after the phrase “where the source is located” and reformat the phrase “South Carolina State Register” to remove italics from the phrase and the succeeding comma per regulation drafting guidelines to read:

1. When determined to be appropriate by the Department (or specified by regulation), notice of permitting activity shall be provided to the public and other entities for their review and comment. Public notice shall be given by publication in a newspaper of general circulation in the area where the source is located or by publication in the South Carolina State Register, and to persons on a mailing list developed by the Department, including those who request in writing to be on the list. The Department may use other means of public notice in addition to the above.

At R.61-62.1(II)(N)(3), strike the period after the phrase “The Department shall consider” for punctuational clarity to read:

3. The Department shall provide at least 30 days for public and EPA comment and shall give notice of any public hearing at least 30 days in advance of the hearing. The Department shall keep a record of the commenters and also of the issues raised during the public participation process. The Department shall consider and provide a written response to all written comments received by mail and at the public hearing, within the time specified for the public notice, in making a final decision on the application.

At R.61-62.1(II)(N)(4), make the word “Federally” lowercase for consistency to read:

4. A newly constructed or modified source issued a federally enforceable final construction permit will not require an additional public comment period and/or hearing to obtain an operating permit, unless the source proposes a change in the original construction and/or operational plan, prior to commencing construction, which the Department determines would require an additional public comment period and/or hearing.

At R.61-62.1(II)(N)(5), capitalize the word “section” for consistency to read:

5. Any proposed new or modified stationary source required to undergo a public comment period shall not commence any construction until all public participation procedures of this Section are completed, and the source has received an effective construction permit from the Department.

At R.61-62.1(II)(N)(6), strike the phrase “S.C. Regulation 61-62.1” along with the succeeding comma for citation consistency and clarity to read:

6. Maintenance activities, repairs, and replacements which the Department determines to be routine for that source category shall not, by themselves, be required to undergo the public participation procedures of Section II (N).

At R.61-62.1(II)(O), Title, make the title of this Section un-bold for consistency to read:

O. Inspection and Entry

At R.61-62.1(II)(O)(1), replace the period after the word “permit” with a semicolon for consistency and list fluidity to read:

1. Enter the facility where emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

At R.61-62.1(II)(O)(2), replace the period after the word “permit” with a semicolon for consistency and list fluidity to read:

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

At R.61-62.1(II)(O)(3), replace the period after the word “permit” with a semicolon and add the word “and” for consistency and list fluidity to read:

3. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

At R.61-62.1(II)(O)(4), strike the word “Federal” from the phrase “Federal Clean Air Act” for consistency as “Federal” is understood. Add commas around the phrase “at reasonable times” for punctuational clarity to read:

4. As authorized by the Clean Air Act and/or the SC Pollution Control Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

At R.61-62.1(III)(A), combine the two paragraphs to correct the codification outlining error to read:

Emissions inventory is a study or compilation of pollutant emissions. The purposes of emissions inventories are to locate air pollution sources, to define the type and size of sources, to define the type and amount of emissions from each source, to determine pollutant frequency and duration, to determine the relative contributions to air pollution from classes of sources and of individual sources, to provide a basis for air permit fees, and to determine the adequacy of regulations and standards. The requirements of this Section notwithstanding, an emissions inventory may be required from any source at any time.

At R.61-62.1(III)(B)(1), capitalize the word “that” for consistency to read:

1. That include any point source defined as a major source according to 40 CFR Part 70; or

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At R.61-62.1(III)(B)(2), capitalize the word “that,” strike the hyphen from the word “non-attainment,” and make the phrase “a non-attainment area” plural for consistency and proper subject verb agreement to read:

2. That are located in nonattainment areas that exceed the specified thresholds.

At R.61-62.1(III)(C)(1), strike the ordinal indicator from the date “March 31st” for consistency to read:

1. Beginning with the effective date of this regulation, these sources will submit an emissions inventory in a frequency specified by Table 1 by March 31 for the previous calendar year.

At R.61-62.1(III)(C)(1)(a), add a comma after the date “March 31, 2012 (with 2011 calendar year data)” for stylistic consistency to read:

a. Type A Sources - Title V sources with potential annual emissions greater than or equal to any of the emission thresholds listed for Type A Sources in Table 1 of this Section. Beginning with the effective date of this regulation, these sources will submit an emissions inventory by March 31 of every year for the previous calendar year. Beginning on March 31, 2012 (with 2011 calendar year data), these sources will submit TAP and HAP data with their annual emissions inventory every third year for the previous calendar year.

At R.61-62.1(III)(C)(1)(c), strike the hyphen in the term “non-attainment” for consistency with federal regulation to read:

c. NAA Sources - Sources located in a nonattainment area with actual annual emissions during any year of the three year cycle greater than or equal to any of the emission thresholds listed for NAA Sources in Table 1 of this Section. Beginning on March 31, 2012 (with calendar year 2011 data), these sources that are not also Type A Sources will submit emissions inventories every 3 years for the previous calendar year.

At R.61-62.1(III)(C)(1)(c), Table 1, Footnote¹, capitalize the word “tons” for consistency. The term “Administrator” is defined in Regulation 61-62.1, Section I, Definition 3, as the Administrator of the United States Environmental Protection Agency (EPA) or his/her designee. As such, the word “Federal” is confusing and unnecessary. Strike the word “Federal” from the term “Federal Administrator” for clarity and consistency throughout the regulation. Correct a typographical error by inserting an apostrophe before the “s” in the word “sources” for grammatical correctness and consistency to read:

¹ Tons per year (tpy) potential to emit means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator and included in the source’s permit prior to the end of the reporting year.

At R.61-62.1(III)(C)(1)(c), Table 1, Footnote³, strike the phrase “NAA – Non-Attainment Area” and the succeeding period to eliminate the duplication of text and add the acronym “(NAA)” after the phrase “for certain pollutants by type of non-attainment area” to define the acronym (NAA) and for footnote format consistency and clarity. Strike the hyphen in the term “non-attainment” throughout for consistency with federal regulation. Add the conjunction “and” in two places. First, after the chemical formula and succeeding comma for “NO_x” and second, after the chemical formula and succeeding semicolon for “CO” for consistency and clarity to read:

³ Special point source reporting thresholds apply for certain pollutants by type of nonattainment area (NAA). The pollutants by nonattainment area are:

Ozone: VOC, NO_x, and CO;

Carbon Monoxide: CO; and
 Particulate matter less than 10 microns: PM₁₀.

At R.61-62.1(III)(C)(2)(d), correct a typographical error by inserting an apostrophe in the second sentence before the “s” in the word “sources” for grammatical correctness and consistency to read:

d. Submittal of emissions inventories outside of the schedules in this Section will be accepted and reviewed only if a modification has occurred that required issuance of an air quality permit since the last emissions inventory submittal by the source. This modification must alter the quantity or character of the source’s emissions. These sources may submit a new emissions inventory following the first full calendar year of operation after the modification. These sources shall then submit future emissions inventories on the schedule described in Table 1 of this Section.

At R.61-62.1(III)(C)(2)(e)(x), add a comma after the citation “Subpart A (December 17, 2008)” for grammatical correctness to read:

x. Any desired information listed in 40 CFR 51, Subpart A (December 17, 2008), that is requested by the Department;

At R.61-62.1(III)(C)(2)(e)(xi), add a comma after the date “March 1, 2012 (with 2011 calendar year data),” for grammatical correctness. Add the word “and” at the end of the item to make the list fluid to read:

xi. Emissions data from all regulated pollutants. Beginning on March 1, 2012 (with 2011 calendar year data), sources will submit TAP and HAP data with their annual emissions inventory every third year for the previous calendar year; and

At R.61-62.1(IV)(A), strike the period after the word “Applicability” for consistency to read:

A. Applicability

At R.61-62.1(IV)(A)(1)(a), capitalize the word “a” at the beginning of the sentence and replace the comma after the phrase “after the effective date of this standard” with a semicolon for consistency and list fluidity to read:

a. A source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard; or

At R.61-62.1(IV)(A)(1)(b), capitalize the word “any” at the beginning of the sentence for consistency to read:

b. Any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, and Relative Accuracy Test Audits (RATA).

At R.61-62.1(IV)(B), strike the period after the word “Plan” for consistency to read:

B. Submission and Approval of a Site-Specific Test Plan

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At R.61-62.1(IV)(B)(1)(a), capitalize the word “a” at the beginning of the sentence for consistency. Add a comma after the phrase “site-specific test plan” in two instances and also after the word “below” for punctuational clarity. Clarify the reference “paragraph C” for citation consistency to read:

a. A written site-specific test plan, including all of the information required in Section IV (C) below, has been developed and submitted to the Department. If the Department has previously approved a site-specific test plan, the owner or operator may submit a letter which references the approved plan and which includes a thorough description of amendments to the plan; and

At R.61-62.1(IV)(B)(1)(b), capitalize the word “written” for consistency to read:

b. Written Department approval of the site-specific test plan, methods, and procedures has been received.

At R.61-62.1(IV)(B)(2), replace the commas after the references “Appendix M,” “Appendix A,” and “Appendix B” with semicolons for punctuational clarity to read:

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in 40 CFR Part 51, Appendix M; or 40 CFR Part 60, Appendix A; or 40 CFR Part 61, Appendix B; or 40 CFR Part 63, Appendix A. If an applicable air regulation or permit provides for a choice of test methods, the selected method must be approved by the Department. If an applicable air regulation or permit does not specify use of an EPA standard reference method, the alternative test method to be used must be approved by the Department.

At R.61-62.1(IV)(B)(3)(b), clarify the reference for “paragraph C” for citation consistency to read:

b. The owner or operator shall ensure that requests for approval of alternative source test methods are submitted to the Department along with the site-specific test plan, and that the submission contains all of the information required by Section IV (C) below.

At R.61-62.1(IV)(B)(5)(b), clarify the references for “paragraph C.1” and “B.5.a” for citation consistency and add the word “above” after the newly formatted “B.5.a” for consistency and clarity to read:

b. If the only amendments to a previously approved test plan are to facility information included in Section IV (C)(1) below, the requirement in Section IV (B)(5)(a) above will not apply. The owner or operator, however, shall submit the amendments at least two weeks prior to the proposed test date.

At R.61-62.1(IV)(B)(9), make the words “Federal” and “State” lowercase for consistency and replace the comma after the phrase “local requirement” with a semicolon for consistency and punctuational clarity to read:

9. Neither the submission of a site-specific test plan, nor the Department’s approval or disapproval of a plan, nor the Department’s failure to approve or disapprove a plan in a timely manner shall relieve an owner or operator of legal responsibility to comply with any applicable provisions of this Section or with any other applicable federal, state, or local requirement; or prevent the Department from enforcing this Section.

At R.61-62.1(IV)(C), Introductory Paragraph, strike the period after the word “Plan” for consistency and add the reference “(Section IV (C)(1) through (C)(8))” after the word “following” to clarify the succeeding lists to read:

C. Requirements for a Site-Specific Test Plan

A site-specific test plan shall include, at a minimum, the following (Section IV (C)(1) through (C)(8)):

At R.61-62.1(IV)(C)(1)(a), strike the word “and” before the word “telephone” and replace the period after the word “contact” with a semicolon for clarity, consistency, and list fluidity to read:

- a. Facility name, address, telephone number, and name of facility contact;

At R.61-62.1(IV)(C)(1)(b) replace the period at the end of the item with a semicolon for consistency and list fluidity to read:

- b. Facility permit number and source identification number;

At R.61-62.1(IV)(C)(1)(c), replace the period at the end the item with a semicolon and the word “and” for consistency and list fluidity to read:

- c. Name, address, and telephone number of the company contracted to perform the source test; and

At R.61-62.1(IV)(C)(2)(a), replace the period at the end of the item with a semicolon and the word “and” for list consistency and fluidity to read:

- a. Description and overall purpose of the tests (for example, to demonstrate compliance, to establish emission factors, etc.); and

At R.61-62.1(IV)(C)(2)(b), make the words “State” and “Federal” lowercase for consistency to read:

- b. Citation of any applicable state or federal regulation or permit condition requiring the tests.

At R.61-62.1(IV)(C)(3)(a)-(C)(3)(g), replace the periods at the end of each item with semicolons and add the word “and” after the newly added semicolon in item (g) for consistency and list fluidity to read:

3. Process Descriptions:

- a. Description of the process including a description of each phase of batch or cyclic processes, and the time required to complete each phase;

- b. Process design rates and normal operating rates;

- c. Proposed operating rate and conditions for the source test;

- d. Methods including proposed calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test;

- e. Description of any air pollution control equipment;

- f. Description of any stack gas or opacity monitoring systems;

- g. Description of all air pollution control monitors (for example, pressure gauges, flow indicators, cleaning cycle timers, electrostatic precipitator voltage meters, etc.) when applicable; and

At R.61-62.1(IV)(C)(4)(a), replace the comma after the phrase “unsafe conditions” with a semicolon, replace the period after the phrase “abate these hazards” with a semicolon, and add the word “and” after the newly added semicolon at the end of the item for punctuational clarity and list fluidity to read:

- a. Identification of any risks associated with sampling location and accessibility, toxic releases, electrical hazards, or any other unsafe conditions; and a plan of action to correct or abate these hazards; and

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At R.61-62.1(IV)(C)(5)(a)-(C)(5)(i), replace the periods at the end of each item with semicolons and add the word “and” after the newly added semicolon in item (i) for consistency and list fluidity to read:

5. Sampling and Analytical Procedures:
 - a. Description of sampling methods to be used;
 - b. Description of analytical methods to be used;
 - c. Number of tests to be conducted;
 - d. Number of runs comprising a test;
 - e. Duration of each test run;
 - f. Description of minimum sampling volumes for each test run;
 - g. Location where samples will be recovered;
 - h. Explanation of how blank and recovery check results and analytical non-detects will be used in final emission calculations;
 - i. Maximum amount of time a sample will be held after collection prior to analysis; and

At R.61-62.1(IV)(C)(6)(a), replace the period at the end the item with a semicolon for consistency and list fluidity to read:

- a. Schematics of sampling sites (include stack dimensions and distances upstream and downstream from disturbances);

At R.61-62.1(IV)(C)(6)(b), replace the period at the end the item with a semicolon and the word “and” for consistency and list fluidity to read:

- b. A description of all emission points, including fugitive emissions, associated with the process to be tested, and when applicable, the method that will be used to measure or include these emissions during the source test; and

At R.61-62.1(IV)(C)(7), strike the period after the word “Measures,” add a hyphen between the words “Measures” and “For,” and make the word “For” lowercase for formatting consistency and to avoid list fluidity issues to read:

7. Internal Quality Assurance/Quality Control (QA/QC) Measures - for each proposed test method when applicable:

At R.61-62.1(IV)(C)(7)(a)-(C)(7)(l), replace the periods at the end of each item with semicolons and add the word “and” after the newly added semicolon in item (l) for list consistency and fluidity. Add two serial commas in (g) for grammatical consistency to read:

- a. Citation of the QA/QC procedures specified in the EPA Reference Methods and the EPA Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III;
- b. Chain-of-custody procedures and copies of chain-of-custody forms;

- c. Procedure for conditioning particulate matter filters (before and after source testing);
- d. Procedure for conducting leak checks on vacuum lines, pitot tubes, flexible bags, orsats, etc;
- e. Equipment calibration frequencies, ranges, and acceptable limits;
- f. Minimum detection limits of analytical instrumentation;
- g. Names, addresses, and responsible persons of all sub-contracting laboratories and a description of analytical methods to be used, chain-of-custody procedures, and QA/QC measures;
- h. QA/QC measures associated with the collection and analysis of process or raw material samples and the frequency at which these samples will be collected;
- i. Methods for interference and matrix effects checks, and number of replicate analyses;
- j. Methods and concentrations for internal standards (standards additions prior to extraction);
- k. Methods and concentrations for surrogate standards (standards additions to collection media prior to sampling);
- l. Methods for recovery checks, field blanks, lab blanks, reagent blanks, proof rinse blanks, and analytical blanks; and

At R.61-62.1(IV)(C)(8)(a) replace the period at the end the item with a semicolon for consistency and list fluidity to read:

- a. Final report outline;

At R.61-62.1(IV)(C)(8)(b), replace the period at the end of the item with a semicolon and the word “and” for consistency and list fluidity to read:

- b. Example calculations when using alternative test methods or for calculation of process operating rates; and

At R.61-62.1(IV)(D), strike the period after the word “Tests” for consistency to read:

D. Notification and Conduct of Source Tests

At R.61-62.1(IV)(D)(6)(a)-(D)(6)(e), replace the periods at the end of each item with semicolons and add the word “and” after the newly added semicolon in item (e) for list consistency and fluidity to read:

- 6. When conducting a source test subject to this Section, the owner or operator of a source shall provide the following:
 - a. Department access to the facility to observe source tests;
 - b. Sampling ports adequate for test methods;
 - c. Safe sampling site(s);
 - d. Safe access to sampling site(s);

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- e. Utilities for sampling and testing equipment; and

At **R.61-62.1(IV)(E)**, strike the period after the word “Program” for consistency to read:

E. Source Test Method Audit Program

At **R.61-62.1(IV)(E)(3)**, clarify the reference “E.2” for citation consistency and set the word “above” off with commas for clarity to read:

- 3. A waiver of performance audit requirements to conduct a performance audit for a particular source test under Section IV (E)(2), above, does not constitute a waiver of performance audit requirements for future source tests.

At **R.61-62.1(IV)(F)**, strike the period after the word “Report” for consistency to read:

F. Final Source Test Report

At **R.61-62.1(IV)(F)(1)**, make the words “Federal” and “State” lowercase for consistency to read:

- 1. The owner or operator of a source subject to this Section shall submit a written report of the final source test results to the Department by the close of business on the 30th day following the completion of the test, unless an alternative date has been requested in and approved with the site-specific test plan prior to testing or is otherwise specified in a relevant federal or state standard.

At **R.61-62.1(IV)(F)(2)(a)-(F)(2)(r)**, replace the periods at the end of each item with semicolons and add the word “and” after the newly added semicolon in item (r) for list consistency and fluidity. In item (o), clarify the reference “paragraph E” for citation consistency and add the word “above” after the reference for clarity and consistency to read:

- 2. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information when applicable:

- a. Summary of the results;
- b. Emission calculations and emission rates in units of the applicable standard, permit limit, etc;
- c. Allowable emission rates in units of the applicable standard, permit limit, etc;
- d. Source compliance status;
- e. Process operating rates;
- f. Methods including actual calculations, equations, and other related information that were used to demonstrate and verify the operating rate during the source test;
- g. Chain of custody records;
- h. Certification of all reference standards used;
- i. Signature of a responsible facility representative who can verify process operating rates and parameters;

j. Legible copies of all raw laboratory data (for example, filter tare and final weights, titrations, chromatograms, spectrograms, analyzer measurements, etc.);

k. Legible copies of all raw field data (for example, strip charts, field data forms, field calibration forms, etc.);

l. Legible copies of applicable stack gas or opacity monitoring system readings identified in the approved site-specific test plan;

m. Legible copies of all applicable process and air pollution control operating parameter readings identified in the approved site-specific test plan;

n. Results of all calibrations and QA/QC measures and checks identified in the approved site-specific test plan;

o. Results of performance audits pursuant to Section IV (E) above;

p. Description of any deviations from the proposed process operations as approved in the site-specific test plan during testing;

q. Description of any deviations from approved sampling methods/procedures;

r. Description of any deviations from approved analytical procedures; and

At R.61-62.1(IV)(G), Title, strike the period after the word “Results” for consistency to read:

G. Non-Compliant Results

At R.61-62.1(IV)(G)(1)(a)-(G)(1)(d), State Register Document 2311, published June 26, 1998, neglected to correct the codification outline for this Section after (G)(2) was struck. Reformat section to correct codification outline to include an introductory paragraph and items “1.” through “4.” Capitalize the first word of each item, reformatted as “1.” though “4.,” and add the word “and” after the semicolon in “3.” for consistency and clarity to read:

Within fifteen days of submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum:

1. Interim actions being taken to minimize emissions pending demonstration of compliance;
2. Corrective actions that have been taken or that are proposed to return the source to compliance;
3. Method that will be used to demonstrate the source has returned to compliance (for example, retest and proposed date); and
4. Any changes necessary to update the site-specific test plan prior to a retest.

At R.61-62.1(IV)(H), strike the period after the word “Observation” for consistency. Reformat the section for consistency and codification outlining to read:

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H. Analytical Observation

Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples.

At R.61-62.1(IV)(I), strike the period after the word “Inspection” for consistency. Reformat the section for consistency and codification outlining to read:

I. Site Inspection

Upon request by the Department and prior to approval of the site-specific test plan, the owner or operator shall ensure Department representatives are provided access to the site for inspection of the source(s) to be tested.

At R.61-62.1(IV)(J), strike the period after the word “Modifications” for consistency. Reformat the section for consistency and codification outlining to read:

J. Modifications

Modifications to the approved site-specific test plan must have prior Department approval. Approval shall be considered on a case-by-case basis. Failure to obtain prior Department approval may cause final test results to be unacceptable.

At R.61-62.1(V)(A), replace the commas after the phrases “enforceable emission limitations,” “adequate enforcement program,” and “as specified by various regulations and permits” with semicolons for punctuational clarity, and add a serial comma after the phrase “submit periodic reports of such emissions” for consistency. Reformat the phrase “Air Pollution Control Regulations and Standards” and its preceding comma and the phrase “South Carolina Air Quality Implementation Plan” to remove italics per regulation drafting guidelines to read:

A. The Department promulgated Regulation 61-62, Air Pollution Control Regulations and Standards, and developed the South Carolina Air Quality Implementation Plan to provide enforceable emission limitations; to establish an adequate enforcement program; to require owners or operators of stationary sources to monitor emissions, submit periodic reports of such emissions, and maintain records as specified by various regulations and permits; and to evaluate reports and records for consistency with the applicable emission limitation or standard on a continuing basis over time. The monitoring data collected and records of operations would serve as the basis for a source to certify compliance, and could be used by the Department as direct evidence of an enforceable violation of the underlying emission limitation or standard.

At R.61-62.1(V)(B), capitalize the word “section” for consistency to read:

B. The purpose of this Section is:

At R.61-62.1(V)(B)(1), reformat the phrase “Air Pollution Control Regulations and Standards” and its preceding comma and the phrase “South Carolina Air Quality Implementation Plan” to remove italics per regulation drafting guidelines. Strike the period at the end of the item and replace it with a semicolon for list fluidity to read:

1. To clarify the statutory authority of Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan, whereby non-reference test data and various kinds of information already available and utilized for other purposes may be used to demonstrate compliance or noncompliance with emission standards;

At R.61-62.1(V)(B)(2), replace the period at the end of the item with a semicolon and the word “and” for list fluidity and consistency to read:

2. To eliminate any potential ambiguity regarding language that has been interpreted to provide for exclusive reliance on reference test methods as the means of certifying compliance with various emission limits; and

At R.61-62.1(V)(C), change the word “is” to the word “are” for proper subject verb agreement and replace the period at the end of the item with a colon for list fluidity to read:

C. The following are applicable in the determination of non-compliance by the Department or for compliance certification by the owners or operators of stationary sources:

At R.61-62.1(V)(C)(1), reformat the phrases “et seq. (Supp. 2000)” and “South Carolina Air Quality Implementation Plan” to remove italics per regulation drafting guidelines. Replace the period at the end of the item with a semicolon and the word “and” for list fluidity to read:

1. Enforcement - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 et seq. (Supp. 2000), and notwithstanding any other provision in the South Carolina Air Quality Implementation Plan, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not a person has violated or is in violation of any standard in the plan; and

At R.61-62.1(V)(C)(2), reformat the phrases “et seq. (Supp. 2000)” and “South Carolina Air Quality Implementation Plan” to remove italics per regulation drafting guidelines. Strike the unnecessary comma after the word “performed” for grammatical clarity to read:

2. Compliance Certifications - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 et seq. (Supp. 2000), and notwithstanding any other provision in the South Carolina Air Quality Implementation Plan, the owner or operator may use any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed for the purpose of submitting compliance certifications.

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DEPARTMENT OF AGRICULTURE CHAPTER 5

Statutory Authority: 1976 Code Section 46-41-140

Notice of Drafting:

The South Carolina Department of Agriculture is considering the amendment of regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 41 related to the licensing of dealers and handlers of agricultural products 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 February 29, 2012, the close of the drafting comment period.

Synopsis:

The proposed regulations are amended to properly update and clarify the procedures and requirements for dealers in agricultural products who are licensed by the Department, as well as guidelines for claims related to the grain producer's guaranty fund.

This regulation will require legislative action.

STATE BUDGET AND CONTROL BOARD CHAPTER 19

Statutory Authority: 1976 Code Section 10-1-30

Notice of Drafting:

The State Budget and Control Board, Division of General Services, proposes to draft new regulations concerning the use of the State House, State House Grounds and other public buildings and grounds. Interested persons may submit written comments to Carla Griffin, Deputy Director, Division of General Services, State Budget and Control Board, 1200 Senate Street, Suite 460, Wade Hampton Building, Columbia, South Carolina 29201.

Synopsis:

Section 10-1-30 of the South Carolina Code of Laws authorizes the State Budget and Control Board to promulgate regulations concerning the use of the State House lobbies, the State House steps and grounds, and other public buildings and grounds. The State Budget and Control Board and its Division of General Services proposes to draft regulations addressing the use of these areas.

Legislative review of the regulation is required.

**CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is considering modifying the existing regulations that address commercial herbicide applicator's licenses, Sections 27-1078(H)(12)(e) and 27-1078(O), to include a Limited Herbicide Applicators license, and Section 27-1085(L)(5).

Interested parties should submit written comments to Dr. Neil Ogg, Associate Vice President for PSA, Director of Regulatory Services, Clemson University, 108A Barre Hall Clemson, SC 29634. To be considered, comments should be received no later than March 1, 2012, the close of the drafting period.

Synopsis:

This regulation is being promulgated to create the Limited Herbicide Applicator's license (12E), a lesser commercial herbicide license with fewer restrictions than the one currently in place for commercial applicators of herbicides. This Limited Herbicide Applicator's license would allow commercial applicators using an herbicide like Round Up to work under fewer restrictions than those commercial applicators using more environmentally severe herbicides.

This regulation will require legislative action.

**STATE BOARD OF EDUCATION
CHAPTER 43**

Statutory Authority: 1976 Code Sections 44-29-180 (2002 and Supp. 2011), 59-5-60 (2004) and R.61-8 (2011)

Notice of Drafting:

The State Board of Education is considering amendments to R.43-272, School Admission. Interested parties should submit written comments to Mark Bounds, Deputy Superintendent, Division of School Effectiveness, SC Department of Education, 1429 Senate Street, Room 606A, Columbia, SC 29201, or email them to mbounds@leaders.ed.sc.gov. To be considered, comments must be received no later than February 27, 2012 at 5:00 pm.

Synopsis:

Amendments to Regulation 43-272 will expedite the transfer of student records to ensure individual students are properly transferred and schools are accountable for students attending their school.

Legislative review of this regulation will be required.

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Document No. 4279
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

35-6. Administrative Citations and Penalties

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-6 must be added in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

35-6. Administrative Citations and Penalties.

New section; adds citation authority.

The Notice of Drafting was published in the *State Register* on December 23, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 9:00 a.m. on March 5, 2012. Written comments may be directed to Byron Ray, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 27, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added in conformance with the Cosmetology Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-13-80.

Plan for Implementation: The added regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the added regulation and post the added regulation on the agency's web site.

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

The proposed regulation will prevent conflict between existing regulations and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

This regulation is added in conformance with the current Board of Cosmetology Practice Act.

Text:

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

Document No. 4278
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

35-5. Examinations; Reexaminations

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulation 35-5 must be updated in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

35-5. Examinations; Reexaminations.

- (A) Adds numeral for clarity and consistency; adds "or authorized provider".
- (B) No changes.
- (C) Adds "national" before "testing service"; changes "theory portion" to "entire" before "examination".
- (D) Adds numeral for clarity and consistency.
- (E) No changes.
- (F) Adds "or authorized provider".
- (G) No substantive changes.
- (H) New section; adds fingerprint and photo ids for applicants.
- (I) New section; adds paragraph regarding applicants who fail the examination more than twice.

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The Notice of Drafting was published in the *State Register* on December 23, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 9:00 a.m. on March 5, 2012. Written comments may be directed to Byron Ray, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., February 27, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Cosmetology Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-13-80.

Plan for Implementation: The revised regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulation on the agency's web site.

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

The proposed regulation will prevent conflict between existing regulations and newer legislation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

This regulation is updated in conformance with the current Board of Cosmetology Practice Act.

Text:

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

Document No. 4280
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Preamble:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, and 63 throughout each calendar year. Federal amendments in 2010 included revisions to the Prevention of Significant Deterioration program for particulate matter 2.5 micrometers in diameter and smaller (PM_{2.5}) to incorporate increments and screening tools, as well as new and revised New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for Source Categories.

(1) The Department proposes to amend Regulations 61-62.60, New Source Performance Standards; 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; to incorporate by reference recent federal amendments published from January 1, 2010, through December 31, 2010. (2) The Department also proposes to amend R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate a 2008 amendment to 40 CFR Part 63 based on a final rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008). (3) The Department also proposes to amend R. 61-62.5, Standard 2, Ambient Air Quality Standards, to reformat the Ambient Air Quality Standards table and revise R. 61-62.5, Standard 2, to incorporate the deletion of an annual standard for particulate matter (PM₁₀) that the EPA revoked in 2006 (71 FR 61144; October 17, 2006). (4) The Department also proposes to amend R. 61-62.5, Standard 7, Prevention of Significant Deterioration, to incorporate maximum allowable increases in ambient pollutant concentrations (“increments”) required by the rule entitled Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) – Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864; October 20, 2010). The Department also proposes other changes to R. 61-62, Air Pollution Control Regulations and Standards, that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R. 61-62. Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments in this Notice will not be more stringent than the current federal requirements and thus do not require legislative review.

A Notice of Drafting was published in the State Register and on the Bureau of Air Quality Regulatory Development website on October 28, 2011. Notice of the Department’s intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. No comments were received. Since this amendment is consistent with federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

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Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subpart DDDDDDD is added to incorporate revisions by reference.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on February 27, 2012, at 10:00 a.m. in the Wallace Room (3141) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP. Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Mallori McAllister by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0167; or by e-mail at mcallmk@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on February 27, 2012, the close of the comment period. Comments received at the forum or during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mallori McAllister at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-0167; or by emailing mcallmk@dhec.sc.gov. A

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copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on April 12, 2012. The public hearing is to be held in room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board-agenda.htm>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

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:

Purpose: (1) The Department proposes to amend Regulations 61-62.60, New Source Performance Standards (NSPS); 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; to incorporate by reference recent federal amendments published from January 1, 2010, through December 31, 2010. (2) The Department also proposes to amend Regulations 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate a 2008 rule entitled National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities (73 FR 35939; June 25, 2008). (3) The Department also proposes to amend R. 61-62.5, Standard 2, Ambient Air Quality Standards, to reformat the Ambient Air Quality Standards table and revise R. 61-62.5, Standard 2, to delete an annual standard for particulate matter 10 micrometers in diameter or smaller (PM₁₀) that the EPA revoked in 2006 (71 FR 61144; October 17, 2006). (4) The Department also proposes to amend R. 61-62.5, Standard 7, Prevention of Significant Deterioration, to incorporate maximum allowable increases in ambient pollutant concentrations ("increments") required by the rule entitled Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) – Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (75 FR 64864; October 20, 2010). The Department also proposes other changes to R. 61-62, Air Pollution Control Regulations and Standards, which include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of R. 61-62.

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

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina

by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 50, 51, 52, 60, 61, and 63 throughout each calendar year. Federal amendments in 2010 included revisions to the Prevention of Significant Deterioration program for PM_{2.5} to incorporate increments and screening tools, as well as new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. States are mandated by law to adopt these Federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. The standards to be adopted are already effective and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP will provide continued protection of the environment and public health.

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

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

Text:

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

46 EMERGENCY REGULATIONS

Filed: December 20, 2011 12:23pm

Document No. 4277
STATE BUDGET AND CONTROL BOARD
CHAPTER 19
Statutory Authority: 1976 Code Section 10-1-30

19-480. Use of State House, State House Grounds, State Buildings and State Grounds

Emergency Situation:

The South Carolina Budget and Control Board has determined that, in order to protect the public health, safety and welfare including the public fisc, it is necessary to enact an emergency regulation to prohibit camping, sleeping, and taking up living accommodations upon State House grounds and all buildings located on the grounds. The Board further believes that, with the 2012 session of the General Assembly commencing on January 10, 2012, it is imperative to confirm by regulation the hours that the State House Building is open to the general public.

The Board believes that existing statutes and the common law provided the authority for prohibiting camping, sleeping, and taking up living accommodations upon State House grounds and all buildings located on the grounds. However, by Order issued on December 14, 2011, the United States District Court ruled that the Board was required to enact a regulation to effect such a prohibition. The Board is concerned that the Order has the effect of invalidating its authority to regulate the types of conduct specifically addressed in the emergency regulation and its authority to manage the State House grounds and protect the grounds and visitors to the grounds. Therefore, given the Order of the District Court, the Board has determined that an emergency regulation is needed to address this issue immediately because of concerns with the public health and safety and public liability.

The Board recognizes that the presence of persons living on the State House grounds increases the opportunities for criminal conduct and that persons when asleep in tents or on the ground are more vulnerable to criminal attack as well as the commission of property crimes. The Board has been informed of recent confrontations involving the group of individuals currently living on the State House grounds which has caused the group to form a "protection unit" to stand watch and defend the group during night time hours when the individuals are sleeping. The Board believes that the use of such a "protection unit" raises serious public safety concerns in addition to public liability concerns that need to be addressed immediately. The Board is concerned not only about the confrontations that have given rise to the formation of the "protection unit" but is likewise concerned regarding any actions that may be taken by the "protection unit" and the potential liability for those actions.

The Board further recognizes that there exists a significant risk of liability arising from the use of the State House grounds and buildings for camping, sleeping, and living accommodation purposes. Under South Carolina premises liability laws, a property owner has a duty to reasonably provide for the safety and security of those persons lawfully on its property. The habitation of the State House grounds and buildings for camping, sleeping, and living accommodation purposes increases the risk of liability. This increased risk of liability is imminent given the present use of the State House grounds by individuals for camping, sleeping, and living accommodations purposes.

The Board further recognizes that the presence of persons living on the State House grounds has an impact on the public health. The continuous storage of food items and the preparation and consumption of food multiple times per day for an extended period of time raises health and safety issues and further has the effect of attracting wildlife to the grounds. In addition, the grounds and surrounding areas do not provide those living on the grounds with appropriate, sanitary bathroom facilities for 24 hours a day.

Text:

19-480. Use of State House, State House Grounds, State Buildings and State Grounds.

A. "State House grounds" means the steps of the State House Building and the outside areas of the Capitol Complex which is that area bounded by Gervais, Sumter, Pendleton and Assembly Streets.

B. The use of the State House grounds and all buildings located on the grounds for camping, sleeping, or any living accommodation purposes is strictly prohibited. This prohibition is inclusive of sleeping, making preparations to sleep (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making any fire, using any camping tents, using other structures for sleeping, doing any digging or earth breaking, and carrying on cooking activities supportive of camping and living accommodation purposes. This prohibition is strictly applicable regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

C. The State House Building is open to the general public Monday through Friday from 9:00 a.m. to 5:00 p.m., except for state holidays and other instances in which state government is closed. When a daily session of the General Assembly or of either house thereof convenes on Saturday or Sunday or a daily session extends beyond 5:00 p.m. or convenes after 5:00 p.m., the State House Building remains open to the general public until the session is adjourned.